



CITY OF KIRKLAND

CITY COUNCIL

Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway
Doreen Marchione • Bob Sternoff • 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.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • www.ci.kirkland.wa.us

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chambers

Tuesday, February 15, 2011

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.ci.kirkland.wa.us, 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 (587-3190) or the City Manager's Office (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 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

EXECUTIVE SESSIONS may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION, Peter Kirk Room*
 - a. Comprehensive Emergency Management Plan
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. Washington Native Plant Society 2010 Outstanding Professional Award – Sharon Rodman
 - b. Kirkland Founders Week Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*

7. *SPECIAL PRESENTATIONS*

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* February 1, 2011

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

c. *General Correspondence*

d. *Claims*

(1) Taylor Rowland

e. *Award of Bids*

(1) NE 85th Street and 114th Avenue NE Intersection Improvements Project, Road Construction Northwest, Inc., Renton, Washington

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

g. *Approval of Agreements*

h. *Other Items of Business*

(1) Resolution R-4865, Adopting the Updated 2010 City of Kirkland Comprehensive Emergency Management Plan (CEMP)

(2) Resolution R-4866, Authorizing the City Manager to Execute an Access Easement Over City Property

(3) NE 85th Street Emergency Watermain Repair

(4) Acknowledging Parking Advisory Board Resignation

(5) Civil Service Commission Appointment

9. *PUBLIC HEARINGS*

a. Lake Washington School District School Impact Fees (continued):

(1) Ordinance No. 4285 and its Summary, Authorizing the Collection of Impact Fees for Schools and Adding Chapter 27.08 to the Kirkland Municipal Code

(2) Resolution R-4861, Approving an Interlocal Agreement Between the City of Kirkland and Lake Washington School District No. 414 for the Collection, Distribution and Expenditure of School Impact Fees

GENERAL CORRESPONDENCE

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation.

Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

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.

10. *UNFINISHED BUSINESS*

- a. 2011 Legislative Update 2

11. *NEW BUSINESS*

- a. Resolution R-4867, Determining the Anticipated Shortfall in Revenues for Providing Municipal Services to the Annexation Area and Authorizing the City Manager to Certify the Amount to the Department of Revenue as Required by RCW 82.14.415

12. *REPORTS*

- a. *City Council*
 - (1) Regional Issues
- b. *City Manager*
 - (1) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*

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.

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.



CITY OF KIRKLAND
Fire & Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Helen Ahrens-Byington, Deputy Fire Chief / City Emergency Manager
J. Kevin Nalder, Fire Chief / Director of Emergency Services

Date: February 3rd, 2011

Subject: Review of the Comprehensive Emergency Management Plan (CEMP)

RECOMMENDATION:

The City Council receives a briefing on the 2010 Kirkland Comprehensive Emergency Management Plan (CEMP). If Council is satisfied with the CEMP, Council accepts the CEMP at the February 15th Council meeting. The Council reviews the Plan in advance.

The entire Plan is too large to easily convert to a pdf file, so a link to the Plan was created below. Please click on the link to view the complete Plan:

[2010 Comprehensive Emergency Management Plan](#)

BACKGROUND DISCUSSION:

The Comprehensive Emergency Management Plan (CEMP) is an all-hazards plan which identifies how the city will prevent, prepare, respond, and recover from emergencies and disasters in our community. It also directs the city's response to emergencies when they are beyond the control or capability of ordinary day-to-day activities. One of the main objectives of the Plan is to make the best coordinated use of city resources, before, during and after a disaster.

Effective emergency planning is a collaborative process, as different emergencies require different expertise and capabilities. The Office of Emergency Management (OEM) determined that the city would benefit greatly from completing the update internally. OEM coordinated the plan update, which involved staff from every city department. The Plan, and the effort it took to complete the update, gave city departments a much better understanding of the requirements and actions needed to prevent, prepare, respond, and recover from, disasters. The Plan has been reviewed by all department heads, and their feedback and suggestions have been incorporated into the final version.

The CEMP includes a letter of promulgation from the Fire Chief, who is also designated as the Director of Emergency Services, under KMC 3.20.040. One of the responsibilities of the Director of Emergency Services is to create and maintain the CEMP. (KMC 3.20.050.) This letter indicates that the Plan's provisions are effective immediately.

What is in the CEMP?

The Comprehensive Emergency Management Plan is comprised of two main sections: the Basic Plan and the Emergency Support Function (ESF) annexes.

The Basic Plan is essentially the emergency management policy for the City of Kirkland. The Basic Plan provides the city with guidance on disaster prevention, preparedness, response, and recovery. It includes guidelines on how City departments organize, direct, control, and coordinate their actions to continue to deliver essential functions during emergencies or disasters.

Basic Plan

- **Introduction**

- Mission

- This plan provides policies and guidance to support the City's ability to handle disasters that threaten the lives and property of the citizens of Kirkland.

- Purpose

- Through the implementation of this plan, the resources and capabilities of the public, private, and non-profit sectors can be more efficiently utilized to minimize the loss of life and property and to protect the environmental and economic health of the City.

- Scope and Applicability

- City government has the primary responsibility for disaster mitigation, preparedness, response and recovery for the City. The City will plan for disasters, direct operations, mobilize and control resources, and mitigate the impact of disasters within the limits of available resources and capabilities.

- Incident Management Activities

- The City has institutionalized the utilization of the Incident Command System (ICS) per the National Incident Management System (NIMS) for all natural and manmade disasters.

- Authorities

- The City of Kirkland's Comprehensive Emergency Management Plan is developed under the authority of local, State, and Federal statutes and regulations.

- Key Concepts

- Survivability and sustainability are key goals for the City during any abnormal incident, emergency or disaster. It is expected that each department will become familiar with the Plan. Key concepts include Continuity of Government, Department Emergency Operating procedures, Emergency Operations Center (EOC) responsibilities, resource availability, mutual aid agreements, memorandums of agreement or understanding with local businesses and medical facilities for use of their people and/or equipment, and nongovernmental organizations (NGOs) during emergencies or disasters.

- **Planning Assumptions and Considerations**

- Assumptions

- ✓ **Disasters and emergencies have occurred in Kirkland and will likely occur again. It is assumed that these situations could create significant property damage, injury, loss of life, panic, and disruption of essential services in**

Kirkland. These situations may also create significant financial, psychological, and sociological impacts on citizens of the community and the local government organization.

- ✓ The guidelines in this plan were designed to promote citizen self confidence and independence in the face of a disaster. Following these guidelines will allow the City's emergency organization to concentrate first on helping those citizens directly affected by the disaster or emergency.
- ✓ It is expected that every individual or head of household living within the City boundaries will develop a personal or family disaster plan and maintain the essential supplies to be self-sufficient for a minimum of 72 hours.
- ✓ It is also expected that neighborhood or apartment or homeowner's associations will form disaster groups to derive maximum benefit from resources and skills available close to home.
- ✓ Businesses are expected to develop internal disaster plans that will integrate and be compatible with City resources and this plan.
- ✓ Kirkland may be requested to provide support to other jurisdictions with both resources and sheltering during emergencies and disasters not affecting Kirkland.

Considerations

It is the policy of the City of Kirkland:

- ✓ That no guarantee is implied by this plan or its supporting documents. Because the City of Kirkland assets and systems may be damaged, destroyed, or overwhelmed, the City of Kirkland can only endeavor to make the best effort possible to respond based on available information, available resources and the situation at the time.
- ✓ To endeavor to mitigate, prepare for, respond to and recover from all natural and man-caused emergencies and disasters.
- ✓ That it will take appropriate action in accordance with this plan to mitigate any harm or hazard that may threaten citizens or property within the City.

- **Roles and Responsibilities**

City government has the responsibility for disaster mitigation, preparedness, response, and recovery activities within the jurisdiction. The City will plan, direct, mobilize and coordinate resources before, during, and after a disaster, within the limits of available resources and capabilities.

It is the responsibility of residents, businesses and non-governmental organizations to be prepared and have a plan to ensure they have the supplies and resources needed, to sustain themselves for a minimum of three days, ideally a week.

This section identifies the roles and responsibilities for City Council, City Departments, Non-governmental organizations (NGO's), and other government organizations.

- **Concept of Operations**

General

It is Kirkland's policy to support mitigation activities that eliminate or reduce damages caused by disaster or emergency situations. Since mitigation efforts will not eliminate all

disaster or hazardous situations, the City of Kirkland shall endeavor to be as prepared as possible to respond to all situations of an emergency or disaster nature.

It is the policy of the City that each department will take an active role in emergency planning and develop standard operating guidelines (SOGs).

It is the policy of the City that all departments will make staff and resources available at the request of the Director of Emergency Services (Fire Chief) for training activities and emergency operations assignments.

Immediately following any natural or manmade disaster, all city departments will notify the EOC of their status including: level of readiness, availability of resources, resource needs and any other pertinent information. All departments are to provide this information to the EOC immediately following a staff head count and a preliminary building inspection.

It is the City's policy to continue to provide essential services to the community during emergency conditions, while maintaining a primary concern for the safety of city employees and their families.

City departments are expected to carry out their responsibilities outlined in this Plan, utilizing their best judgment and in a coordinated manner.

When a major emergency or disaster occurs, it is anticipated that city departments and other responding organizations will organize their areas of responsibilities into manageable units, assess damage, and determine needs.

Overall Coordination of Incident Management Activities

Pursuant to Revised Code of Washington Chapter 38.52 RCW, the City has established an emergency management organization for the purpose of performing local emergency management functions. The organization represents the city and performs functions only within the city.

The emergency management organization operates under the policy guidance of the Kirkland Comprehensive Emergency Management Plan.

The emergency management organization is headed by the Director of Emergency Services. The Director of Fire and Building Department (Fire Chief), or designee, serves as the Director of Emergency Services and is directly responsible for the organization, administration and operation of the emergency management organization.

Concurrent Implementation of Other Plans

The City of Kirkland's Comprehensive Emergency Management Plan (CEMP) supports and is compatible with the emergency plans of King County, Washington State, and the National Response Framework, as well as the Regional Disaster Plan for Public and Private Organizations in King County.

Organizational Structure

The day-to-day organizational structure of Kirkland's city departments will be maintained as much as feasible during major emergency and disaster situations.

The Office of Emergency Management (OEM) provides direction and coordination for Comprehensive Emergency Management Plan development and ongoing maintenance, emergency preparedness programs, and related activities within the City. OEM provides for coordination with outside agencies and organizations involved in emergency planning. OEM manages the Emergency Operations Center (EOC) during activation and interacts with outside agencies to coordinate emergency support activities.

Principal Incident Management Organizational Elements

Protection of life, public and private property, the economy, and natural resources are the primary concerns of City government. City personnel will take all possible actions, within the limits of available resources, to mitigate the effects of a disaster and to assist response and recovery.

The EOC may be activated at any level and time element as deemed appropriate for the level of disaster operations.

Each director (or their designee) is responsible for his/her department's field operations and to coordinate those operations with other departments from the Command Posts, Command Centers, or the City's Emergency Operations Center.

Public information will be coordinated on behalf of all City departments through the Emergency Operations Center and approved by the EOC Incident Commander.

Emergency Response and Support Teams (Field Level)

Specialized local teams are available to respond to events in the City.

Defense Support of Civil Authorities

All defense support must be coordinated through the Washington State Emergency Operations Center.

Law Enforcement Assistance

The Kirkland Police Department is the agency of primary jurisdiction within the City under routine circumstances and during emergency operations.

- **Incident Management Actions**

This section describes incident management actions ranging from initial threat identification to early coordination efforts to assess and disrupt the threat, to use of the Emergency Support Functions (ESF) structure and deployment of resources in support of incident response and recovery operations.

It is the policy of the City that all departments prepare and maintain an updated list of its personnel, facilities and equipment resources. Any or all of these resources may be called upon during disaster and emergency situations.

The City will be required by County, State and Federal agencies to submit reports on disaster situations with information concerning nature, magnitude and impact for use in evaluating and providing appropriate response resources and services.

This section includes specifics on:

- Pre-Incident Actions (Prevention)
- Response Actions
- Recovery Actions
- Mitigation Actions
- Demobilization

- **Ongoing Plan Management and Maintenance**

This section addresses that ongoing Plan coordination and maintenance will be coordinated by the Office of Emergency Management and that the Plan will formally be reviewed every 4 years. It also establishes that National Incident Management System (NIMS) be integrated into all actions.

Emergency Support Functions (ESF)

Emergency Support Function (ESF) annexes are the second half of the CEMP. They group capabilities and resources into the functions that are most likely needed during an incident. They describe the policies, situation, planning assumptions, concept of operations, and lead agency/department responsible for the activities of each ESF.

There are currently 16 ESF's in the Kirkland Plan. The Federal government recommended merging several of the original ESF's, and renaming others. Other recommended changes included formatting and specifically identifying who was responsible for each ESF.

ESF #1 – Transportation

Purpose: To provide effective coordination and operation of the transportation system during emergency situations.

Lead Agency: Public Works Department

ESF #2 – Communications, Information Systems, and Warnings

Purpose: To provide for and maintain communications and warning capabilities for the Emergency Operations Center (EOC) of the City of Kirkland.

Lead Agency: Police Department

ESF #3 – Public Works and Engineering

Purpose: The purpose is to provide effective coordination of public works and engineering-related support to assist the City of Kirkland in meeting needs related to response and recovery, facilitate the delivery of services, technical assistance, engineering expertise, construction management and other support to prepare, respond to, and recover from a major emergency or disaster.

Lead Agency: Public Works Department

ESF #4 – Firefighting

Purpose: To provide firefighting, rescue, and all hazard capability, with the effective coordination of fire response resources within the City of Kirkland.

Lead Agency: Fire Department

ESF #5 – Emergency Management

Purpose: To provide guidance for the direction and coordination of emergency management activities within the City of Kirkland including collecting, analyzing, reporting and disseminating prevention, preparedness, response and recovery information.

Lead Agency: Office of Emergency Management

- ESF #6 – Mass Care, Emergency Assistance, Housing, and Human Services
Purpose: To coordinate the provision of mass care, shelter, and individual assistance for residents impacted by an emergency or disaster.
Lead Agency: Parks and Community Services Department
- ESF #7 – Resource Support
Purpose: To provide for the best coordination of physical resources and personnel in order to effectively respond to an emergency.
Lead Agency: Department Finance & Administration and Human Resources Department
- ESF # 8 – Public Health and Medical Services
Purpose: To coordinate the organization and mobilization of medical, health, mental health, and mortuary services for emergency management activities within the City of Kirkland.
Lead Agency: Fire Department
- ESF #9 – Search and Rescue
Purpose: To provide for the coordination and effective utilization of all available resources in conducting Search and Rescue (SAR) operations.
Lead Agency: Fire Department
- ESF #10 – Hazardous Materials Response
Purpose: To provide information on the ability to detect, measure, report, and reduce risks involving any hazardous material within the City of Kirkland.
Lead Agency: Fire Department
- ESF #11 – Agriculture and Natural Resources
Purpose: To coordinate the procurement and distribution of food and water during a major disaster.
Lead Agency: Parks and Community Services Department
- ESF #12 – Energy
Purpose: To maintain a liaison with the utilities agencies that provide and restore energy services (electricity and natural gas) within the City of Kirkland with the goal of ensuring effective coordination during disaster or emergency situations.
Lead Agency: Public Works
- ESF #13 – Public Safety, Law Enforcement, and Security
Purpose: To provide for the effective coordination of local law enforcement operations and resources during major emergencies and disasters.
Lead Agency: Police Department
- ESF # 14 – Long-Term Community Recovery
Purpose: To provide guidance for the implementation of local, county, state, federal, and private resources to help facilitate the long term recovery of the community and to reduce risk from future incidents, whenever possible.
Lead Agency: Planning and Community Development Department
- ESF #15 – Public Affairs
Purpose: To provide guidance for the effective development and delivery of accurate, coordinated, and timely incident-related information to affected audiences, including the citizens of the City of Kirkland (City), city personnel and their families, government and public agencies, the media and the private sector.
Lead Agency: City Manager’s Office
- ESF #16 – 19 - Reserved for additional ESF’s

ESF #20 – Defense Support to Civil Authorities

Purpose: To describe the circumstances and conditions under which units of the Washington State National Guard and the Department of Defense (DOD) can provide military support to civil authorities (MSCA).

Lead Agency: Police Department

Terrorism Annex

Purpose: To establish a consequence management plan for responding to and recovering from a terrorist-initiated incident, to include weapons of mass destruction (WMD). The Terrorism Annex supplements the City of Kirkland's Comprehensive Emergency Management Plan (CEMP).

To become a **resilient community** it will take support and action from all city departments, employees, citizens, non-government organizations and businesses.

The Comprehensive Emergency Management Plan (CEMP) is the foundation to how the city will prevent, prepare, respond, and recover from emergencies and disasters in our community.

The Office of Emergency Management supplies the essential components of emergency management, communication, collaboration, and coordination, within the city departments, the community and the region.

Vision:

The City of Kirkland's Office of Emergency Management (OEM) will provide leadership in promoting a community that is resilient in the event of a disaster.

Mission:

To create and sustain partnerships that support disaster prevention, preparedness, response and recovery to become a resilient community.



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Jennifer Schroder, Parks and Community Services Director
Date: January 22, 2011
Subject: Recognition of Special Award for Sharon Rodman

RECOMMENDATION:

That City Council recognizes and congratulates Sharon Rodman for receiving the "2010 Outstanding Professional Award" from the Washington Native Plant Society (WNPS).

BACKGROUND:

On December 2nd, WNPS presented Sharon Rodman with the "**2010 Outstanding Professional Award.**" Unfortunately, Sharon was out of the country visiting her family in South Africa and was not in attendance to personally receive the award.

Sharon has dedicated her professional career to inspiring community appreciation for Washington native plants. Sharon has been a member of WNPS since arriving to the Pacific Northwest in 1991 from South Africa where she received a Master's degree in botany. She quickly gained expertise in northwest native flora and through her professional skills established the first WNPS Stewardship Program in 1996. The foundation of excellence Sharon established for the Stewardship Program has remained the hallmark of the program for the past 15 years. In addition, Sharon has served on the Stewardship Advisory Committee since its inception. In her current position as Environmental Education and Outreach Specialist for the City of Kirkland, Sharon established the Green Kirkland Partnership, a community volunteer program committed to reintroducing native plants in Kirkland Parks. She sponsored WNPS steward teams in 2009 and 2010 at two restoration sites in Kirkland's Juanita Bay Park. Sharon also helped establish the "Growing Wild" program and has served as Earthshare representative and Fundraising Chair on the WNPS Board of Directors.



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marie Stake, Communications Program Manager

Date: February 8, 2011

Subject: Kirkland Founders Week Proclamation

RECOMMENDATION:

Council authorizes the Mayor to sign the Kirkland Founders Week Proclamation.

BACKGROUND DISCUSSION:

Kirkland Founders Week coincides with Peter Kirk's birthday and celebrates the founding of the City of Kirkland. The Kirkland Heritage Society has requested that the City proclaim February 13-19, 2011 as Founders Week in the City. The Society has furthered public awareness of our founders, along with collecting, preserving, exhibiting, and interpreting all other aspects of the history and heritage of Kirkland and its people. Mark Amick, Treasurer, Kirkland Heritage Society and other representatives of the Kirkland Heritage Society will be present at the February 15th City Council meeting to receive the Kirkland Founders Week proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating February 13 – 19, 2011 as “Kirkland Founders Week” in the City of Kirkland, Washington

WHEREAS, Peter Kirk, Walter Williams, John Kellett, Leigh Hunt, Reginald Collins and Joshua Montgomery Sears are recognized as the founders of Kirkland, Washington; and

WHEREAS, in the late 1880's and 1890's these early settlers began to build a community with a steel empire unrivaled on the Western Coast of the United States; and

WHEREAS, these pioneers brought forth the beginnings of the present-day City, which would come to bear the name of Peter Kirk who's birthday is on February 15th; and

WHEREAS, the City of Kirkland recognizes the vital role these frontiersmen played in its early history, and the impact on the City including its incorporation in 1905; and

WHEREAS, the Kirkland Heritage Society has furthered public awareness of Kirkland's founders, along with collecting, preserving, exhibiting, and interpreting all other aspects of the history and heritage of Kirkland and its people; and

WHEREAS, many community activities are occurring in Kirkland during the week of February 13-19, including self-guided walking tours in downtown that are supported by local businesses; and

NOW, THEREFORE, I, Joan McBride, Mayor of the City of Kirkland, do hereby proclaim February 13th through 19th, 2011, as *Kirkland Founders Week* in Kirkland, Washington and urge all the citizens of Kirkland to honor the memory of those who helped found our city.

Signed this 15th day of February, 2011

Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
February 01, 2011

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Information Technology

Joining Councilmembers for the discussion were City Manager Kurt Triplett and Chief Information Officer Brenda Cooper.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

Mayor McBride announced the upcoming "Bully Slam" showcasing youth performances taking a stand against bullying on February 4, 2011 at the Kirkland Performance Center.

b. Items from the Audience

Michael Marquess
Dawn Mangano
Johanna Palmer
Bill Vadino

c. Petitions

7. SPECIAL PRESENTATIONS

a. Washington State Department of Transportation I-405 Express Toll Lanes

Washington State Department of Transportation I-405/SR 167 Corridor Director Kim Henry and Deputy Director Denise Cieri provided an update on the topic, which covered the 2009 Eastside Corridor Tolling Study, the Public Process Eastside Corridor Expert Review Panel, and a Legislative Update (for additional funding).

b. Green Tips

Public Works Surface and Wastewater Manager Bobbi Wallace presented information on reducing Fats, Oil and Grease in the waste stream.

8. CONSENT CALENDAR

a. Approval of Minutes: January 18, 2011

b. Audit of Accounts:

Payroll \$ 1,846,441.43

Bills \$ 3,580,566.90

run # 978 checks # 522830 - 522985

run # 979 checks # 522986 - 522992

run # 980 checks # 523026 - 523126

run # 981 checks # 523128 - 523254

run # 982 checks # 523255 - 523310

c. General Correspondence

d. Claims

(1) Lewis DeLaurenti

(2) Don Randall

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Request for Support for the Eastside Winter Shelter

Council authorized the City Manager to allocate \$5000 from the Council's Special Projects Reserve Fund to support the City's portion of operating costs for the Eastside Winter Shelter program.

(2) Ordinance No. 4292 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING."

This item was pulled for consideration under Unfinished Business, item 10.d.

(3) Resolution R-4863, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING APPLICATION(S) FOR FUNDING ASSISTANCE FOR A FIREARMS AND ARCHERY RANGE RECREATION (FARR) PROGRAM PROJECT TO THE RECREATION AND CONSERVATION OFFICE (RCO) AS PROVIDED IN CHAPTER 79A.25.210 RCW, FIREARMS RANGE ACCOUNT GRANT PROGRAM RULES."

(4) Procurement Report

(5) Surplus Vehicles/Equipment for Sale

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License#</u>	<u>Mileage</u>
T-02	1991	Ford 12 Passenger Van	1FBHE31H5PHB48168	15220D	30,628

Motion to Approve the Consent Calendar, with the exception of item 8.h.(2)., which was pulled for consideration under Unfinished Business, item 10.d.

Moved by Councilmember Doreen Marchione, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2011 Legislative Update 1

Intergovernmental Relations Manager Lorrie McKay provided a status report on current legislative activities.

b. Resolution R-4864, Adopting 2011 City Work Program

Motion to approve Resolution R-4864, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2011 CITY WORK PROGRAM."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

c. 2011 City Council Retreat Draft Agenda

Council provided additional feedback and approved the draft agenda.

d. Ordinance No. 4292 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING."

This item was pulled from the consent calendar, item 8.h.(2).

Motion to approve Ordinance No. 4292 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING."

Moved by Deputy Mayor Penny Sweet, seconded by Councilmember Amy Walen

Vote: Motion carried 6-1

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

No: Councilmember Dave Asher.

11. NEW BUSINESS

a. 6th Street and Central Way Intersection Improvement Project - Authorization to Bid

Motion to authorize staff to solicit bids for the 6th Street and Central Way Intersection Improvement Project.

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

b. Cabaret Music License

Deputy Mayor Sweet recused herself from the Chamber and from the vote for the appearance of fairness and to avoid a conflict of interest.

Motion to grant a cabaret music license to the Grape Choice.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, and Councilmember Amy Walen.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding remedies for a code violation related to the installation of electronic signage at the North Kirkland Community Center (Council agreed to leave the sign in place for now, disabled, while staff considers further options); Suburban Cities Association (SCA) dinner meeting; SCA Board Retreat; Regional Transit Committee suburban cities caucus; Puget Sound Regional Council Executive Board meeting; SCA Public Issues Committee (Council agreed to support the renewal of the veterans and human services levy); Kirkland Business Roundtable; Cascade Water Alliance meeting; Mayor McBride and Councilmember Asher's meeting with Seattle Mayor McGinn; Transit Oriented Development workshop; Multimedia Communications Manager Janice Perry's retirement; Lodging Tax Advisory Committee retreat; One Night Count of the Homeless; thanks were extended to Waste Management and Frontier employees for their assistance to Public Works staff during the removal of downtown holiday decorations; Burlington Northern Santa Fe trail; and an upcoming Lakeside Mayors meeting.

c. City Manager

(1) Finn Hill Fire Station Update

Council concurred with the Public Safety committee recommendation regarding the City's acceptance of responsibility for the Finn Hill fire station consolidation project following annexation providing that Fire District 41 covers the full cost of the project with cash resources, property proceeds and debt; and that the City's intent is that the

portion of the district levy that supports debt will continue until the debt is retired.

(2) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of February 1, 2011 was adjourned at 9:13 p.m.

City Clerk

Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: February 3, 2011
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) Taylor Rowland
13109 NE 140th Street
Kirkland, WA 98034

Amount: Unspecified Amount

Nature of Claim: Claimant states damage to vehicle resulted from being struck by a City vehicle.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Interim Capital Projects Manager
Ray Steiger, P.E., Interim Public Works Director

Date: February 3, 2011

Subject: NE 85th Street and 114th Avenue NE Intersection Improvements Project –
AWARD CONTRACT

RECOMMENDATION:

It is recommended that City Council award the contract for construction of the NE 85th Street and 114th Avenue NE Intersection Improvements to Road Construction Northwest, Inc., of Renton, Washington, in the amount of \$560,012.03.

BACKGROUND DISCUSSION:

The NE 85th Street and 114th Ave NE Intersection Improvements were originally included within the NE 85th Street Corridor Improvements; the corridor improvements combine several capital projects and provide various improvements for the entire NE 85th Street corridor between 114th and 132nd Avenues NE (Attachment A). The improvements for the overall Corridor Project include the undergrounding of a significant portion of the overhead utilities, providing continuous sidewalks and pedestrian improvements on both sides of NE 85th Street and along 124th Avenue from NE 80th Street to NE 90th Street, traffic signal upgrades and additional capacity improvements at key intersections, and storm water quality improvements. The right-of-way acquisition process is nearing completion for the aerial utility conversion project (the undergrounding) which will go to bid later this year; however, construction of the NE 85th Street and 114th Ave NE Intersection Improvements was moved ahead of construction for the full Corridor Project.

The intersection improvements at NE 85th Street and 114th Avenue NE will provide increased capacity to the southbound-to-eastbound left-turn movement by building a second left-turn lane on the intersection's north leg (Attachment B). Additional improvements to the intersection include a new traffic signal, video detection, CCTV cameras, fiber-optic connection to the future traffic control center (ITS), new traffic control signage, improved illumination and new electrical services. This Project also includes water quality improvements, new sidewalks, a new crosswalk, new curb ramps with ADA improvements, replacement street trees and overall property restoration.

The design of this Project was completed in December, and the Project was first advertised for contractor bids on December 21, 2010. On January 20, 2011, the City received ten contractor bids with Road Construction Northwest Inc., being the lowest responsive bidder; the engineer's estimate for this Project was \$736,516.63 – see bidders list below. The low bid represents a continued competitive bidding climate and is approximately 24% below the engineer's estimate.

BIDDERS LIST

CONTRACTOR	BID AMOUNT
ROAD CONSTRUCTION NW, INC.	\$560,012.03
Universal Land Construction Co.	\$564,275.63
Kamins Construction	\$587,824.94
Construct Company LLC	\$599,254.81
Fardig Development	\$624,882.04
Mid Mountain Contractors, Inc.	\$644,469.29
Westwater Construction Company	\$644,603.88
Johansen Excavating, Inc.	\$651,493.61
END General Construction, Inc.	\$731,507.13
<i>ENGINEER'S ESTIMATE/OPINION OF COST</i>	<i>\$736,516.63</i>
RW Scott Construction Co.	\$886,180.13

The improvements funded for this Project, in combination with other associated projects, comprise the full scope of the NE 85th Street Corridor Improvements. These other projects include:

- TR-0078 – NE 85th St and 132nd Ave NE Intersection Improvements,
- TR-0080 – NE 85th St and 124th Ave NE Intersection Improvements,
- NM-0051 – Rose Hill Business District Sidewalks,
- SD-0025 – NE 85th Street Detention and Sediment Control,
- ST 0075 – NE 85th Street Utility Underground Conversion,
- TR-0056 – NE 85th Street Queue Bypass
- ST-0006-002 – NE 85th Street Overlay

The NE 85th Street and 114th Avenue NE Intersection Improvements had originally included an eastbound to southbound I-405 queue by-pass component; however, coordination issues with the WSDOT had reached an impasse which would have delayed construction of the balance of the intersection improvements. The WSDOT could not approve the construction of the queue by-pass lane without Kirkland also providing for a reconfiguration of the State's current on-ramp. Their requirement is that in order to align with the overall vision for I-405, the HOV lane must be on the inside lane of the on-ramp – it is currently on the outside lane of the on-ramp. Staff will continue to work toward a resolution of this issue; however, in order to advance the balance of the Project (that associated with the NE 85th Corridor Improvements), an additional project, TR-0056 -- NE 85th Street HOV Queue Bypass Project, was created in the 2011-2016 CIP. This component of the project accounted for \$841,000 of the original intersection project scope of work; funding anticipated for this component of the Project is recommended to remain in TR-0056 (Attachment C).

Two issues are worth noting on the attached Project Budget Report: the high engineering fees and the remaining funds in the Project.

Historical engineering/inspection fees associated with traffic signals in the CIP range from approximately 40-50% due to their complexity; in this case, fees are nearly 125%. The first component of this dramatic deviation is a result of an issue that was discussed with Council at their regular meeting of June 2, 2009. During that discussion, staff notified Council that for a number of reasons, outlined in the Council discussion, the design consultant for the Project had been terminated; a considerable amount of staff time and project funds had been spent to that date with minimal product to show. To further compound the matter, after the

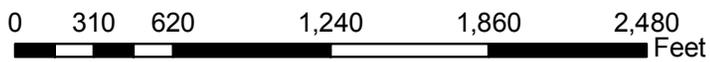
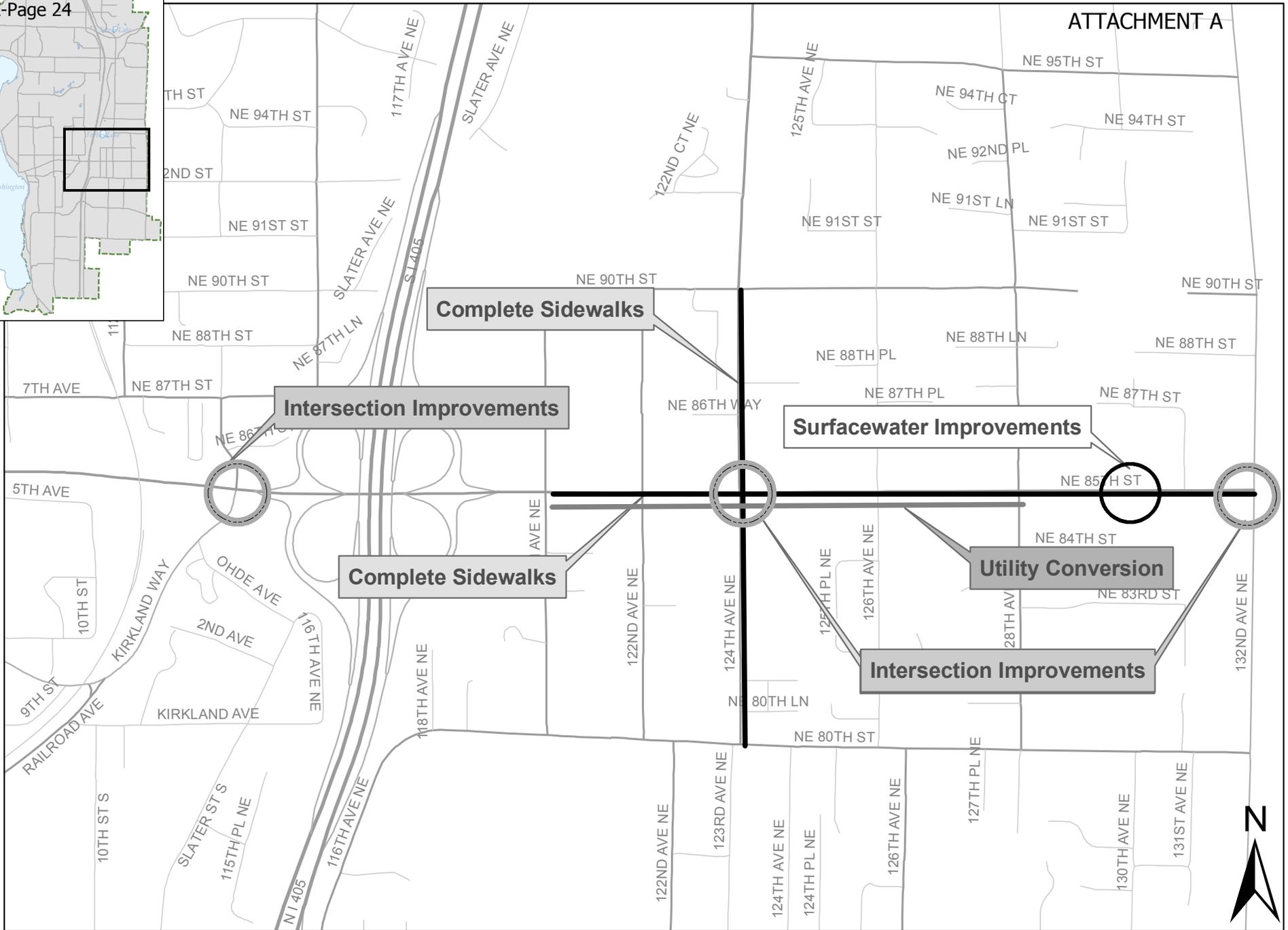
termination and discussion with the City Council, the consultant's office was destroyed in a building fire and most of the work product that the City was counting on receiving was lost. As a result, there were considerable added costs for redesign work under the new contract with the newly hired design consultant. A second component of the higher than normal fees are that a certain amount of work has been accomplished in association with the future queue bypass project; these work efforts, such as surveying, lane alignment design, and associated storm drainage design were necessary in order to perform design of the other elements of the Project. These costs will be recognized by savings in the subsequent queue by pass project.

The second issue of note is that a sizable Project "contingency" remains due in part to the competitive bidding climate. Because the overall NE 85th Street Corridor Improvements remain to be completed and right-of-way acquisition is trending nearly 30% above the amount budgeted for the overall Corridor Project, \$1.5 M currently projected as compared to the \$1.17 M originally budgeted, staff recommends that the funds remain with NE 85th Street Corridor Project elements (Attachment D). Approximately 95 properties are impacted by the overall Corridor Project; underground conversion will impact 33 (four remain to be fully secured) and the sidewalk/street improvements requiring only, for the most part, temporary easements affect approximately 67 parcels – information about the project has been sent to all affected property owners, and efforts to secure easements are pending.

Construction timing of the NE 85th Street and 114th Ave NE Intersection Improvement Project has been coordinated with other scheduled capital projects and their anticipated impacts in the general vicinity. These other projects include intersection improvements at 6th Street and Central Way and at NE 68th St and 108th Ave NE, King County Metro's new sewer force main installation along Kirkland Avenue, and the undergrounding of the overhead utility lines under the Phase I improvements along NE 85th Street, all scheduled for construction in 2011.

By awarding this contract at the February 15th meeting, the Contractor will be afforded an opportunity to order long-lead items associated with new traffic signal projects; poles and signal computer components can take up to 16 weeks to be delivered. As such, the anticipated date for actual groundbreaking activities is June 2011 with substantial completion anticipated by late summer /early fall 2011.

Attachments: (4)

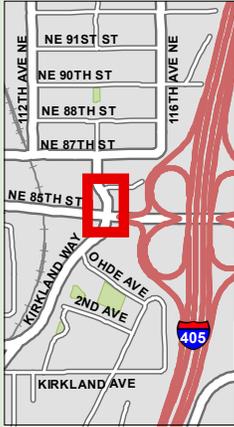


NE 85th Street Corridor Improvements

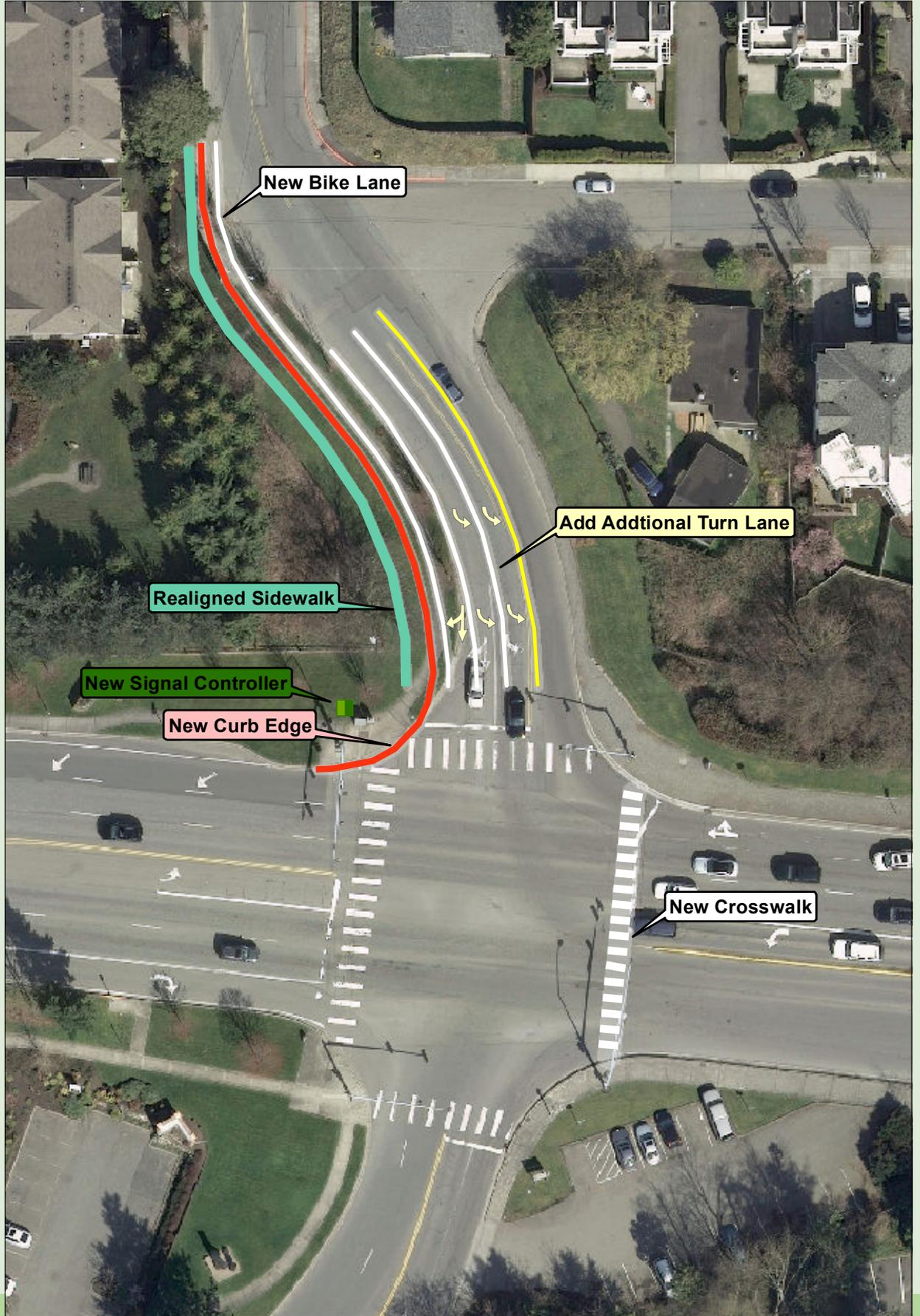


NE 85th St at 114th Ave NE Intersection Improvements

ATTACHMENT B
VICINITY MAP



Vicinity Map



New Bike Lane

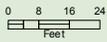
Add Additional Turn Lane

Realigned Sidewalk

New Signal Controller

New Curb Edge

New Crosswalk



Airphoto 2009

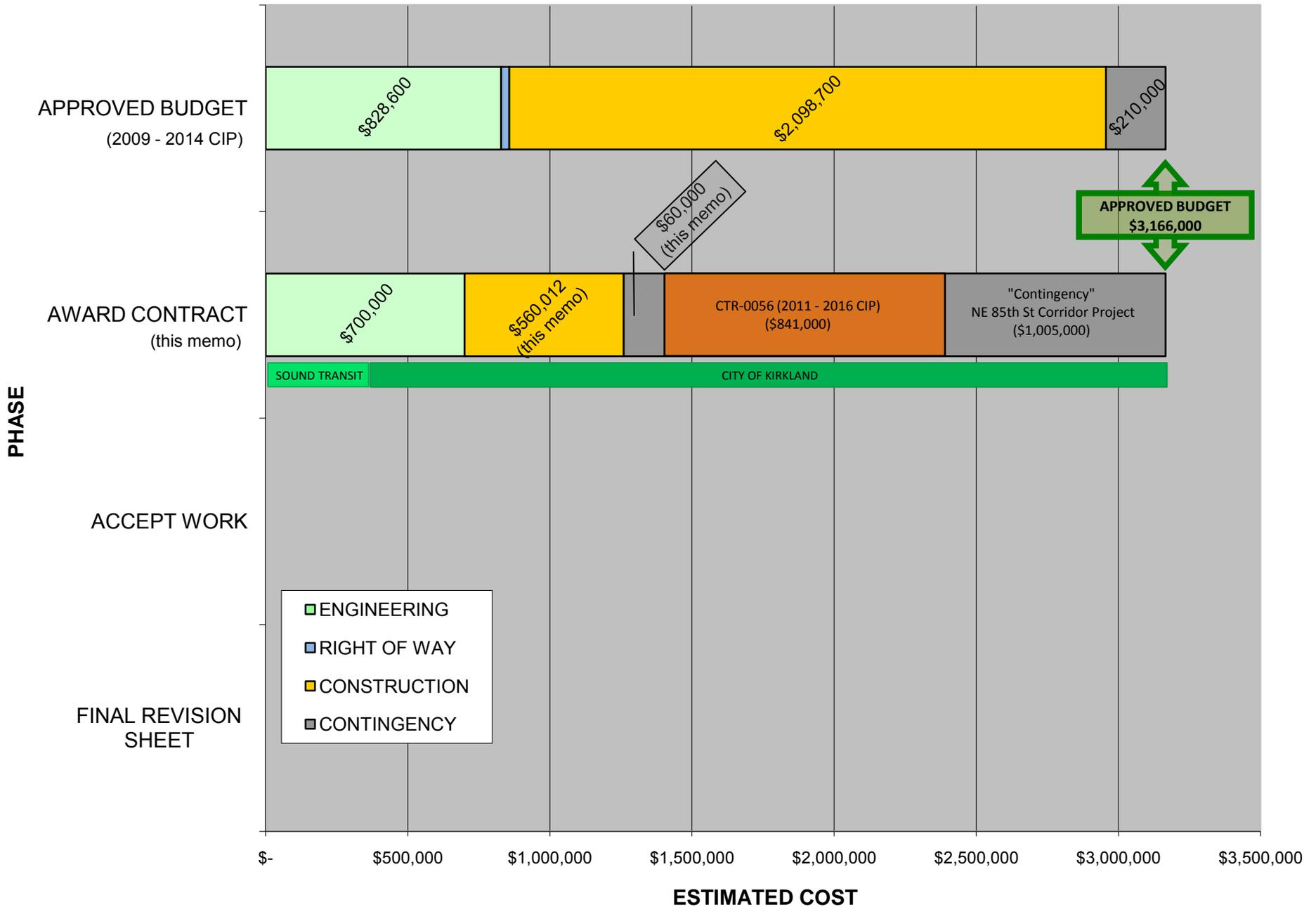


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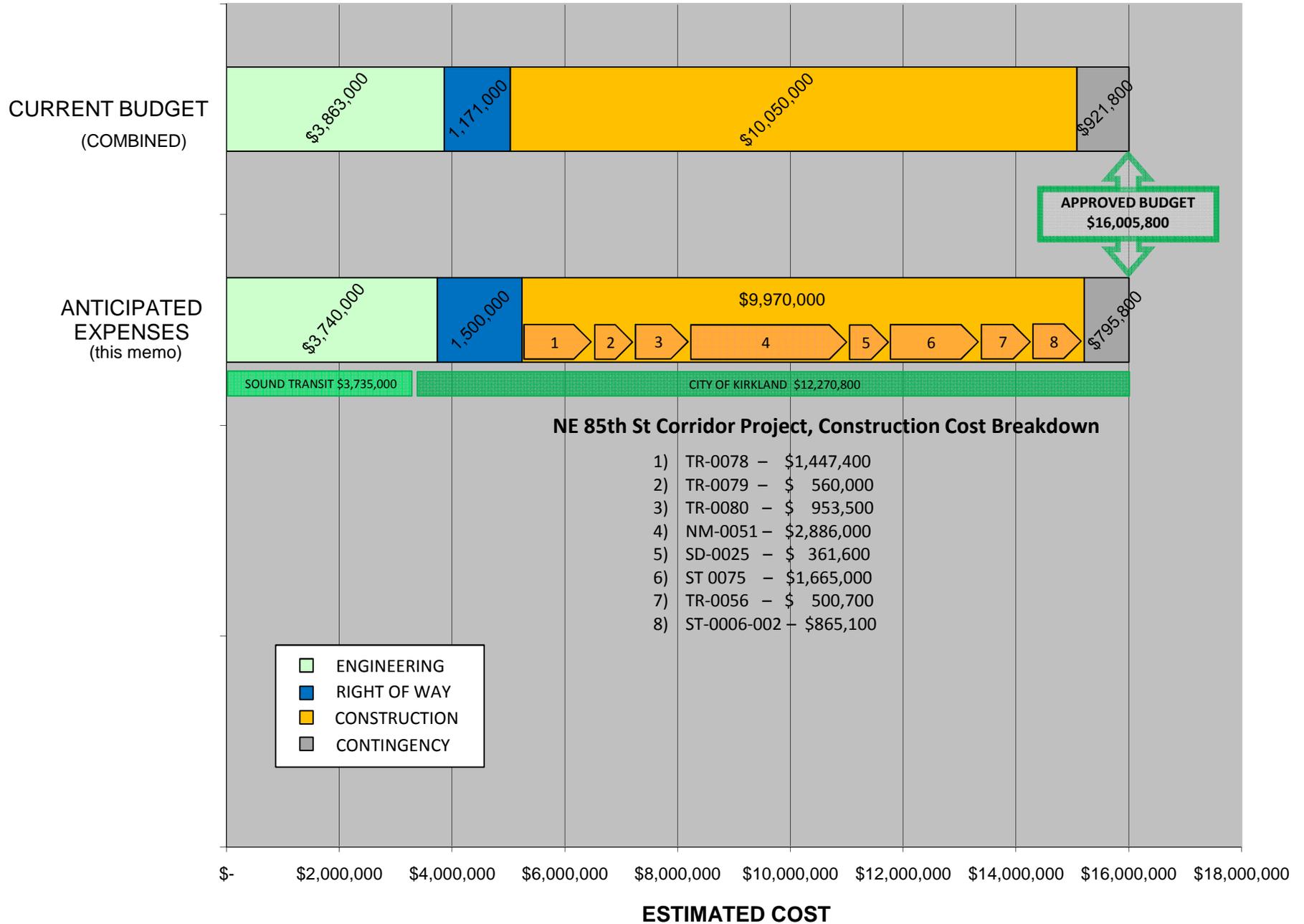
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-Location: \\SRV-GIS\F01\Vol1\PW\Mxds\CIP\ForDonAnderson\Jan2011\ctr0079000_2.mxd

NE 85th STREET and 114th AVENUE NE INTERSECTIONS IMPROVEMENTS CTR-0079 (Including CTR-0056) PROJECT BUDGET REPORT



NE 85th STREET CORRIDOR IMPROVEMENTS PROJECT BUDGET REPORT





CITY OF KIRKLAND
Fire & Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Helen Ahrens-Byington, Deputy Fire Chief / City Emergency Manager
J. Kevin Nalder, Fire Chief / Director of Emergency Services

Date: February 3rd, 2011

Subject: Comprehensive Emergency Management Plan Resolution

RECOMMENDATION:

The Office of Emergency Management recommends that the City Council approve the 2010 Kirkland Comprehensive Emergency Management Plan.

BACKGROUND DISCUSSION:

The Comprehensive Emergency Management Plan (CEMP) is an all-hazards plan that identifies how the City will prevent, prepare, respond, and recover from all emergencies or disasters in the community. It is intended to direct emergencies beyond the control or capability of ordinary city departmental response. One of the primary objectives of the Plan is to make the best coordinated use of all city resources before, during and after a disaster. Having a current CEMP is also a condition to receiving the Emergency Management Performance Grant (EMPG).

Emergency planning takes an ongoing effort; different emergencies require different expertise and capabilities. Planning also requires coordination. The City of Kirkland Office of Emergency Management (OEM) made the decision that the City would benefit greatly from completing the update internally. The Office of Emergency Management coordinated the plan update with staff from all departments.

The City Emergency Management Action Team (EMAT) is comprised of a representative from each Department who meet monthly. Each department chooses who their representative is. These members change over time as needed by each department. OEM used the EMAT members to assist with the CEMP update. The following is a list of the current team members, lead by the Emergency Preparedness Coordinator, Stephanie Day.

- Coordinator [Stephanie Day](#)
- CAO [Robin Jenkinson](#)

*The City of Kirkland's Office of Emergency Management
Vision:*

Provide leadership in promoting a community that is resilient in the event of a disaster.

- CMO [Marie Stake](#)
- Court [Erin Wheeler](#)
- F & A [Barry Scott](#)
- F & B (CH) [John Brickey](#)
- Fire Ops (A) [Lt. Bill Hoover](#)
- HR [Kathy Joyner](#)
- IT [Brenda Cooper](#)
- Parks [Sharon Anderson](#)
- Planning [Desiree Goble](#)
- Police [Lt. Nick Seibert](#)
- Police [Capt. Bill Hamilton](#)
- Public Works (Maint) [John Hopfauf](#)
- Public Works (CH) [Dave Snider](#)

The Office of Emergency Management (OEM) did the first review of the Basic Plan and then distributed sections that related to each department to the directors and EMAT members for feedback and review.

The Emergency Management Action Team (EMAT) members were each assigned an Emergency Support Function (ESF) to facilitate the review to be done by subject matter experts in each department. As with any project, each member had different amounts of involvement. The expectation was that the EMAT member would work with their department to get the EFS updated and the review completed. OEM then reviewed the completed and uncompleted ESFs (OEM finished) and then asked for any final feedback from the departments on the final draft.

The Plan has been reviewed by all departments. The effort it took to update the CEMP was an opportunity to give city departments a better understanding of the requirements to prevent, prepare, respond, and recover from disasters.

The Kirkland CEMP has been reviewed by the Washington State Emergency Management Division and meets the State's key planning criteria. The plan was measured for consistency with the National Response Framework (NRF), the Washington State Comprehensive Emergency Management Plan and the WAC 118-30-060 defined criteria.

Having a plan is the first step in creating a resilient community.

The City of Kirkland's Office of Emergency Management

Vision:

Provide leadership in promoting a community that is resilient in the event of a disaster.

RESOLUTION R-4865

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE UPDATED 2010 CITY OF KIRKLAND COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP).

WHEREAS, the Revised Code of Washington 38.52.070, authorizes and directs local jurisdictions to establish a local organization for emergency management and to develop and maintain a local comprehensive emergency management plan; and

WHEREAS, the City of Kirkland has previously prepared a Comprehensive Emergency Management Plan (CEMP); and

WHEREAS, Washington law requires that the CEMP be regularly reviewed and updated; and

WHEREAS, the City of Kirkland CEMP was updated in 2010 to ensure consistency with the King County and Washington State Comprehensive Emergency Management Plans and National Response Plan;

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

Section 1. The City of Kirkland 2010 Updated Comprehensive Emergency Management Plan is hereby adopted.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, C.P.R.P., Director
Michael Cogle, Park Planning Manager

Date: February 3, 2011

Subject: RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN EASEMENT GRANTING PRIVATE ACCESS OVER PROPERTY AT FORBES LAKE PARK

RECOMMENDATION:

That the City Council pass the attached Resolution authorizing the City Manager to execute an access easement at Forbes Lake Park as requested by Inna Boriskina.

BACKGROUND DISCUSSION:

Ms. Boriskina owns a lot (Lot 3) adjacent to City-owned property east of Forbes Lake (see Attachments A and B). In the process of constructing a new home on the lot, the property owner has been asked by the Public Works Dept. to provide an adequate hammerhead turn-around from the new home's garage. In order to meet this requirement the Parks and Community Services Department has been asked to grant an access easement.

The City purchased Lot 2 from the Boriskina (e.g. Razumovich) family in 2008 after the original property had been divided into 3 separate parcels. All 3 lots share various access and utility easements; in fact, an existing access easement was already in place when the City originally purchased the property. However it is of insufficient length to meet the requirements of a turn-around for the Boriskina home. The applicant is requesting an additional access easement of approximately 12 feet by 20 feet, or approximately 240 square feet total.

In determining compensation for the easement across public property staff looked at per-square-foot costs of recently acquired land in the vicinity by the City – the Beach Family Trust Property, which was determined to be \$2.00 per square foot. Using the methodology typically used by the City to acquire easements for the purposes of right-of-way improvements, the value was discounted 50%. Using this formula the City's compensation for the proposed easement is established at \$240 (240 sq.ft. x \$2/sq. ft. x 50%).

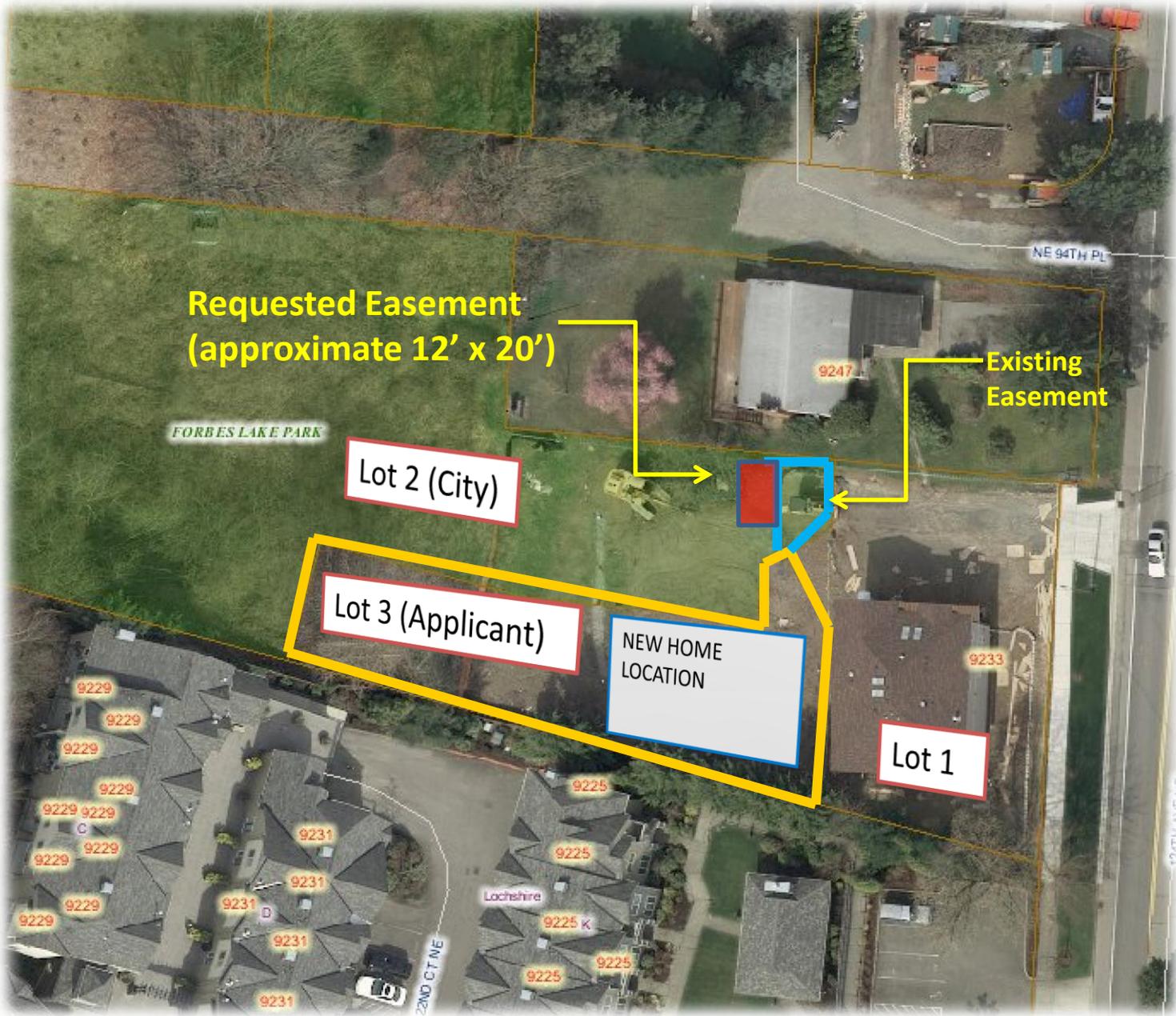
Granting the requested easement will have no negative impacts to the City's use of park property or plans for future park development. As a result staff recommends approval of the request.

Attachments:

Attachment A – Vicinity Map
Attachment B – Easement Location Map
Resolution



Attachment B – Location Map: Forbes Lake Park Private Easement Request



RESOLUTION R-4866

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACCESS EASEMENT OVER CITY PROPERTY.

WHEREAS, Ms. Boriskina owns property adjacent to City-owned property and is requesting an access easement to meet building permit requirements for construction of her new home; and

WHEREAS, the requested easement will have no negative impacts to the City's use of park property or plans for future park development;

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City an Access Easement substantially similar to the Access Easement attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk



ACCESS EASEMENT

THIS ACCESS EASEMENT ("Easement") is made this _____ day of _____, 2011, by and between the City of Kirkland ("Grantor") and Inna Boriskina ("Grantee").

Grantor is the owner of the real property commonly known as Forbes Lake Park, the relevant portion of which is legally described as follows (the "Property"):

BURKE-FARRARS KIRKLAND DIV #14 LOT 2 KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE OF E 180 FT MEAS PLW N LN

Grantee is the owners of real property legally described as follows:

BURKE-FARRARS KIRKLAND DIV #14 LOT 3 KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE OF E 180 FT MEAS PLW N LN

Grantor, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants to Grantee, and their successors and assigns, a perpetual, nonexclusive easement for access over, across, and upon the Easement Area described as follows:

COMMENCING AT THE MOST NORTHEASTERLY CORNER OF LOT 2, CITY OF KIRKLAND SHORT PLAT FILE NUMBER SPL-06-003B, RECORDED UNDER KING COUNTY RECORDING NUMBER 20080115900003; THENCE N 84°19'10" W, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 20.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 84°19'10" W A DISTANCE OF 12.01 FEET; THENCE S 03°04'11" W, A DISTANCE OF 20.02 FEET; THENCE N 03°04'11" E, A DISTANCE OF 20.02 FEET TO THE TRUE POINT OF BEGINNING.

Such Easement contains 240 square feet, more or less.

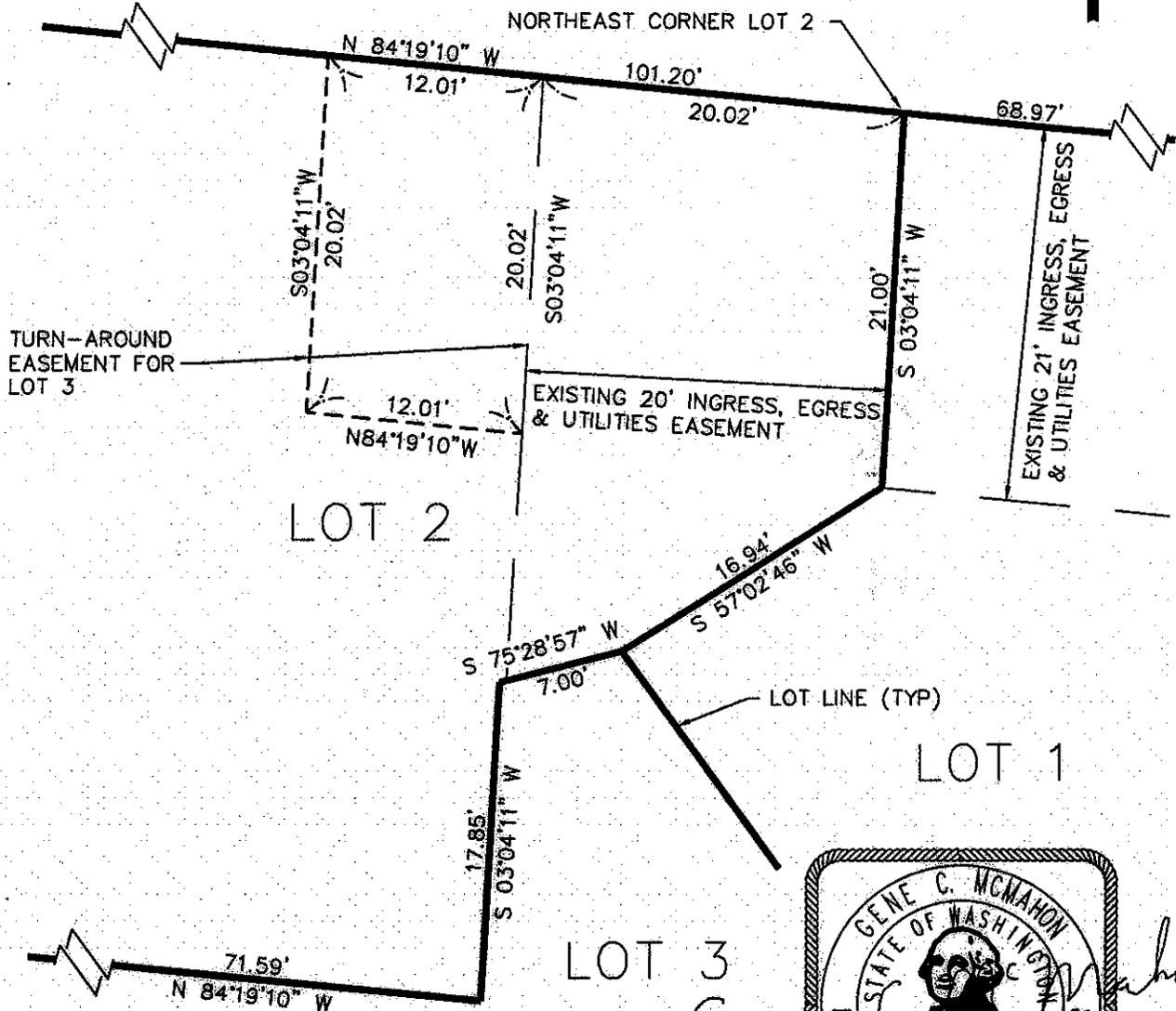
A diagram of the Easement Area is attached hereto.

Grantor also grants to Grantee and those acting under or on behalf of Grantee, the right to enter the Easement Area to construct, install, alter, maintain, repair or replace improvements in the Easement Area. Upon completion of any work within the Easement Area, Grantee shall restore the unimproved portion of the Easement Area, as nearly as reasonably practicable, to the condition it was in before commencement of the work.

In any legal action between the parties hereto to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover all its expenses incurred in connection therewith, including reasonable attorney's fees, including and in connection with appeals.

This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no

TURN-AROUND EASEMENT MAP EXHIBIT



06/10/2009



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Interim Capital Projects Manager
Ray Steiger, P.E., Interim Public Works Director

Date: February 3, 2011

Subject: NE 85th Street Emergency Watermain Repair

RECOMMENDATION:

It is recommended that Council authorize the use of water/sewer operating reserve funds for the emergency watermain repair work on NE 85th Street.

BACKGROUND AND DISCUSSION:

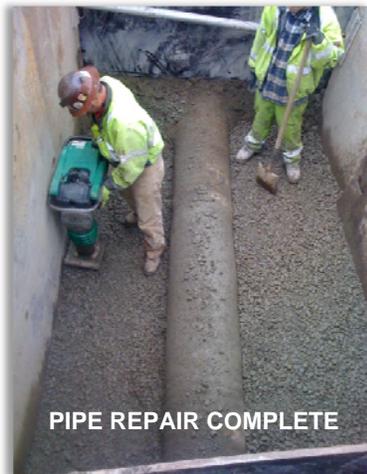
On Thursday, January 20, 2011, City water department maintenance crews detected a leak in the 16-inch transmission watermain in the westbound lanes of the 12100 block of NE 85th Street (Attachment A). This existing watermain is a special material made up of steel reinforced concrete cylinder pipe (RCCP) installed in the early 1960's, and a contractor with specific knowledge and equipment was needed to perform the necessary repair work.

In order to avoid a significant failure of the watermain, the City water crew turned off a portion of the water system along NE 85th Street. While residents and businesses in the area remained in-service, water was re-routed within the system leaving one nearby adjacent fire hydrant without water – a situation that the fire department was immediately made aware of and one that needed to be corrected as soon as possible.



Public Works staff moved quickly to prepare an emergency purchase authorization, pursuant to the Kirkland Municipal Code, KMC 3.85.210, and the City's Purchasing Agent prepared a Procurement Activities Memo regarding the Emergency Purchase for Council approval at their regular meeting of February 1, 2011. The Purchasing Agent also published a public notice in the Daily Journal of Commerce in compliance with the KMC and State law.

Upon the signing of the Emergency Purchase Authorization on Friday, January 21st, Public Works staff contracted with Frank Coluccio Construction Company, a Seattle based contractor experienced with making repairs to RCCP water main. The contractor's work began on the morning of Monday, January 24th and was completed on Thursday, January 27th.



Since 1999, this 60-year old watermain has been repaired four times, between 120th and 128th Avenues NE, each time under an Emergency Purchase Authorization (Attachment B). On October 25, 1999, a major break occurred at the intersection of NE 85th St and 120th Ave NE when Seattle Public Utilities (SPU) failed to notify the City that they switched water supply from the lower pressure Cedar River to the higher pressure Tolt River source. The resulting increase in water pressure delivered to Kirkland's system led to a major rupture in the RCCP transmission main sending water, mud, and debris onto surrounding private properties along 120th Ave NE. A few months later (January 2000) crews detected a new leak in the



12600 block of NE 85th Street (most likely caused by the pressure surge during the previous October event). That leak was repaired over a four day period without a large scale main break and without private property damage. A number of years later (February 2008) crews again noticed a wet spot on the pavement in the 12600 block of NE 85th Street resulting in another repair that took five day to complete. The most recent event of January 20, 2011, involved a four day repair and, similar to prior two incidents, was completed with no damage to private property. The minimal interruption attributed to three of the four events is directly attributable to the rapid response by City Water Crews working in coordination with other Public Works and Purchasing staff who moved quickly in obtaining the necessary emergency purchase approvals, and working closely with a contractor experienced with RCCP repairs.

In 2007, PW staff updated the Comprehensive Water System Plan and took that opportunity to strategize ways to address the aging RCCP within NE 85th Street. The result was the creation of a three-phased CIP Project that re-routes the flows in the existing 16-inch RCCP along NE 85th Street in to a larger 20-inch Ductile Iron main that will be installed along NE 80th Street. The Phase I portion of this multi-phased and approximately \$11 million (overall) Project was completed in 2008; Phase II is currently scheduled to begin design in 2012 with construction to follow in 2013. The Phase III Project is currently shown in the 2011-2016 CIP as an unfunded project with Public Works Trust funds being sought as a key funding source for the planned improvements. Given this most recent repair, staff is reviewing the prioritization and proposed timing of the future Phases and will likely make recommended changes to the timing of both during the next CIP process later this year.



The total amount paid to the Contractor for the latest repair work is estimated to be \$40,000. With the addition of City crew, staff, traffic control, and equipment costs the total expense is closer to \$48,000 -- staff recommends that water/sewer operating reserves be used to pay the Contractor for the work they performed on the repair (Attachment C).

Attachments: (3)



NE 85th Street Emergency Watermain Repair

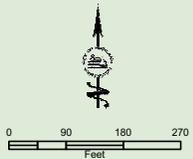
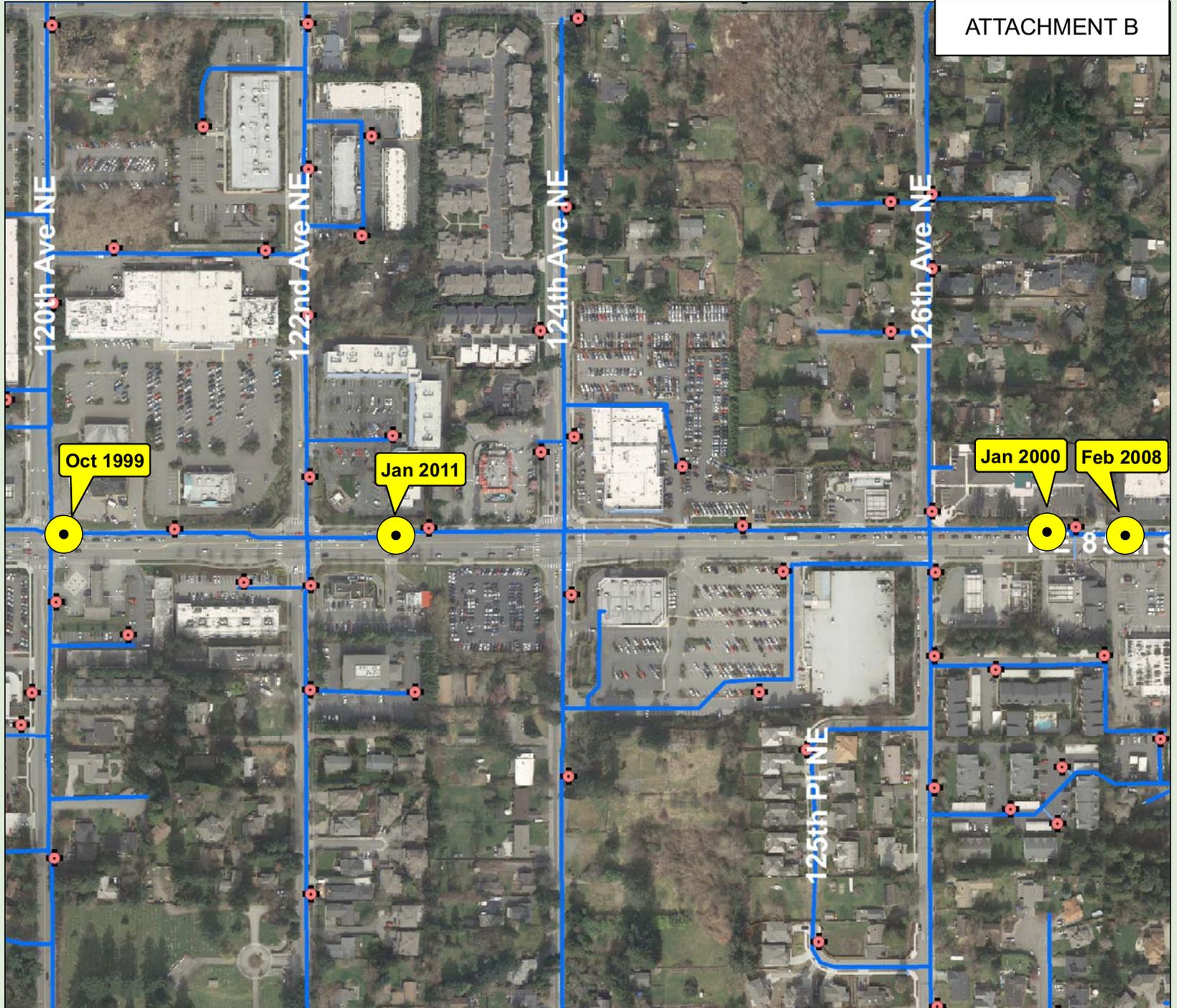




Vicinity Map



 Emergency Watermain Repair Work



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No warranties of any sort, including but not limited to
accuracy, fitness or merchantability, accompany this product.

NE 85th Street Emergency Watermain Repair History

FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Ray Steiger, Interim Public Works Director							
Description of Request							
Request for funding of \$40,000 from the Water/Sewer Operating Reserve for the emergency repair of a watermain leak on NE 85th Street. The repair work was authorized by the City Manager pursuant to KMC 3.85.210 and reported to the Council at regular meeting on February 15, 2011. The amount requested is the estimated external cost.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$40,000 of the Water/Sewer Operating Reserve. The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
	Water/Sewer Operating Reserve	1,979,380	0	0	40,000	1,939,380	N/A
	There are no prior 2011-12 Authorized Uses of the Water/Sewer Operating Reserve						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	February 4, 2011
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CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: February 3, 2011
Subject: Parking Advisory Board Resignation

RECOMMENDATION:

That Council acknowledge the resignation from Parking Advisory Board member Jennifer Lindsay and authorize the attached correspondence thanking her for her service.

BACKGROUND DISCUSSION:

Ms. Lindsay's resignation notes that she is no longer able to participate on the Board due to time commitment issues. A recruitment to fill this vacancy has begun.

From: Jennifer Lindsay
Sent: Wednesday, January 26, 2011 4:59 PM
To: Kathi Anderson
Subject: resignation from Parking Advisory Board

Due to other commitments I will be unable to continue on the Kirkland Parking Advisory board. I appreciate the opportunity and wish you well in your future work.

Best Regards,

Jennifer Lindsay

DRAFT

February 16, 2011

Ms. Jennifer Lindsay
1921 NE 21st St
Renton, WA 98056

Dear Ms. Lindsay,

We have regretfully received your letter of resignation from the Parking Advisory Board. You have brought much insight to this board with your parking background, experiences and recommendations. The Board members and staff will miss having you there.

The City Council appreciates your contributions to the Board, and we thank you for volunteering your time and talent to serve our community.

Best wishes in your current and future endeavors.

Sincerely
Kirkland City Council

by Joan McBride, Mayor



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: City Council
From: Kurt Triplett, City Manager
Date: February 7, 2011
Subject: CONFIRMATION OF APPOINTMENT TO THE CIVIL SERVICE COMMISSION

RECOMMENDATION:

City Council confirms the City Manager's appointment of Mark Nelson to the remainder of an unexpired six year term on the Kirkland Civil Service Commission, ending December 31, 2011.

BACKGROUND DISCUSSION:

KMC 3.54.010 provides for appointments to the Civil Service Commission by the City Manager with the confirmation of the City Council. Appointments are for six-year terms. Mr. Nelson is being appointed to replace William Petter, who resigned effective December 31, 2010.

**CITY OF KIRKLAND**

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director
Jeremy McMahan, Planning Supervisor

Date: February 2, 2011

Subject: Public Hearing (Continued) on Request by Lake Washington School District to Collect School Impact Fees, File No. MIS09-00015

RECOMMENDATION

City Council conduct a public hearing to consider adoption of school impact fees and either adopt the proposed ordinance or direct staff to make changes.

Following a scheduled February 10th meeting with the District and interested parties, staff may present additional options to the Council at the hearing. Options could include phasing in of impact fees over time or collecting impact fees at a lower amount.

If the Council adopts the ordinance, staff also recommends adoption of the attached resolution authorizing an interlocal agreement with the Lake Washington School District for the collection, distribution and expenditure of impact fees.

SUMMARY OF ONGOING DISCUSSIONS

The City Council continued the January 4, 2011 public hearing in order to allow time for staff to facilitate additional discussions between the District and interested parties. The goals were to make sure that all parties had adequate background information and to offer an opportunity for parties to identify and discuss options to the District's request. The City Manager hosted a meeting on January 20th, with representatives from the District, King County Master Builders, Seattle-King County Realtors, the Chamber of Commerce, and local Kirkland builders. All parties agreed that quality schools and sustainable funding for those schools was important. Counter proposals were made to delay impact fees until the economy recovers, to reduce impact fees based on Kirkland's relative lower capacity needs and higher assessed value, and to collect in the annexation area but not in Kirkland. Additional information was requested of the District and the City in response to these ideas. Regarding the suggestion to collect impact fees in the annexation area but not in Kirkland, the City Attorney has concluded that such differentiation is not a viable option under State law.

At the end of January 20th meeting, attendees agreed to meet again to review additional information and further discuss options presented. The second meeting is scheduled for February 10th and staff will report on the outcome at the February 15th hearing.

Note that the ordinance was previously revised to reflect the following compromises:

- Defers the effective date until June 1, 2011 to coincide with annexation. This will allow a reasonable period for Kirkland developers to vest any pending permits while ensuring that the District will not lose revenue as a result of the annexation.
- Allows applicants for single family homes to defer payment of the impact fee from the time of permit issuance to the time of home sale closing. This deferred payment provision is proposed to sunset after one year (May 31, 2012), consistent with provisions for the City's park and transportation impact fees.

BACKGROUND

State law authorizes the collection of impact fees to help defray the costs of new school facilities. The fees must be justified by a school district's adopted Capital Facilities Plan (Attachment 2). The plan must document anticipated enrollment growth and capital needs and include a financing plan that identifies the role of impact fees. Collection of the fees occurs through the permitting process of general purpose governments, such as Kirkland. Those governments must agree to collect the fees and forward collected fees to the school district.

Lake Washington School District lies within the jurisdiction of four general purpose governments – Kirkland, Redmond, Sammamish and unincorporated King County. All of the jurisdictions except Kirkland collect school impact fees. Based on the District's current Capital Facilities Plan, the impact fees requested are \$6,250 for single family units and \$1,732 for multifamily units. These rates are adjusted annually with the District's Capital Facilities Plan, although changes to the rates require City Council approval. The proposed impact fees are based on a Six-Year Capital Facilities Plan (CFP) for the period 2010-2015 prepared by the School District and adopted in August, 2010. The CFP establishes a "standard of service" (student/teacher ratios), enrollment projections and capital construction plans for maintaining service levels. The proposed fees are based on a 50% local share of the total capital costs calculated by the district over the over the life of the plan.

Of the other three jurisdictions served by the District, King County and Sammamish collect at the rates requested by the District and Redmond collects \$2,750 for single family and \$280 for multifamily. The District has requested that Redmond update its rates.

The annexation areas of Finn Hill, Kingsgate and North Juanita will be subject to Kirkland's impact fee rules beginning in June, 2011. Consequently, unless Kirkland authorizes school impact fees, the School District would lose impact fee revenue currently collected by the County from the annexation area.

Although Kirkland has not authorized collection of school impact fees, the District has utilized the SEPA process to negotiate impact fee payment for larger developments. The City has provided the District with notices of new developments that are subject to SEPA. The District has appealed City issued Determinations of Nonsignificance on the grounds that the developments will have significant school impacts. The appeals have typically been settled

between the District and developer prior to an appeal hearing. There is currently one case pending before the City's Hearing Examiner on a cottage project in South Rose Hill.

If school impact fees are approved, it is also recommended that an interlocal agreement be adopted to establish responsibilities for the City and District in administering the school impact fee program. A copy of the draft interlocal agreement is included as Attachment 4. Council adoption of the supporting resolution shown in would indicate the City's intent to enter into an interlocal agreement and would authorize the City Manager to enter into the agreement.

PREVIOUS CITY CONSIDERATION

- **January, 2008.** The City Council met with representatives of the Lake Washington School District to discuss the District's request that the City collect school impact fees. At that time, City Council members raised a number of questions and asked the District to provide additional information.
- **February, 2009.** The District submitted a written response to the Council's questions ([View 5/19/2009 Council Packet](#)).
- **April 22, 2009.** The District submitted a formal request for the City to adopt an impact fee ordinance.
- **May 19, 2009.** The Council discussed the request and directed staff to prepare an ordinance for Council consideration ([View 5/19/2009 Council Packet](#)).
- **December 1, 2009.** The City Council considered a school impact fee ordinance. Public comment on the ordinance was received under the items from the audience portion of the meeting from representatives of LWSD, King County Master Builders, Seattle-King County Association of Realtors, and the Chamber of Commerce. After initial discussion, the Council tabled the ordinance and requested a public hearing to receive additional community input.
- **December 11, 2009.** The District withdrew its request for City adoption of impact fees.
- **August 17, 2010.** The District submitted a new request for the City to adopt an impact fee ordinance (Attachment 1).
- **September 21, 2010.** The City Council reviewed the District's request and directed the City Manager to work with the District and other interested parties, review options, and bring back an ordinance for consideration in 2011.
- **January 4, 2011.** The City Council opened the public hearing on school impact fees and immediately continued the hearing to February 15, 2011 to allow the City, District, and interested parties time to meet and discuss the proposal and alternatives.
- **January 20 and February 10, 2011.** City facilitated meetings with the District and interested parties.

Attachments:

1. LWSD Impact Fee Request
2. LWSD Capital Facilities Plan 2010-2015
3. Draft Interlocal Agreement

Lake Washington School District No. 414

P.O. Box 97039
Redmond, WA 98073
425 702-3257
www.lwsd.org

DR. CHIP KIMBALL
Superintendent

JANENE FOGARD
Deputy Superintendent

BOARD OF DIRECTORS
Jackie Pendergrass, President
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Christopher Carlson

August 17, 2010

RECEIVED

AUG 23 2010

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

The Honorable Joan McBride
Mayor, City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033

RE: Request for Council Action - School Impact Fees

Dear Mayor McBride:

As you know, the Lake Washington School District (the "District") has worked for several years to provide the City of Kirkland with information related to a proposed school impact fee ordinance. The District is requesting that the City Council move forward at this time with its consideration of the ordinance.

The District recently updated its Capital Facilities Plan. The 2010 Plan contains the following school impact fee amounts: \$6,250 for single family dwelling units and \$1,732 for multi-family dwelling units. These amounts represent 50% of the calculated unfunded school capacity need related to students generated from new single family or multi-family dwelling units. Please note that the District's Capital Facilities Plan and fees are updated on an annual basis.

We look forward to continuing our discussion with the City of Kirkland regarding a school impact fee ordinance. We would be happy to meet with the City Council again in study session, if necessary, or to present this request at a regular City Council meeting. Please let us know the City's preference regarding this matter.

Sincerely,



Chip Kimball
Superintendent

cc: Kurt Triplett, City of Kirkland, City Manager
Eric Shields, City of Kirkland, Planning Director
Forrest Miller, LWSO Director of Facilities & Transportation
Denise Stiffarm, K&L Gates LLP

Six-Year Capital Facility Plan **2010 - 2015**



Board Adopted: August 23, 2010

Lake Washington School District #414

Serving Redmond, Kirkland, Sammamish, and King County, Washington

Lake Washington School District #414
Serving Redmond, Kirkland, Sammamish, and King County, Washington

SCHOOL BOARD MEMBERS

Jackie Pendergrass, President

Ravi Shahani, Vice-President

Nancy Bernard

Doug Eglington

Christopher Carlson

SUPERINTENDENT

Dr. Chip Kimball

**Lake Washington School District's
Six-Year Capital Facilities Plan
2010-2015**

**For information about this plan, call the District Support Services Center
(425/882-5108)**

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I. Executive Summary

This Six-Year Capital Facilities Plan (the "plan") has been prepared by the Lake Washington School District (the "district") as the organization's primary facility planning document in compliance with the requirements of the State of Washington's Growth Management Act and King County Code 21A.43. This plan was prepared using data available in Spring 2010.

The plan is consistent with prior long-term capital facilities plans adopted by the Lake Washington School District. However, it is not intended to be the sole plan for all of the organization's needs. The district also prepares interim and long-range capital facilities plans consistent with board policies. Such plans take into account longer and shorter time periods, other factors and trends in the use of facilities, and other needs of the district as may be required. These other plans are consistent with this Six-Year Capital Facilities Plan.

In order for impact fees to be collected in the unincorporated areas of King County, the King County Council must adopt this plan as proposed by the district. The cities of Redmond and Sammamish have each adopted a school impact fee policy and ordinance similar to the King County model. For impact fees to be collected in the City of Kirkland, the City of Kirkland must also adopt this plan and adopt its own school impact fee ordinance.

Pursuant to the requirements of the Growth Management Act and the local implementing ordinances, this plan will be updated on an annual basis with any changes in the fee schedule adjusted accordingly. See *Appendix B* for the current single family calculation and *Appendix C* for the current multi-family calculation.

The district's capital facility plan establishes a "standard of service" in order to ascertain current and future capacity.

While the current State budget crisis has impacted state funding, the district has made budgetary decisions to protect class size through reduction in other programs and services. Future state funding shortfalls could impact class sizes however those changes are anticipated to be temporary reductions and as such will likely not modify the district's standard of service.

I. Executive Summary (*continued*)

This plan reflects the current student/teacher standard of service ratio. The district's standard of service has been changed to reflect space needs to serve students in All Day Kindergarten, as currently 80% of district's students participate in this program.

It might also be noted that though the State Superintendent of Public Instruction establishes square foot guidelines for capacity funding criteria, those guidelines do not account for the local program needs in the district. The Growth Management Act and King County Code 21A.43 authorize the district to make adjustments to the standard of service based on the district's specific needs.

In general, the district's current standard provides the following (see *Section III* for specific information):

Grade Level	Target Teacher-Student Ratio
K-1	19 Students
2-3	24 Students
4	25 Students
5-6	27 Students
7-9	30 Students
10-12	32 Students

School capacity is based on the district standard of service and the existing inventory. Existing inventory includes both permanent and relocatable classrooms (i.e. portable classroom units). As seen in *Appendix A*, the district's overall capacity is 25,629 students (22,170 for permanent and 3,063 for relocatables). For this same period of time, student enrollment is 23,782 headcount. Enrollment is projected to increase to 26,922 in 2015 (see *Table 1*).

Though areas of growth are seen in various areas of the district, the most notable growth continues to be in the Redmond and Sammamish areas along with areas of growth in the City of Kirkland. In addition, the City of Kirkland will be annexing areas of unincorporated King County (the Finn

I. Executive Summary (*continued*)

Hill and Kingsgate areas) which we anticipate will result in additional growth.

Some examples include:

- Growth has necessitated the construction of one elementary school (a.k.a. Site 52, Rachel Carson Elementary School) on the Sammamish plateau which opened in the fall of 2008. Due to capacity issues, this school opened with four relocatable classrooms on the site.
- The Redmond Ridge development continues to experience growth to the point that in addition to the four (4) relocatables that were added to Rosa Parks Elementary School in 2009, another four (4) relocatable classrooms will be added to the school in the summer of 2010.
- Homes have begun to be occupied in the Redmond Ridge East development which has resulted in additional student population. In anticipation of the potential student growth from that development, the District secured property within that development in 2007 for a future elementary school, Site 31 (see *Tables 4, 5 and 6*). This school is planned to open in 2015.
- The City of Sammamish approved a land use plan known as the Sammamish Town Center. This plan allows 1,300 to 1,800 new residential dwelling units to be developed in the Town Center area. The District anticipates that development in this planning area will create additional capacity needs in this area of the District.
- The City of Kirkland will be annexing areas of unincorporated King County in July 2011. This includes the Finn Hill and the Kingsgate areas which are both within the boundaries of the District. It is anticipated that the annexation areas could create additional capacity needs in District schools in these areas.
- Enrollment continues to press for the addition of relocatable classrooms in several schools in the Kirkland and also the North Redmond areas.
- It is projected that other locations throughout the district will need relocatables to address capacity issues within the planning period of this report.

I. Executive Summary (*continued*)

In February 2006, voters in the Lake Washington School District passed a bond measure to fund Phase II (2006-2014) of the School Modernization Program. The schedule for the schools has been established with many of the schools being modernized within the timeframe of this plan.

In the timeframe of this plan, the district will:

- Modernize and re-open seven elementary schools, two junior high schools, one choice school, and one high school as part of the District's Phase II School Modernization Program (see *Table 6*). All these projects are planned to receive appropriate permanent capacity additions and remove any existing excess relocatable classrooms.
- Construct two new elementary schools, one in the Redmond Ridge East development area and the other in the North Redmond area.
- Add relocatable classrooms to address capacity when needed in the District. See *Section VI*.
- Is planning to undergo a change to school configuration (K-5, 6-8 and 9-12) in 2012. Because of this, the District is currently considering the need for High School additions at Redmond High School and Eastlake High School. Future updates to the District's Capital Facility Plan will provide more information if this plan moves forward.

A financing plan is included in *Section VIII* that demonstrates the district's ability to implement this plan.

II. Six-Year Enrollment Projection and Long Term Planning

Six-Year Enrollment Projection

Based on the district's forecasts (see *Table 1*), enrollment is projected to increase approximately 2,837 students over the next six years. This is a 11.78% increase over the current student population. Applying the enrollment projections contained in *Table 5* to the district's existing capacity, the district will be over permanent capacity by 3,507 students. This projection contemplates the full development of Redmond Ridge and the Redmond Ridge East development. Other developments that are expected to generate students and affect the district are also included in the projection. The numbers anticipated for the Redmond Ridge East development show the need for a future elementary school within that planned development. The District expects that some of the new residential development in the Sammamish Town Center will begin to occur in the six-year planning period. Therefore, the enrollment projections also include the first anticipated phase of the Sammamish Town Center development.

Student enrollment projections have been developed using a two methods: (1) the *cohort survival* - historical enrollment method is used to forecast enrollment growth based upon the progression of existing students in the district; then (2), *development tracking* - the enrollment projections are modified to include students anticipated from new development in the district. The cohort survival method was used to determine base enrollments. This mechanism uses historical enrollment data to forecast the number of students who will be attending school the following year. Development tracking uses information on known and anticipated housing development was used as a second means in determining enrollment projections. This method allows the district to more accurately project student enrollment by school attendance area. (See *Table 2*)

Cohort Survival

A percentage of King County live births is used to predict future kindergarten enrollment. Actual King County live births through 2008 are used to project kindergarten enrollment through the 2013-2014 school year.

II. Six-Year Enrollment Projection and Long Term Planning (continued)

After 2014, the number of live births is based on King County projections. Historical data is used to estimate the future number of kindergarten students that will generate from county births. For other grade levels, past cohort survival trends were analyzed.

Development Tracking

In order to increase the accuracy and validity of enrollment projections, a major emphasis has been placed on the collection and tracking of data of 80 known new housing developments. This data provides two useful pieces of planning information. First, it is used to determine the actual number of students that are generated from a new single family or multi-family residence. It also provides important information on the impact new housing developments will have on existing facilities and/or the need for additional facilities.

It is important to note that even though small in-fill or short plat projects are not tracked, such activity has resulted in increased student population. This type of development has resulted in the need for additional relocatables in the Kirkland area.

Developments that have been completed over the last five years are used to forecast the number of students who will attend our schools from future developments. District wide statistics show that new single-family homes currently generate 0.436 elementary student, 0.099 junior high student, and 0.074 senior high student, for a total of 0.609 school-age child per single family home (see *Appendix B*). New multi-family housing units currently generate an average of 0.141 elementary student, 0.056 junior high student, and 0.047 senior high student for a total of 0.245 school age child per multi-family home (see *Appendix C*). The totals of the student generation numbers have increased since 2009 for new multi-family developments and decreased slightly for new single family developments. Information obtained from the cities and county provides the foundation for a database of all known future developments in the district and is consistent with the comprehensive plans of the local permitting jurisdictions. Contact has been made with each developer to determine the number of homes to be built and the anticipated development

II. Six-Year Enrollment Projection and Long Term Planning
(continued)

schedule. There is limited data from projects five years or newer. Historically, the district has seen student growth accelerate in developments after five years.

The student generation factors (see *Appendix D*) were used to forecast the number of students expected from these developments.

III. Current District "Standard of Service"

King County Code 21A.06 refers to a "standard of service" that each school district must establish in order to ascertain its overall capacity. The standard of service identifies the program year, the class size, the number of classrooms, students and programs of special need, and other factors (determined by the district), which would best serve the student population. Relocatables (i.e. portable classroom units) may be included in the capacity calculation using the same standards of service as the permanent facilities.

The standard of service outlined below reflects only those programs and educational opportunities provided to students that directly affect the capacity of the school buildings. The special programs listed below require classroom space; thus, the permanent capacity of some of the buildings housing these programs has been reduced. Newer buildings have been constructed to accommodate some of these programs. When older buildings are modified to accommodate these programs, there may be a reduction in classroom capacity. At both the elementary and secondary levels, the district considers the ability of students to attend neighborhood schools to be a component of the standard of service.

Standard of Service for Elementary Students

- Class size for grades K - 1 average 19 students
- Class size for grades 2 - 3 average 24 students
- Class size for grades 4 average 25 students
- Class size for grade 5-6 average 27 students
- Special Education for students with disabilities may be provided in a self-contained classroom
- All students will be provided music instruction in a separate classroom
- All students will have scheduled time in a special computer lab

Identified students will also be provided other special educational opportunities in classrooms designated as follows:

- Resource rooms
- English Language Learners (ELL)
- Education for disadvantaged students (Title I)

III. Current District "Standard of Service" (continued)

- Gifted education (pull-out Quest programs)
- District remediation programs
- Learning assisted programs
- Severely behavior disordered
- Transition room
- Mild, moderate and severe disabilities
- Developmental kindergarten
- Extended daycare programs and preschool programs

Standard of Service for Secondary Students

- Class size for grades 7-9 should not exceed 30 students
- Class size for grades 10-12 should not exceed 32 students
- Special Education for students with disabilities may be provided in a self-contained classroom

Identified students will also be provided other special educational opportunities in classrooms designated as follows:

- English Language Learners (ELL)
- Resource rooms (for special remedial assistance)
- Computer rooms
- Preschool and daycare programs

Room Utilization at Secondary Schools

It is not possible to achieve 100% utilization of regular teaching stations because of scheduling conflicts for student programs, the need for specialized rooms for certain programs, and the need for teachers to have a work space during their planning periods. Based on actual utilization, the district has determined a standard utilization rate of 70% for non-modernized secondary schools. As secondary schools are modernized, the standard utilization rate is 83%. The anticipated design of the modernized schools and schools to be constructed will incorporate features which will increase the utilization rate for secondary schools.

IV. Inventory and Evaluation of Current Facilities

The district currently has permanent capacity to house 22,566 students and transitional (relocatable) capacity to house 3,063 students (see *Appendix A*). This capacity is based on the district's Standard of Service as set forth in *Section III*. The district's current student enrollment is 23,782 and is expected to increase to 26,922 in 2015 (see *Table 1*).

Calculations of elementary, junior high school, and senior high school capacities are set forth in *Appendix A*. Included in this six-year plan is an inventory of the district's schools arranged by area, name, type, address, and current capacity (see *Table 3*).

The physical condition of the district's facilities was evaluated by the 2006 State Study and Survey of School Facilities completed in accordance with WAC 180-25-025. As schools are modernized, the State Study and Survey of School Facilities report is updated. That report is incorporated herein by reference.

V. Six-Year Planning and Construction Plan

To address existing and future capacity needs, the district contemplates using the following strategies:

- 1) Movement from a grade configuration of K-6, 7-9, 10-12 to a grade configuration of K-5, 6-8, 9-12.
- 2) Construction of new schools
- 3) Additions at high schools to accommodate school configuration
- 4) Adjustments to the capacity of existing schools undergoing Modernization
- 5) Use of additional relocatables to provide for housing of students not provided for under other strategies.

Future updates to this plan will include specific information regarding adopted strategies.

The district's six-year construction plan includes the following capacity projects:

- During the last six years (2004-2009),
 - New growth in the Redmond and the Sammamish areas created the need to construct two elementary schools.
 - One of these new elementary schools (Rosa Parks Elementary School, Site 41), located within the Redmond Ridge development, was occupied in the fall of 2006.
 - The other new elementary school, Rachel Carson Elementary School, was opened on the Sammamish Plateau in the fall of 2008. Because of the growth in enrollment in that area, the school opened with four relocatables on the site.
 - In 2007-2008, the District purchased land within the Redmond Ridge East development on the basis that projections for that development necessitate the need for a new elementary site. The District continues to monitor the phased project. The first phase of homes in this development are beginning to be occupied.
- Phase II School Modernization (2006-2014) was funded by the voters in February 2006. The approved bond measure will fund the modernization of 11 schools throughout the district. During the period of this Capital Facilities Plan, the district will begin the

V. Six-Year Planning and Construction Plan (*continued*)

planning or complete the modernization for: Frost Elementary, Rush Elementary, Sandburg Elementary, Muir Elementary, Keller Elementary, Bell Elementary, Finn Hill Junior High, Rose Hill Junior, International Community School/Community Elementary and Lake Washington High School. Each elementary school modernization project also includes the addition of new student capacity.

- Frost Elementary School was completed and opened in the fall of 2009.
- Lake Washington High School is in construction and will be opened in the fall of 2011.
- Finn Hill Junior High will start construction this summer (2010) with the goal of opening in 2011. Muir Elementary School will also start construction this summer and open in the winter of 2011/2012.
- The District anticipates the need for two new elementary schools within the period of this plan, one in the Redmond Ridge East area and the other in the North Redmond area. The plan was to have voters approve a bond measure in February 2010 which would have provided the funding for these schools. However, the bond measure did not pass. The two schools may be the subject of a future bond measure.
- Relocatable classrooms (as outlined in *Section VI*) will be added to address capacity needs until more permanent capacity can be constructed. Within the six-year planning window of this Capital Facility Plan, projections indicate that other relocatables may also be needed in the Sammamish, Redmond, Kirkland and unincorporated King County areas.

Included in this plan is an inventory of the projects listed above. They are arranged by cost, additional capacity, and projected completion date. (See *Table 5 & 6*)

VI. Relocatable and Transitional Classrooms

The district inventory includes 136 relocatables (i.e. portable classroom units) that provide standard capacity and special program space as outlined in *Section III* (see *Appendix A*).

Based on enrollment projections and planned permanent facilities, the district anticipates the need to acquire additional relocatables during the next six-year period.

- Rachel Carson Elementary opened as new construction in the fall of 2008 and included four (4) relocatables.
- In the summer of 2009, four (4) relocatable classrooms were added to Rosa Parks Elementary School in the Redmond Ridge development due to student population growth in that development and homes beginning to be occupied within the Redmond Ridge East development. Growth in this area is causing the need to place an additional four (4) relocatables at Rosa Parks Elementary during the summer of 2010.
- Within the six-year planning window of this plan, projections indicate that other relocatables may also be needed in the Sammamish, Redmond, Kirkland and unincorporated King County areas.

For a definition of relocatables and permanent facilities, see *Section 2* of *King County Code 21A.06*. As schools are modernized, permanent capacity will be added to replace portables currently on school sites to the extent that enrollment projections for those schools indicate a demand for long-term permanent capacity (see *Table 5*).

As enrollment fluctuates, relocatables provide flexibility to accommodate immediate needs and interim housing. Because of this, new school and modernized school sites are all planned for the potential of adding up to four portables to accommodate the changes in demographics. In addition, the use and need for relocatables will be balanced against program needs.

VII. Six-Year Classroom Capacities: Availability / Deficit Projection

Based on the six-year plan, there will be insufficient total capacity to house anticipated enrollment (see *Table 5*). As demonstrated in *Appendix A*, the district currently has permanent capacity (classroom and special education) to serve 11,368 students at the elementary level, 5,481 students at the junior high school level, and 5,717 students at the high school level. Current enrollment at each grade level is identified in *Appendix A*. As depicted in *Table 5*, the district currently has insufficient permanent capacity and will continue to have an increasing insufficient permanent capacity through 2015.

Differing growth patterns throughout the district may cause some communities to experience overcrowding. This is especially true in the eastern portions of the district where significant housing development has taken place. Though the economy has slowed, there still is growth in these areas. The continued development of Redmond Ridge, Redmond Ridge East, northwest Redmond, the Sammamish Plateau and also the in-fill and short plats in Kirkland will put pressure on schools in those areas. To meet the needs associated with overcrowding or under utilization, the district will utilize a number of solutions. Those solutions include grade reconfiguration, new construction, adjusting capacity through modernization projects, modifications in the educational program, and changes in the number of relocatables. A boundary change of three of the elementary schools on the Sammamish plateau was accomplished in the 2007-2008 school year in anticipation of the opening of Rachel Carson (Site 52) Elementary School in September 2008. Though Rachel Carson Elementary School helps with capacity issues, the new school opened with four portables. In addition, the City of Sammamish will finish their planning for the new Sammamish Town Center that will provide authorization for up to 1,800 new housing units within the district on the Sammamish plateau.

VIII. Impact Fees and the Finance Plan

The school impact fee formula ensures that new development only pays for the cost of the facilities necessitated by new development. The fee calculations (*Appendix B* and *Appendix C*) examine the costs of housing the students generated by each new single family dwelling unit (or each new multi-family dwelling unit) and then reduce that amount by the anticipated state match and future tax payments. The resulting impact fee is then discounted further. Thus, by applying the student generation factor to the school project costs, the fee formula only calculates the costs of providing capacity to serve each new dwelling unit. The formula does not require new development to contribute the costs of providing capacity to address existing needs.

The finance plan shown on *Table 6* demonstrates how the Lake Washington School District plans to finance improvements for the years 2010 through 2015. The financing components include secured and unsecured funding. The plan is based on approved bond issues (approved in 1990, 1998 and 2006 by election), proposed and future bond issues, securing of state funding, collection of impact fees under the State's Growth Management Act, and voluntary mitigation fees paid pursuant to Washington State's Environmental Policy Act.

As discussed in *Section V*, the District purchased land within the Redmond Ridge East development to construct a new elementary school. Future updates to this plan will include information regarding this property and the associated school construction costs in the finance plan and school impact fee calculations.

For the purposes of this plan and the impact fee calculations, the District is using the actual cost data from Rachel Carson Elementary School built in 2008.

IX. Appendices

Appendix A: Calculations of Capacities for Elementary, Junior High, and Senior High Schools

Appendix B: Calculations of Impact Fees for Single Family Residences

Appendix C: Calculations of Impact Fees for Multi-Family Residences

Appendix D: Student Generation Factor Calculations

Appendix E: Calculation Back-Up

Calculations of Capacities for Elementary, Junior High, and Senior High Schools

Elementary Schools	# Standard Classrooms *	Classroom Capacity (23)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (23)	Total Capacity *	2009-2010 Enrollment **
Alcott	18	414	0	0	8	184	598	627
Audubon	17	391	0	0	2	46	437	508
Bell	15	345	0	0	3	69	414	402
Blackwell	21	483	0	0	3	69	552	556
Carson	18	414	0	0	4	92	506	557
Community	0	0	0	0	3	69	69	69
Dickinson	18	414	1	12	4	92	518	498
Discovery	3	69	0	0	1	23	92	73
Einstein	19	437	0	0	0	0	437	423
Explorer	3	69	0	0	1	23	92	72
Franklin	18	414	0	0	2	46	460	507
Frost	18	414	1	12	0	0	426	418
Juanita	13	299	0	0	0	0	299	383
Keller	15	345	3	36	4	92	473	350
Kirk	17	391	1	12	3	69	472	545
Lakeview	17	391	1	12	2	46	449	465
Mann	17	391	0	0	0	0	391	467
McAuliffe	21	483	0	0	7	161	644	512
Mead	19	437	1	12	6	138	587	645
Mulr	14	322	0	0	6	138	460	406
Redmond	16	368	2	24	2	46	438	401
Rockwell	20	460	0	0	2	46	506	552
Rosa Parks	21	483	0	0	4	92	575	582
Rose Hill	17	391	2	24	0	0	415	417
Rush	15	345	0	0	4	92	437	401
Sandburg	21	483	0	0	5	115	598	496
Smith	19	437	0	0	8	184	621	550
Thoreau	18	414	0	0	0	0	414	390
Twaln	20	460	0	0	4	92	552	593
Wilder	20	460	0	0	4	92	552	490
Totals	488	11,224	12	144	92	2,116	13,484	13,355

Junior High Schools	# Standard Classrooms	Classroom Capacity (30x70%)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (30x70%)	Total Capacity	2009-2010 Enrollment
Environmental	6	126	0	0	0	0	126	140
Evergreen	31	651	2	24	9	189	864	748
Finn Hill	24	504	1	12	2	42	558	406
Inglewood	51	1071	2	24	0	0	1,095	1,036
International ***	12	360	0	0	1	30	390	380
Kamukin	27	567	1	12	7	147	726	563
Kirkland ****	24	598	1	12	0	0	610	551
Northstar	0	0	0	0	5	105	105	95
Redmond ****	36	896	1	12	0	0	908	849
Renaissance	4	84	0	0	0	0	84	91
Rose Hill	24	504	2	24	6	126	654	440
Stella Schola	0	0	0	0	4	84	84	90
Totals	239	5,361	10	120	34	723	6,204	5,389

Senior High Schools	# Standard Classrooms	Classroom Capacity (32x70%)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (32x70%)	Total Capacity	2009-2010 Enrollment
BEST	8	179	0	0	2	45	224	132
Eastlake	66	1,478	4	48	0	0	1,526	1,350
Juanita	52	1,165	3	36	8	179	1,380	1,038
Lake Washington	80	1,344	3	36	0	0	1,380	1,076
Redmond ****	57	1,419	1	12	0	0	1,431	1,442
Totals	243	5,585	11	132	10	224	5,941	5,038

TOTAL	970	22,170	33	396	136	3,063	25,629	23,782
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Key:

"Standard Capacity" does not include capacity for special programs as identified in Section III

"Total enrollment" on this chart does not include Family Learning Center, contractual and transition students

"SS" = Special Services self-contained classrooms

* "Standard of Service" in elementary schools excludes some rooms if not built-in (e.g. 20 total rooms = 17 standard + computer + 1 music + 1 R/R)

** October 1, 2009 headcount

*** Capacity Model = 100% utilization of classrooms due to teacher planning area

**** Capacity Model = 83% utilization of classrooms due to teacher planning area

**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Single Family Residence ("SFR")

School Site Acquisition Cost:

	<u>Facility Acreage</u>	<u>Cost/ Acre</u>	<u>Facility Size</u>	<u>Site Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/ SFR</u>
Elementary	10	\$0	414	\$0	0.4360	\$0
Junior	20	\$0	900	\$0	0.0990	\$0
Senior	40	\$0	1500	\$0	0.0740	\$0
TOTAL						\$0

School Construction Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/SFR (est. 90%)</u>
Elementary	\$19,593,227	414	\$47,327	0.4360	\$18,571
Junior	\$0	0	\$0	0.0990	\$0
Senior (additional capacity)	\$0	0	\$0	0.0740	\$0
TOTAL					\$18,571

Temporary Facility Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/SFR (est. 10%)</u>
Elementary	\$0	0	\$0	0.4360	\$0
Junior	\$0	0	\$0	0.0990	\$0
Senior	\$0	0	\$0	0.0740	\$0
TOTAL					\$0

State Matching Credit Calculation:

	<u>Area Cost Allowance</u>	<u>Sq. Ft./ Student</u>	<u>Funding Assistance</u>	<u>Credit/ Student</u>	<u>Student Factor</u>	<u>Cost/ SFR</u>
Elementary	180.17	90.0	21.90%	\$3,551	0.4360	\$1,548
Junior	180.17	117.0	21.90%	\$0	0.0990	\$0
Senior	180.17	130.0	21.90%	\$0	0.0740	\$0
TOTAL						\$1,548

**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Single Family Residence ("SFR")

Tax Payment Credit Calculation:

Average SFR Assessed Value	\$490,294
Current Capital Levy Rate (2010)/\$1000	\$1.16
Annual Tax Payment	\$566.73
Years Amortized	10
Current Bond Interest Rate	4.33%

Present Value of Revenue Stream	\$4,522
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Impact Fee Summary for Single Family Residence:

Site Acquisition Cost	\$0
Permanent Facility Cost	\$18,571
Temporary Facility Cost	\$0
State Match Credit	(\$1,548)
Tax Payment Credit	(\$4,522)

Sub-Total	\$12,501
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50% Local Share	\$6,250
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SFR Impact Fee	\$6,250
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**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Multiple Family Residence ("MFR")

School Site Acquisition Cost:

	<u>Facility Acreage</u>	<u>Cost/ Acre</u>	<u>Facility Size</u>	<u>Site Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/ MFR</u>
Elementary	10	\$0	414	\$0	0.1410	\$0
Junior	20	\$0	900	\$0	0.0560	\$0
Senior	40	\$0	1500	\$0	0.0470	\$0
TOTAL						\$0

School Construction Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/MFR (est. 90%)</u>
Elementary	\$19,593,227	414	\$47,327	0.1410	\$6,006
Junior	\$0	0	\$0	0.0560	\$0
Senior (additional capacity)	\$0	0	\$0	0.0470	\$0
TOTAL					\$6,006

Temporary Facility Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/MFR (est. 10%)</u>
Elementary	\$0	0	\$0	0.1410	\$0
Junior	\$0	0	\$0	0.0560	\$0
Senior	\$0	0	\$0	0.0470	\$0
TOTAL					\$0

State Matching Credit Calculation:

	<u>Area Cost Allowance</u>	<u>Sq. Ft./ Student</u>	<u>Funding Assistance</u>	<u>Credit/ Student</u>	<u>Student Factor</u>	<u>Cost/ MFR</u>
Elementary	180.17	90.0	21.90%	\$3,551	0.1410	\$501
Junior	180.17	117.0	21.90%	\$0	0.0560	\$0
Senior	180.17	130.0	21.90%	\$0	0.0470	\$0
TOTAL						\$501

**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Multiple Family Residence ("MFR")

Tax Payment Credit Calculation:

Average MFR Assessed Value	\$221,340
Current Capital Levy Rate (2010)/\$1000	\$1.16
Annual Tax Payment	\$255.85
Years Amortized	10
Current Bond Interest Rate	4.33%
Present Value of Revenue Stream	\$2,041

Impact Fee Summary for Single Family Residence:

Site Acquisition Cost	\$0
Permanent Facility Cost	\$6,006
Temporary Facility Cost	\$0
State Match Credit	(\$501)
Tax Payment Credit	(\$2,041)
Sub-Total	\$3,464
50% Local Share	\$1,732

MFR Impact Fee	\$1,732
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**2010 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History**

SINGLE FAMILY DEVELOPMENTS	CITY/ COUNTY	# PLANNED	# COMPL.	# OCCUP.	2010 STUDENTS				2010 RATIO			
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Asbery Place	S	25	25	25	15	3	1	19	0.600	0.120	0.040	0.760
Bear Creek Meadows	R	13	13	13	5	3	1	9	0.385	0.231	0.077	0.692
Castle Pines	S	62	62	62	57	13	9	79	0.919	0.210	0.145	1.274
Central Park North	R	18	18	18	2	0	1	3	0.111	0.000	0.056	0.167
Conover Commons	R	25	25	25	2	0	0	2	0.080	0.000	0.000	0.080
Evergreen Lane	R	24	19	19	3	2	1	6	0.158	0.105	0.053	0.316
Fox Hollow	R	18	18	18	7	3	3	13	0.389	0.167	0.167	0.722
Hedges	KC	35	35	35	21	3	4	28	0.600	0.086	0.114	0.800
Illahee	S	88	88	88	40	10	9	59	0.455	0.114	0.102	0.670
Indigo	S	24	6	3	2	0	0	2	0.667	0.000	0.000	0.667
Kensington	R	121	121	121	45	13	8	66	0.372	0.107	0.066	0.545
Kirkwood	KN	17	17	17	3	1	1	5	0.176	0.059	0.059	0.294
Lynden Lane	KC	11	11	11	0	0	0	0	0.000	0.000	0.000	0.000
Meadow Creek	S	27	27	27	14	3	4	21	0.519	0.111	0.148	0.778
Mondavio	R	67	40	35	13	5	1	19	0.371	0.143	0.029	0.543
Monticello	R	115	115	115	47	10	9	66	0.409	0.087	0.078	0.574
Muirfield	S	29	29	29	29	8	3	40	1.000	0.276	0.103	1.379
Northstar	R	133	120	122	45	13	14	72	0.369	0.107	0.115	0.590
One Eagle Place	KC	14	14	14	1	1	0	2	0.071	0.071	0.000	0.143
Palmermo (Overlook Ridge)	S	19	17	14	15	4	2	21	1.071	0.286	0.143	1.500
Portico on Finn Hill	KC	20	20	20	4	3	1	8	0.200	0.150	0.050	0.400
Prescott at English Hill	R	70	19	19	5	1	1	7	0.263	0.053	0.053	0.368
Redmond Ridge	KC	987	987	987	519	116	88	723	0.526	0.118	0.089	0.733
Redmond Ridge East	KC	665	146	135	56	5	5	66	0.415	0.037	0.037	0.489
Reserve at Patterson Creek	KC	29	25	23	11	4	3	18	0.478	0.174	0.130	0.783
Retreat at Crosswater	S	46	46	46	9	2	2	13	0.196	0.043	0.043	0.283
Rosemont at Timberline	S	14	14	12	11	2	1	14	0.917	0.167	0.083	1.167
Sable & Aspen Ridge	R	43	24	22	1	0	1	2	0.045	0.000	0.045	0.091
Sequoia	R	33	33	33	3	0	0	3	0.091	0.000	0.000	0.091
The Villages at Redmond Heights I&II	R	27	27	27	8	1	1	10	0.296	0.037	0.037	0.370

**2010 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History**

SINGLE FAMILY DEVELOPMENTS	CITY/ COUNTY	# PLANNED	# COMPL.	# OCCUP.	2010 STUDENTS				2010 RATIO			
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Tyler's Creek	R	90	90	86	24	3	2	29	0.279	0.035	0.023	0.337
Waterbrook	S	114	114	114	47	12	10	69	0.412	0.105	0.088	0.605
Whistler Ridge	R	62	62	62	16	5	3	24	0.258	0.081	0.048	0.387
Woodbridge Division IV	R	126	126	126	37	3	1	41	0.294	0.024	0.008	0.325
Woodlands	R	69	69	69	23	4	2	29	0.333	0.058	0.029	0.420
Woodlands West	R	74	24	21	0	1	0	1	0.000	0.048	0.000	0.048
Wynstone	R	46	46	46	20	5	5	30	0.435	0.109	0.109	0.652
TOTALS		3,400	2,692	2,659	1,160	262	197	1,619	0.436	0.099	0.074	0.609

**2010 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History**

MULTI-FAMILY DEVELOPMENTS	CITY/ COUNTY	# OF UNITS	% OCCUP/ # COMPL.	# OCCUP.	2010 STUDENTS				2010 RATIO			
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Avalon Bay at Juanita	KC	211	95%	200	3	0	0	3	0.015	0.000	0.000	0.015
Avondale Park Townhouses	R	85	100%	85	33	6	9	48	0.388	0.071	0.106	0.565
Cleveland Street Condos	R	84	84	72	0	0	2	2	0.000	0.000	0.028	0.028
Cobblestone Court	K	72	72	72	15	2	3	20	0.208	0.028	0.042	0.278
Element Townhomes	R	94	94	71	2	1	0	3	0.028	0.014	0.000	0.042
Kirkland Central Condos	K	110	110	85	6	1	0	7	0.071	0.012	0.000	0.082
Redmond Park Townhomes	R	26	26	26	16	10	9	35	0.615	0.385	0.346	1.346
Redmond Ridge Apartments - The Lodge	KC	272	98%	267	30	15	7	52	0.113	0.056	0.026	0.195
Redmond Ridge Condominiums	KC	242	242	242	51	28	17	96	0.211	0.116	0.070	0.397
Redmond Ridge East Duplex	KC	135	26	26	3	2	0	5	0.115	0.077	0.000	0.192
Towne Pointe Condos	R	20	20	20	8	2	7	17	0.400	0.100	0.350	0.850
Urbane Redmond Townhomes	R	22	22	22	1	0	2	3	0.045	0.000	0.091	0.136
TOTALS		1,373		1,188	168	67	56	291	0.141	0.056	0.047	0.245

Calculation Back-Up

Elementary school construction cost estimated to be built in 2015.

	<i>Comparable Project</i>	<i>Rachel Carson Elementary School</i>
Cost	2008 Rachel Carson Elementary New Construction	\$17,654,022
	Future Value of Project in 2010 @ 1.5%	\$18,187,615
Size	2015 Project	414 (18 classrooms x 23 students per classroom)
	2015 Project	414 x \$44,590/per student space (based on Rachel Carson 2008 total project costs) = \$18,460,429*
Adjusted Costs	2010 Project – Value Based on 2008 Project Costs	\$18,187,615
	Future Value of Project in 2015 @ 1.5%	\$19,593,277

*Sum is adjusted to account for variations due to rounding.

X. TABLES

Table 1: Six-Year Enrollment Projections

Table 2: Enrollment History

Table 3: 06-07 Inventory and Capacities of Existing Schools

Table 4: Inventory of Undeveloped Land

Table 4a: Map

Table 5: Projected Capacity to House Students

Table 6: Six-Year Finance Plan

Six-Year Enrollment Projections

	<u>2009*</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
County Live Births**	22,874	22,680	24,244	24,899	25,222	25,474	25,824
change		(194)	1,564	655	323	252	350
Kindergarten ***	1,865	1,826	1,962	2,025	2,067	2,105	2,145
Grade 1 ****	2,047	2,086	2,044	2,192	2,261	2,315	2,353
Grade 2	1,936	2,024	2,063	2,022	2,170	2,240	2,291
Grade 3	2,036	1,938	2,022	2,060	2,024	2,170	2,236
Grade 4	1,937	2,033	1,933	2,016	2,057	2,021	2,163
Grade 5	1,897	1,890	1,986	1,887	1,970	2,011	1,971
Grade 6	1,838	1,942	1,948	2,045	1,953	2,021	2,066
Grade 7	1,726	1,822	1,923	1,940	2,044	1,933	1,991
Grade 8	1,819	1,717	1,811	1,912	1,928	2,037	1,930
Grade 9	1,660	1,802	1,708	1,799	1,901	1,920	2,026
Grade 10	1,780	1,681	1,827	1,736	1,825	1,926	1,940
Grade 11	1,742	1,783	1,679	1,823	1,739	1,830	1,929
Grade 12	1,802	1,789	1,828	1,724	1,869	1,791	1,881
Total Enrollment	24,085	24,333	24,734	25,181	25,808	26,320	26,922
Yearly Increase		248	401	447	627	512	602
Yearly Increase		1.03%	1.65%	1.81%	2.49%	1.98%	2.29%
Cumulative Increase		248	649	1,096	1,723	2,235	2,837

* Number of Individual Students (10/1/09 Headcount).

** County Live Births estimated based on OFM projections. 2013 and prior year birth rates are actual births 5 years prior to enrollment year.

*** Kindergarten enrollment is calculated at 7.55% of County Live Births plus anticipated developments.

**** First Grade enrollment is based on District's past history of first grade enrollment to prior year kindergarten enrollment.

Enrollment History *										
	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
County Live Births **	21,817	21,573	21,646	22,212	22,007	22,487	21,778	21,863	22,431	22,874
Kindergarten / Live Birth	6.96%	7.48%	7.26%	7.45%	7.54%	7.71%	8.21%	7.76%	7.95%	8.15%
										7.65%
Kindergarten	1,518	1,613	1,572	1,654	1,660	1,734	1,789	1,696	1,783	1,865
Grade 1	1,781	1,730	1,804	1,761	1,825	1,846	1,916	1,959	1,903	2,047
Grade 2	1,818	1,799	1,744	1,834	1,755	1,881	1,860	1,901	2,020	1,936
Grade 3	1,777	1,882	1,818	1,760	1,863	1,792	1,870	1,853	1,934	2,036
Grade 4	1,838	1,807	1,871	1,870	1,781	1,868	1,776	1,857	1,901	1,937
Grade 5	1,983	1,823	1,807	1,873	1,871	1,775	1,810	1,753	1,854	1,897
Grade 6	1,845	1,956	1,833	1,838	1,866	1,872	1,726	1,825	1,738	1,838
Grade 7	1,808	1,812	1,919	1,857	1,829	1,828	1,818	1,692	1,805	1,726
Grade 8	1,839	1,813	1,813	1,917	1,886	1,807	1,806	1,811	1,673	1,819
Grade 9	1,843	1,850	1,803	1,822	1,889	1,860	1,765	1,755	1,782	1,660
Grade 10	1,975	1,846	1,841	1,802	1,889	1,887	1,824	1,763	1,739	1,780
Grade 11	1,866	1,890	1,801	1,812	1,700	1,853	1,856	1,811	1,728	1,742
Grade 12	1,703	1,855	1,849	1,831	1,900	1,799	1,881	1,890	1,909	1,802
Total Enrollment	23,594	23,676	23,475	23,631	23,714	23,802	23,697	23,566	23,769	24,085
Yearly Change		82	(201)	156	83	88	(105)	(131)	203	316
* October 1st Headcount	Average increase in the number of students per year									55
** Number indicates actual births	Total increase for period									491
5 years prior to enrollment year.	Percentage increase for period									2%
	Average yearly increase									0.23%

2009-2010 Inventory and Capacities of Existing Schools			
* <u>Juanita Area</u>	<u>Address</u>	<u>Capacity (w/ portables)</u>	
25	Frost Elementary	11801 NE 140th	426
03	Juanita Elementary	9635 NE 132nd	299
04	Keller Elementary	13820 108th NE	473
26	Muir Elementary	14012 132nd NE	460
06	Discovery Community School	12801 84th NE	92
06	Sandburg Elementary	12801 84th NE	598
02	Thoreau Elementary	8224 NE 138th	414
63	Finn Hill Jr. High	8040 NE 132nd	558
60	Environmental & Adventure School	8040 NE 132nd	126
67	Kamiakin Jr. High	14111 132nd NE	726
82	Juanita High School	10601 NE 132nd	1,380
<u>Kirkland Area</u>			
07	Bell Elementary	11212 NE 112th	414
96	Community School	11133 NE 65th	69
16	Franklin Elementary	12434 NE 60th	460
09	Kirk Elementary	1312 6th Street	472
10	Lakeview Elementary	10400 NE 68th	449
15	Rose Hill Elementary	8044 128th NE	415
18	Rush Elementary	6101 152nd NE	437
14	Twain Elementary	9525 130th NE	552
96	International Community School	11133 NE 65th	390
65	Kirkland Jr. High	430 18th Avenue	610
84	Northstar Jr. High	12033 NE 80th	105
69	Rose Hill Jr. High	13505 NE 75th	654
61	Stella Schola	13505 NE 75th	84
80	Best High School	10903 NE 53rd St	224
84	Lake Washington High	12033 NE 80th	1,380
<u>Redmond Area</u>			
53	Alcott Elementary	4213 228th NE	598
19	Audubon Elementary	3045 180th NE	437
46	Dickinson Elementary	7040 208th NE	518
24	Einstein Elementary	18025 NE 116th	437
46	Explorer Community School	7040 208th NE	92
22	Mann Elementary	17001 NE 104th	391
23	Redmond Elementary	16800 NE 80th	438
21	Rockwell Elementary	11125 162nd NE	506
41	Rosa Parks Elementary	22845 NE Cedar Park Crescent Dr	575
32	Wilder Elementary	22130 NE 133rd	552
74	Evergreen Jr. High	6900 208th NE	864
71	Redmond Jr. High	10055 166th NE	908
85	Redmond High School	17272 NE 104th	1,431
<u>Sammamish Area</u>			
54	Blackwell Elementary	3225 205th PL NE	552
52	Carson Elementary	1035 244th Ave NE	506
57	McAuliffe Elementary	23823 NE 22nd	644
58	Mead Elementary	1725 216th NE	587
56	Smith Elementary	23305 NE 14th	621
77	Inglewood Jr. High	24120 NE 8th	1,095
78	Renaissance Jr. High	400 228th NE	84
86	Eastlake High School	400 228TH NE	1,526

* Note: See Table 4a for District Map. Locations indicated by numbers stated in this column.

* Note: "Standard capacity" does not include capacity for special programs as identified in Section III

Inventory of Undeveloped Land

<i>Site # *</i>	<i>Area</i>	<i>Address</i>	<i>Jurisdiction</i>	<i>Status</i>
	<u>Juanita Area</u>			
	None			
	<u>Kirkland Area</u>			
27	Elementary	10638 – 134 th Ave. NE	Redmond	In reserve ***
	<u>Redmond Area</u>			
28	Elementary	172 nd NE & NE 122 nd	King County	In reserve ***
31	Elementary	Redmond Ridge East	King County	In reserve ***
33	Elementary	194 th NE above NE 116 th	King County	In reserve ***
59	Elementary	Main & 228 th NE	Sammamish	In reserve ***
73	Undetermined	4213 – 228 th NE	King County	In reserve ***
75	Undetermined	22000 Novelty Hill Road	King County	In reserve ***
90	Undetermined	NE 95 th & 195 th NE	King County	In reserve ***
91	Undetermined	NE 95 th Street & 173 rd Place NE	King County	In reserve ***
99	Bus Satellite	22821 Redmond-Fall City Road	King County	In reserve ***

Footnotes

“*” = See Table 4a for a District map. Locations indicated by numbers stated in this column.

“***” = “In reserve” refers to sites owned by the District. While the District does not anticipate construction school facilities on these sites within these six years, they are being held for the District’s long term needs.

Lake Washington School District
Capital Facility Plan 2010-2015

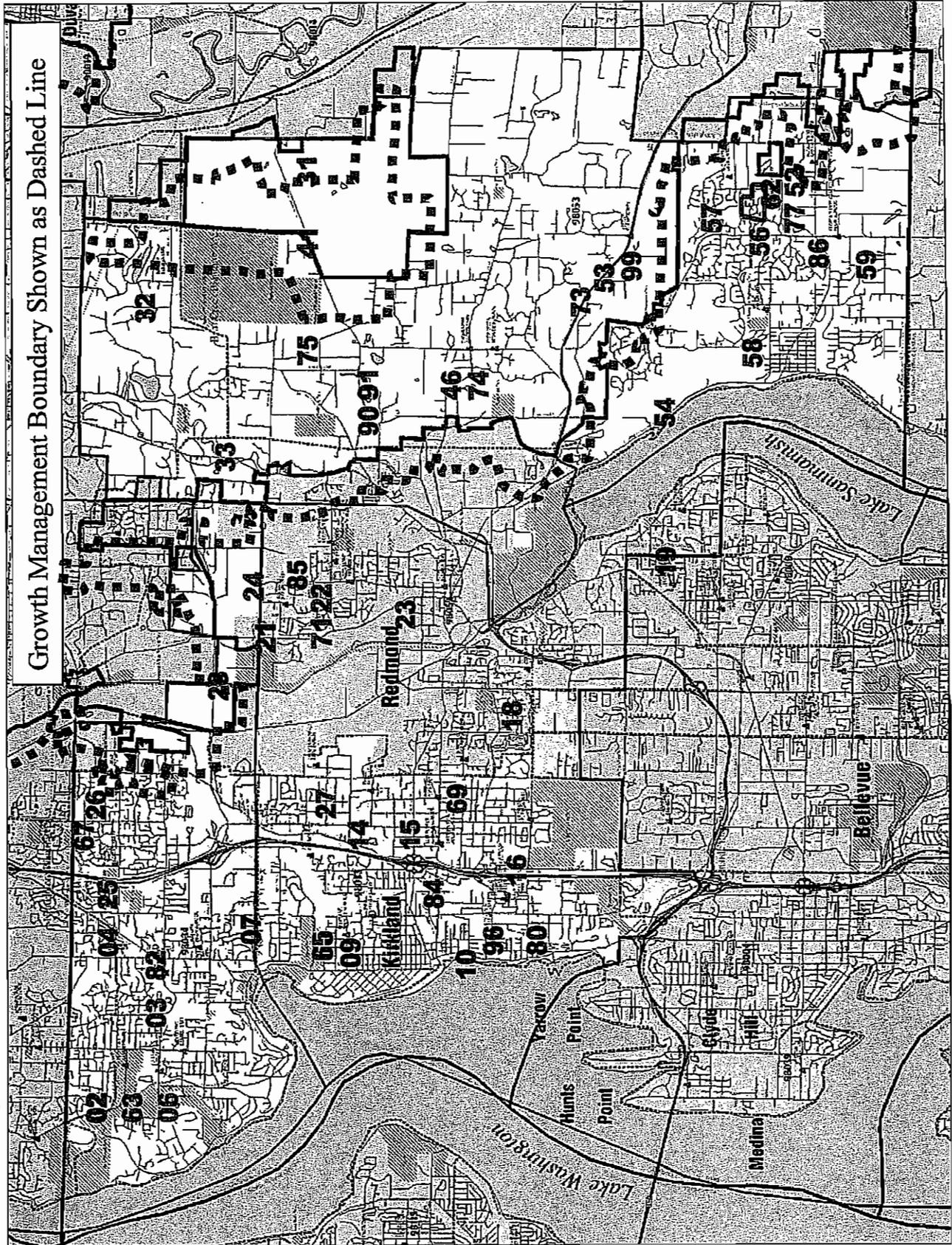


Table 4a

Projected Capacity to House Students

	2009	2010	2011	2012	2013	2014	2015
Permanent Capacity	22,566						
New Construction*:							
Redmond Ridge East Elementary #31							414
North Redmond Elementary #28							414
Modernization:							
Finn Hill Jr. #63			67				
Lake Washington High School #84			120				
Muir Elementary #26				(46)			
Rush Elementary #18					(23)		
Sandburg Elementary #06				(184)			
Rose Hill Jr. #69					146		
Keller Elementary #04				(59)			
Permanent Capacity Subtotal (Permanent + SS)	22,566	22,566	22,753	22,464	22,587	22,587	23,415
Total Enrollment	24,085	24,333	24,734	25,181	25,808	26,320	26,922
Permanent Surplus / (Deficit Capacity)	(1,519)	(1,767)	(1,981)	(2,717)	(3,221)	(3,733)	(3,507)
Transitional Capacity [Relocatables]	3,063	2,948	2,833	2,718	2,603	2,488	2,373
Change in number of Classrooms**	(5)	(5)	(5)	(5)	(5)	(5)	(5)
Total Surplus / Deficit Capacity	1,544	1,181	852	1	(618)	(1,245)	(1,134)
Total Permanent and Transitional Capacity	25,629	25,514	25,586	25,182	25,190	25,075	25,788

*New schools and additional permanent capacity through modernization.

**Note: Numbers of relocatables (portables) to be removed from capacity (decrease avg. of 23 students per portable).

Six-Year Finance Plan

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Total</u>	<u>Local</u>	<u>Est Secured State</u>	<u>Unsecured Local *</u>
Site 84 Mod - Lake Washington High		88,878,000					88,878,000	82,580,833	6,297,167	
Site 63 Mod - Finn Hill Junior		53,600,000					53,600,000	50,600,000	3,000,000	
Site 26 Mod - Muir Elementary			27,825,000				27,825,000	26,025,000	1,800,000	
Site 06 Mod- Sandburg Elementary			30,555,000				30,555,000	28,755,000	1,800,000	
Site 04 Mod - Keller Elementary			29,242,500				29,242,500	27,442,500	1,800,000	
Site 18 Mod - Rush Elementary				31,920,000			31,920,000	30,120,000	1,800,000	
Site 69 Mod - Rose Hill Junior				69,195,000			69,195,000	65,195,000	4,000,000	
Site 96 Mod - ICS/Community				15,277,500			15,277,500	13,477,500	1,800,000	
Site 07 Mod - Bell Elementary				33,285,000			33,285,000	31,485,000	1,800,000	
Site 31 New - Redmond Ridge East EI						30,532,868	30,532,868	0	0	30,532,868
Site 28 New - North Redmond EI						31,282,868	31,282,868	0	0	31,282,868
Portables	500,000						500,000	0	0	500,000
Totals	\$500,000	\$142,478,000	\$87,622,500	\$149,677,500	\$0	\$61,815,736	\$442,093,736	\$355,680,833	\$24,097,167	\$62,315,736

* These are expected to be secured through Impact and Mitigation Fees. (Calculation of estimated impact fees are shown in Appendix B & C.)

** Monies for Redmond Ridge East & North Redmond EI have not been secured, monies for all other projects have been secured

Note 1: Dollars are adjusted for expected inflation.

Note 2: Phase II school modernization (2006-2014) financing is based on a bond measure approved in February 2006.

INTERLOCAL AGREEMENT FOR THE COLLECTION, DISTRIBUTION, AND
EXPENDITURE OF SCHOOL IMPACT FEES

This Agreement is entered into this _____ day of _____, 2011, by and between the City of Kirkland (the "City") and the Lake Washington School District No. 414 (the "District").

WHEREAS, the Washington State Legislature passed the Growth Management Act of 1990 and 1991, RCW 36.70A *et seq.* and RCW 82.02 *et seq.* (the "Act"), which authorizes the collection of impact fees on development activity to provide public school facilities to serve new development; and

WHEREAS, the Act requires that impact fees may only be collected for public facilities which are addressed by a capital facilities element of a comprehensive land use plan; and

WHEREAS, the City has adopted Ordinance No. _____ which describes the features of the school impact fee program, and allows the District to receive and expend school impact fees in conformance with the Act; and

WHEREAS, the District has prepared a Capital Facilities Plan in compliance with the Act; and

WHEREAS, THE City has adopted the District's Capital Facilities Plan as part of the capital facilities element of the City of Kirkland Comprehensive Plan, and the City will collect impact fees upon certain new residential developments on behalf of the District; and

WHEREAS, the City and the District enter into this Agreement pursuant to and in accordance with the State Interlocal Cooperation Act, Chapter 39.34 RCW, for the purposes of administrating and distributing the authorized impact fees;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN, IT IS AGREED THAT:

I. GENERAL AGREEMENT

The City and the District agree to comply with the terms of this Agreement which govern the collection, distribution, and expenditure of school impact fees.

II. RESPONSIBILITIES OF THE DISTRICT

The District, by and through its employees, agents, and representatives, agrees to:

- A. Annually submit to the City a six-year capital facilities plan or an update of a previously adopted plan, or a draft of such plan, which meets the requirements of the Act and Chapter 27.08 of the Kirkland Municipal Code on or before June 1st of each year.

- B. Authorize the City to collect school impact fees on behalf of the District and to deposit such fees into the City's general bank account. A separate account number will be used in the City's financial system to track the school impact fees.
- C. Expend impact fee revenues provided to the District under this Agreement, and all interest proceeds on such revenues, for expenditures authorized by Section 27.08.100 of the Kirkland Municipal Code, as required by RCW 82.02.070(3).
- D. Prepare an annual report in accordance with the requirements of RCW 82.02.070 showing the system improvements that were financed in whole or in part by impact fees and the amount of funds expended. The annual report shall be sent to the City on or before April 1st of each year for the preceding calendar year. Copies of the annual report shall also be submitted to the City Council.
- E. Refund impact fees and interest earned on impact fees when a refund is required under applicable law; including but not limited to (1) when the proposed development activity does not proceed and no impact to the District has resulted; (2) when the impact fees or interest earned on impact fees are not expended or encumbered within the time limits established by law; or (3) when the school impact fee program is terminated. Pursuant to RCW 82.02.080, the District shall provide notice to potential claimants whenever the District fails to expend or encumber impact fees within the time limits established by law. The District shall provide the City with copies of such notices and any refund requests received by the District, together with evidence of the payment of such refunds as may be required.
- F. Maintain all accounts and records necessary to ensure proper accounting for all impact fee funds and compliance with this Agreement and the Act.
- G. Authorize the City to collect an administrative fee of \$65 per residential permit in order to cover the administrative cost of collecting, processing, and handling the impact fees described in this Agreement, provided, that in no event shall such administrative fee be deducted from the adopted impact fee amount.
- H. Review and comment on independent fee calculations submitted by permit applicants as provided in Section VIII of this Agreement.
- I. Participate in appeals of impact fees as provided in Section VIII of this Agreement.

III. RESPONSIBILITIES OF THE CITY

The City, by and through its employees, agents, and representatives, agrees to:

- A. Timely review and take action on the District's updated Capital Facilities Plan and the District's revised impact fee schedule.
- B. Remit to the District promptly (i.e. monthly) all impact fees collected on behalf of the District pursuant to Section II(B) above.
- C. Provide to the District with the monthly impact fee remittance a report setting forth the date each impact fee was collected, the amount of impact fees collected, the name and address of the party paying and the King County property tax lot number for each parcel for which an impact fee was collected.
- D. Determine whether applicants are excluded from the application of the impact fee pursuant to Section 27.08.060 of the Kirkland Municipal Code, as may be amended from time to time.
- E. Determine whether applicants are entitled to credits or adjustments against the required impact fees pursuant to RCW 82.02.060(3) and (4) and Sections 27.08.060 and 27.08.070 of the Kirkland Municipal Code, as may be amended from time to time.
- F. Review and approve fees in lieu of the standard impact fees provided for in this Agreement based upon an independent fee calculation study submitted by the applicant pursuant to RCW 82.02.060(5) and Section 27.08.040 of the Kirkland Municipal Code, as may be amended from time to time.
- G. Administer appeals from the imposition of impact fees provided for in this Agreement pursuant to RCW 82.02.070(5) and Section 27.08.120 of the Kirkland Municipal Code, as may be amended from time to time.

IV. GENERAL TERMS

- A. This Agreement shall be effective when executed by both parties.
- B. It is recognized that amendments to this Agreement may become necessary, and such amendment shall become effective only when the parties have executed a written addendum to this Agreement.
- C. The parties acknowledge that, except as otherwise specifically provided for herein, the City shall in no event be responsible for the payment of any funds to the District, except for impact fees collected for the District.

V. AUDIT

- A. The District's records and documents with respect to all matters covered by this Agreement shall be subject to inspection, review, or audit by the City appropriate state agency.
- B. The District agrees to cooperate with any monitoring of evaluation activities conducted by the City that pertain to the subject of this Agreement. The District agrees to allow the City, or appropriate state agencies and/or any of their employees, agents, or representatives to have full access to and the right to examine during normal business hours, all of the District's records with respect to all matters covered by this Agreement. The City and/or any of its employees, agents, or representatives shall be permitted to audit, examine and make excerpts or transcripts from such records and to make audits of all invoices, materials, payrolls, and record of matters covered by this Agreement. The City will give fifteen days advance notice to the District of fiscal audits to be conducted.
- C. The results and records of said audit shall be maintained and disclosed in accordance with Chapter 42.56 RCW.

VI. HOLD HARMLESS

- A. The District shall, at its cost and expense, protect, defend, indemnify, and hold harmless the City, its officers, employees, and agents, from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from the acts or omissions of the District, its officers, employees, or agents, relating in any way to the City school impact fee program. By way of example, and not of limitation, of the foregoing, the District shall protect, defend, indemnify, and hold harmless the City, its officers, employees, and agents, from any and all costs, claims, judgments, or awards of damages arising out of or in any way resulting from the District's (by its officers, employees, agents, or representatives) negligent acts or omissions; intentional acts or omissions; any liability arising from an audit of the District's impact fee account; or failure for any reason to comply with the terms of this Agreement, the terms of the Act, or the terms of Chapter 27.08 of the Kirkland Municipal Code, all as may be amended from time to time, or in any way related to the validity of the District's Capital Facilities Plan or the methodology used to arrive at the per unit impact fees which the City has agreed to collect on behalf of the District.
- B. The District further agrees that the District shall protect, defend, indemnify, and hold harmless the City its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from the District's failure to refund impact fees, including but not limited to, a determination that impact fees from the development activity that was not completed are not refundable because the funds were

expended or encumbered by the District whether or not the District's determination was made in good faith; provided, however, that if the District offers to defend the City, the District shall not be liable for any of the City's attorney's fees or costs incurred after such offer to defend its made; provided, further, that if the District authorizes the City to refund any impact fees from the impact fees then held by the City, and the City fails to do so, this section shall not apply.

- C. The District's duties to the City under this section shall not be diminished or extinguished by the prior termination of this Agreement pursuant to Section VII.
- D. The City shall, at its own cost and expense, protect, defend, indemnify, and hold harmless the District, its officers, employees, and agents from that portion of any costs, claims, judgments, or awards of damages that exceed the amount of impact fees the City has collected on behalf of the District resulting from the City's (by its officers, employees, agents, or representatives) negligent acts or omissions; intentional acts or omissions; or failure for any reason to comply with the terms of this Agreement, the terms of the Act, or the terms of Chapter 27.08 of the Kirkland Municipal Code, all as may be amended from time to time. It is the intent of this Section (IV D) that any liability created by the City's performance of its duties under this Agreement, the Act, or the terms of Chapter 27.08 of the Kirkland Municipal Code be satisfied first out of any impact fees attributable to the activity out of which the liability arises that have been collected by the City on behalf of the District for the particular development activity at issue, and only in the event that such impact fees collected for the particular development activity at issue are insufficient, shall the City be liable to satisfy the liability.
- E. The City's duties to the district under this section shall not be diminished or extinguished by the prior termination of this Agreement pursuant to Section VII.

VII. TERMINATION

- A. The obligation to collect impact fees under this Agreement may be terminated without cause by the City, in whole or in part, at any time. All other obligations under this Agreement shall remain in effect so long as the City or the District retain unexpended or unencumbered funds. The obligations under Section VI of this Agreement shall be continuing and shall not be diminished or extinguished by the termination of this Agreement.
- B. The City shall have the authority to ensure that upon termination of this Agreement, any remaining unexpended or unencumbered funds are refunded pursuant to RCW 82.02.080.
- C. Nothing herein shall limit, waive, or extinguish any right or remedy provided by this Agreement or law that either party may have in the event that the

obligations, terms, and conditions set forth in this Agreement are breached by the other party.

VIII. ADMINISTRATIVE APPEALS AND INDEPENDENT FEE CALCULATIONS

- A. Section 27.08.040 of the Kirkland Municipal Code allows permit applicants to prepare and submit an independent fee calculation study for review and approval in lieu of payment of impact fees according to the impact fee schedule adopted by Section 27.08.150. The City agrees to submit any such independent fee calculation study to the District for review and comment prior to the director making a determination as to the validity of such study. The District agrees to provide comments regarding any such independent fee calculation study in a timely manner and the City agrees to consider such comments in good faith. The District agrees that the Director's decision on the validity of any such study shall be final and binding upon the District.
- B. Section 27.08.120 of the Kirkland Municipal Code provides that impact fees may be appealed and sets forth appeal procedures. In the event that such an appeal is filed regarding the school impact fees that are the subject of this Agreement, the District and the City agree to cooperate in defending the appeal. The District shall be solely responsible in any appeal hearing for defending the validity of its capital facilities plan and the methodology used to arrive at the per unit impact fee which the City has agreed to collect on the District's behalf under this Agreement. The District shall provide witnesses and legal counsel to defend such matters in any appeal hearing related to the validity of its capital facilities plan and the methodology used to arrive at the per unit school impact fees and the City shall not be required to defend such matters through its own witnesses or legal counsel.

IX. SEVERABILITY

In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Agreement which can be given effect without the invalid term, condition or application. To this end the terms and conditions of this Agreement are declared severable.

X. NONDISCRIMINATION

There shall be no discrimination against any employee or independent contractor paid by any funds which are the subject of this Agreement or against any applicant for such employment because of race, religion, color, sex, age, sexual orientation, handicap, or national origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training.

The District and any independent contractor paid by funds which are the subject of this Agreement shall comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended.

XI. RIGHTS OF OTHER PARTIES

It is understood and agreed that this Agreement is solely for the benefit of the parties hereto and conveys no right to any other party.

XII. GOVERNING LAW AND FILING

This agreement shall be construed and enforced in accordance with, and the validity and performance hereof shall be governed by, the laws of the State of Washington. This Agreement shall be filed with the secretary of the Board of Directors of the District, the King County Records and Election Division, the Secretary of State and the Washington State Department of Community, Trade and Economic Development.

XIII. ADMINISTRATION

A. The City's representative shall be:

Eric Shields
Planning Director
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Phone: (425)587-3235

B. The District's representative shall be:

Forrest Miller
Director, Facilities and Transportation
Lake Washington School District No. 414
16250 NE 74th Street
P.O. Box 97039
Redmond, WA 98073

Phone: (425) 702-3200

XIV. ENTIRE AGREEMENT/WAIVER OF DEFAULT

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Both parties recognize that time is of the essence in the performance of the provisions of this Agreement. Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of the Agreement shall not be deemed to be waiver of any other or

subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such through written approval by the City, which shall be attached to the original Agreement.

CITY OF KIRKLAND

LAKE WASHINGTON SCHOOL
DISTRICT NO. 414

Kurt Triplett, City Manager

Dr. Chip Kimball, Superintendent

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

Legal Counsel
Lake Washington School District

ORDINANCE 4285

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE COLLECTION OF IMPACT FEES FOR SCHOOLS AND ADDING CHAPTER 27.08 TO THE KIRKLAND MUNICIPAL CODE.

WHEREAS, the City Council of the City of Kirkland finds that new residential development will create additional demand and need for school capacity; and

WHEREAS, the Washington State Legislature passed the Growth Management Act of 1990 and 1991, RCW 36.70A et seq. and RCW 82.02 et seq. (the "Act"), which authorizes the collection of impact fees on development activity to provide public school facilities to serve new development; and

WHEREAS, the Act requires that impact fees may only be collected for public facilities which are addressed by a capital facilities element of a comprehensive land use plan; and

WHEREAS, the Lake Washington School District has requested that the City of Kirkland impose school impact fees on the District's behalf in order to address the continued impact of growth within the City on the District's capital facilities; and

WHEREAS, the City Council of the City of Kirkland recognizes the proportionate share of the expense of school facilities necessitated by the impacts of new residential development should be borne by the developers of new growth through the imposition of school impact fees as authorized by the Growth Management Act (RCW 82.02.050 – 82.02.100); and

WHEREAS, the Lake Washington School District has prepared a Capital Facilities Plan in compliance with the Act; and

WHEREAS, school impact fees have been calculated for residential uses based upon a specified formula; and

WHEREAS, provision has been made to consider annual adjustments to the school impact fees based upon demographics and capital construction costs.

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

Section 1. A new Chapter 27.08, "School Impact Fees," is added to Title 27 of the Kirkland Municipal Code to read as follows:

27.08.010 Findings and Authority.

The City Council finds and determines that new residential growth and development in the city will create additional demand and need for public facilities (school capacity) in the city and finds that new

residential growth and development should pay a proportionate share of the cost of facilities needed to serve the new growth and development. Lake Washington School District #414 has requested that the city impose school impact fees on the District's behalf and has prepared a capital facilities plan documenting the impact of new development within the Lake Washington School District on Lake Washington School District facilities. The city council accepts the methodology and data contained in the capital facilities plan. Therefore, pursuant to Chapter 82.02 RCW, the city council adopts this chapter to assess impact fees for public schools within the Lake Washington School District #414.

27.08.020 Definitions.

The following words and terms shall have the following meanings unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

(a) "Act" shall mean the Growth Management Act, Chapter 36.70A RCW.

(b) "Applicant" means the owner of real property according to the records of the King County Department of Records and Elections, or the applicant's authorized agent.

(c) "Building permit" means the official document or certification that is issued by the building division of the fire and building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.

(d) "Capital facilities" means the facilities or improvements included in the capital facilities plan.

(e) "Capital facilities plan" means the "Lake Washington School District #414 Six-Year Capital Facilities Plan," and such plan as amended.

(f) "City" means the City of Kirkland.

(g) "Council" means the city council of Kirkland.

(h) "Department" means the Planning and Community Development Department.

(i) "Director" means the Director of the Department of Planning and Community Development Department.

(j) "Hearing examiner" means the person who exercises the authority of Chapter 3.34 of this code.

(k) "Impact fee" means a payment of money imposed by the city on an applicant prior to issuance of a building permit as a condition of granting a building permit in order to pay for the public facilities needed to serve new residential growth and development. "Impact fee" does not include a reasonable permit fee or application fee.

(l) "Impact fee account" or "Account" means the account established for the system improvement for which impact fees are collected. The account shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

(m) "Independent fee calculation" means the study of data submitted by an applicant to support the assessment of an impact fee other than the fee in the schedule attached as set forth in KMC 27.08.150 of this chapter.

(n) "Interest" means the interest rate earned by the City sweep account, if not otherwise defined.

(o) "Interlocal agreement" or "Agreement" means a school impact fee interlocal agreement, authorized by this chapter, by and between the city and the Lake Washington School District concerning the collection and expenditure of impact fees.

(p) "Low-income housing" means (1) an owner-occupied housing unit affordable to households whose household income is less than 80% of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30% of the household income is paid for housing expenses or (2) a renter-occupied housing unit affordable to households whose income is less than 60% of the King County median income, adjusted for household size, as determined by HUD, and no more than 30% of the household income is paid for housing expenses (rent and appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. The director will make a determination of sales prices or rents which meet the affordability requirements of this section. An applicant for a low income housing exemption may be a public housing agency, a private non-profit housing developer or a private developer.

(q) "Multifamily dwelling" means attached, stacked, duplex, or assisted living unit as defined in Chapter 5 of Title 23 of this code (Zoning Code) and cottage, carriage and two/three units homes approved under Chapter 113 of Title 23 of this code (Zoning Code).

(r) "Owner" means the owner of real property according to the records of the King County Department of Records and Elections, provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

(s) "Public facilities" means capital facilities owned or operated by Lake Washington School District #414.

(t) "Residential" means housing, such as detached, attached or stacked dwelling units (includes cottage, carriage and two/three unit homes approved under Chapter 113 of Title 23 (zoning code)), and senior and assisted dwelling units intended for occupancy by one or more persons. For the purpose of this chapter, an accessory dwelling unit, as regulated in Chapter 115 of Title 23 (zoning code) of this code, is considered an adjunct to the associated primary structure and is not charged a separate impact fee.

27.08.030 Assessment of impact fees.

(a) The city shall collect impact fees, based on the schedule in Section 27.08.150 of this chapter, from any applicant seeking a residential building permit from the city.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit based on the land use categories in Section 27.08.150. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on impact fee schedule in effect at the time a complete building permit application is filed.

(c) For building permits for mixed use developments, impact fees shall be imposed on the residential component of the development found on the schedule in Section 27.08.150 of this chapter.

(d) For building permits within new subdivisions approved under Title 22 (subdivisions) in this code, a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the City subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

(e) For complete building permit applications received on or prior to May 31, 2012, at the time of issuance of any single family residential building permit for a dwelling unit that is being constructed for resale, the applicant may elect to record a covenant against the title to the property that requires payment of the impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit. Applicants electing to use this process shall pay a \$240 administration fee for each individual lien filed.

(f) The building division of the fire and building department shall not issue any building permit unless and until the impact fee has been paid.

27.08.040 Independent fee calculations.

(a) If, in the judgment of the director, none of the fee categories or fee amounts set forth in the schedule in Section 27.08.150 of this chapter accurately describes the impacts resulting from issuance of the proposed building permit, the applicant shall provide to the department for its review and evaluation an independent fee calculation. The director shall consult with the Lake Washington School District and the District shall advise the director prior to the director making the final impact fee determination. The director may impose on the proposed building permit an alternative impact fee based on the independent fee calculation. With the independent fee calculation, the applicant shall pay to the department an administrative processing fee of one hundred dollars per calculation unless a different fee is provided for in Title 5 of this code.

(b) If an applicant requests not to have the impact fees determined according to the schedule in Section 27.08.150 of this chapter, then the applicant shall submit to the director an independent fee calculation, paid for by the applicant, for the building permit. The independent fee calculation shall show the basis upon which it was made. With the request, the applicant shall pay to the department the administrative processing fee provided for in Title 5 of this code.

(c) An applicant may request issuance of a building permit prior to completion of an independent fee study; provided, that the impact fee is collected based on the fee schedule in Section 27.08.150. A partial refund may be forthcoming if the fee collected exceeds the amount

determined in the independent fee calculation and the department agrees with the independent fee calculation.

(d) While there is a presumption that the calculations set forth in the capital facilities plan used to prepare the fee schedule in Section 27.08.150 are correct, the director shall consider the documentation submitted by the applicant, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the applicant to submit additional or different documentation. The director shall consult with the Lake Washington School District and the District shall advise the director prior to the director making the final impact fee determination. The director is authorized to adjust the impact fee on a case-by-case basis based on the independent fee calculation, the specific characteristics of the building permit and/or principles of fairness.

(e) Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in Section 27.08.120.

27.08.050 Exemptions.

(a) The following building permit applications shall be exempt from impact fees:

(1) Replacement, alteration, expansion, enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed. Replacement must occur within five years of the demolition or destruction of the prior structure. For replacement of structures in a new subdivision, see Section 27.08.030(d).

(2) Any building permit for a legal accessory dwelling unit approved under Title 23 of this code (Kirkland Zoning Code).

(3) Miscellaneous improvements to an existing dwelling unit, including but not limited to fences, walls, swimming pools, mechanical units, and signs.

(4) Demolition or moving of a structure within the City's jurisdiction.

(5)(A) Construction or Creation of Low-Income Housing. Any claim for an exemption must be made before payment of the impact fee. Any claim not so made shall be deemed waived. The claim for exemption must be accompanied by a draft lien and covenant against the property guaranteeing that the low-income housing will continue. Before approval of the exemption, the department shall approve the form of the lien and covenant. Within ten days of approval, the applicant shall execute and record the approved lien and covenant with the King County department of records and elections. The lien and covenant shall run with the land. In the event that the housing unit is no longer used for low-income housing, the current owner shall pay the current impact fee plus interest to the date of the payment.

(B) The amount of impact fees not collected from low-income housing pursuant to this exemption shall be paid by the Lake

Washington School District. The impact fees for these units shall be considered paid for by the Lake Washington School District through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account.

(6) Construction or creation of any form of housing for the elderly, including nursing homes, retirement centers, and any type of housing units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions precluding school-aged children as residents of those units. In the event that the housing unit is no longer used for senior housing as defined in this subsection, the current owner shall pay the current impact fee plus interest to the date of the payment.

(7) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.

(8) Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the Lake Washington School District to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise and provided that the voluntary agreement predates the effective date of the fee imposition.

(b) The director shall be authorized to determine whether a particular proposed development falls within an exemption of this chapter or of this code. Determinations of the director shall be subject to the appeals procedures set forth in Section 27.08.120.

27.08.070 Adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the Lake Washington School District capital facilities plan has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new system improvements that will serve the new development. The schedule set forth in Section 27.08.150 of this chapter has been reasonably adjusted for taxes and other revenue sources that are anticipated to be available to fund system improvements.

27.08.080 Authorization for interlocal agreement.

The city manager is authorized to execute, on behalf of the city, an interlocal agreement with the Lake Washington School District for the collection, expenditure, and reporting of impact fees.

27.08.090 Impact Fee Administration.

The process for administering school impact fees, including refunding fees, shall be established upon approval of and according to an interlocal agreement between the city and the Lake Washington School District.

27.08.100 Use of funds.

(a) Impact fees may be spent for system improvements, including but not limited to, architectural and/or engineering design studies, land surveys, land acquisition, engineering, permitting, financing, administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, construction, site improvements, necessary off-site improvements, applicable impact fees or mitigation costs and other expenses which could be capitalized, and which are consistent with the Lake Washington School District's capital facilities plan.

(b) Impact fees shall be expended or encumbered on a first-in, first-out basis.

(c) Impact fees may be used to recoup costs for system improvements previously incurred by the Lake Washington School District by the city to the extent that new growth and development will be served by the previously constructed system improvements.

(d) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that system improvements provided are consistent with the requirements of this chapter and are used to serve the new development.

27.08.110 Review of schedule and fee increases.

The Lake Washington School District shall annually submit to the City a six-year capital facilities plan or an update of a previously adopted plan, which meets the requirements of the Act. The schedule in Section 27.08.150 will be amended to reflect changes to the capital facilities plan. Amendments to the schedule for this purpose shall be adopted by the council.

27.08.120 Appeals.

(a) An appeal of an impact fee imposed on a building permit may only be filed by the Lake Washington School District or the applicant of the building permit for the subject property. An applicant may either file an appeal and pay the impact fee imposed by this chapter under protest, or appeal the impact fee before issuance of the building permit. No appeal may be filed after the impact fee has been paid and the building permit has been issued.

(b) An appeal shall be filed with the hearing examiner on the following determinations of the director:

(1) The applicability of the impact fees to a given building permit pursuant to Sections 27.08.030 and 27.08.050;

(2) The decision on an independent fee calculation in Section 27.08.040;

(3) The availability or value of a credit in Section 27.08.060; or

(4) Any other determination which the director is authorized to make pursuant to this chapter.

(c) An appeal, in the form of a letter of appeal, along with the required appeal fee, shall be filed with the department for all

determinations by the director, prior to issuance of a building permit. The letter must contain the following:

- (1) A basis for and arguments supporting the appeal; and
- (2) Technical information and specific data supporting the appeal.
- (d) The fee for filing an appeal shall be two hundred and fifty dollars.
- (e) Within twenty-eight calendar days of the filing of the appeal, the director shall mail to the hearing examiner the following:
 - (1) The appeal and any supportive information submitted by the appellant;
 - (2) The director's determination along with the record of the impact fee determination and, if applicable, the independent fee calculation; and
 - (3) A memorandum from the director analyzing the appeal.
- (f) The hearing examiner shall review the appeal from the applicant, the director's memorandum, and the record of determination from the director. No oral testimony shall be given, although legal arguments may be made. The determination of the director shall be accorded substantial weight.
- (g) The hearing examiner is authorized to make findings of fact and conclusions of law regarding the decision. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the determination of the director, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter. The hearing examiner's decision shall be final.
- (h) The hearing examiner shall distribute a written decision to the director within fifteen working days.
- (i) The department shall distribute a copy of the hearing examiner's decision to the appellant and the Lake Washington School District within five working days of receiving the decision.
- (j) In the event the hearing examiner determines that there is a flaw in the impact fee program, that a specific exemption or credit should be awarded on a consistent basis, or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's review of the fee schedule in Section 27.08.150 as provided by Section 27.08.110.

27.08.130 Responsibility for payment of fees.

- (a) The building permit applicant is responsible for payment of the fees authorized by this chapter in connection with a building permit application.
- (b) In the event that a building permit is erroneously issued without payment of the fees authorized by this chapter, the building official may issue a written notice to the property owner and occupant advising them of the obligation to pay the fees authorized by this

chapter. Such notice shall include a statement of the basis under which the fees under this chapter are being assessed, the amount of fees owed, and a statement that the property owner or occupant may appeal the fee determination within twenty calendar days of the date the notice was issued. Any appeals of such a fee determination shall be processed in accordance with the procedures set forth in Section 27.08.120.

(c) If a property owner or occupant fails to appeal the issuance of a fee notice under subsection (b) of this section, or if the property owner or occupant's appeal is unsuccessful, the city is authorized to institute collection proceedings for the purpose of recovering the unpaid impact fees.

27.08.140 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant for a building permit, to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c).

27.08.150 Fee schedule.

(a) **School Impact Fee Schedule**

<u>Type of Land Use</u>	<u>Impact Fee</u>	<u>Per Unit</u>
Single-Family Dwelling (detached unit)	\$6,250	Dwelling Unit
Multifamily Dwelling (attached, stacked, and assisted living unit)	\$1,732	Dwelling Unit

(b) The City shall collect an administrative fee of \$65.00 per filing per residential permit in order to cover the administrative cost of collecting, processing, and handling the impact fees described in this chapter.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. The school impact fees and regulations relating to school impact fees shall apply to all complete building permit applications filed on or after (a) June 1, 2011, or (b) the effective date of an interlocal agreement between the City of Kirkland and the Lake Washington School District providing for collection and distribution of school impact fees, whichever occurs later. This ordinance shall take

effect in annexation areas of the City of Kirkland on June 1, 2011, or upon the effective date of annexation, whichever is later.

Section 4. This ordinance shall be in force and effect on June 1, 2011 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 _____, 2011.

Signed in authentication thereof this _____ day of _____, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4285

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE COLLECTION OF IMPACT FEES FOR SCHOOLS AND ADDING CHAPTER 27.08 TO THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Creates a new Chapter 27.08 of the Kirkland Municipal Code authorizing the City to assess school impact fees on new residential development.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that school impact fees and regulations relating to school impact fees shall apply to all complete building permit applications filed on or after (a) June 1, 2011, or (b) the effective date of an interlocal agreement between the City of Kirkland and the Lake Washington School District providing for collection and distribution of school impact fees, whichever occurs later. This section also provides that the ordinance takes effect in City of Kirkland annexation areas upon the effective date of annexation.

SECTION 4. 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 June 1, 2011.

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 _____, 2011.

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

City Clerk

RESOLUTION R-4861

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND LAKE WASHINGTON SCHOOL DISTRICT NO. 414 FOR THE COLLECTION, DISTRIBUTION AND EXPENDITURE OF SCHOOL IMPACT FEES.

WHEREAS, the Washington State Legislature passed the Growth Management Act of 1990 and 1991, RCW 36.70A et seq. and RCW 82.02 et seq. (the "Act"), which authorizes the collection of impact fees on development activity to provide public school facilities to serve new development; and

WHEREAS, the Act requires that impact fees may only be collected for public facilities which are addressed by a capital facilities element of a comprehensive land use plan; and

WHEREAS, the City has adopted a school impact fee ordinance which describes the features of the school impact fee program, and allows the District to receive and expend school impact fees in conformance with the Act; and

WHEREAS, the District has prepared a Capital Facilities Plan in compliance with the Act; and

WHEREAS, THE City has adopted the District's Capital Facilities Plan as part of the capital facilities element of the City of Kirkland Comprehensive Plan, and the City will collect impact fees upon certain new residential developments on behalf of the District; and

WHEREAS, the City and the District desire to enter into an agreement pursuant to and in accordance with the State Interlocal Cooperation Act, Chapter 39.34 RCW, for the purposes of administrating and distributing the authorized impact fees;

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an Interlocal Agreement substantially similar to that attached as Exhibit "A", which is entitled "Interlocal Agreement for the Collection, Distribution and Expenditure of School Impact Fees."

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: February 8, 2011

Subject: 2011 LEGISLATIVE UPDATE 2

RECOMMENDATION:

City Council receives a second update on the 2011 legislative session.

BACKGROUND DISCUSSION:

As of the February 15 Council meeting, the 2011 State Legislative session will be in its sixth week. February 21 is the last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees. March 7 is the last day to consider bills in the house of origin. This is an update on the City's legislative interests as of February 8.

COUNCIL LEGISLATIVE SUBCOMMITTEE:

The Council Legislative Subcommittee meets weekly on Friday's at 4pm (Mayor McBride, Council Member Asher, Council Member Marchione).

The Council Legislative Subcommittee met on February 4 to discuss the status of bills, other legislative issues and the upcoming AWC Legislative Action Conference being held on February 16 and 17.

2011 LEGISLATIVE PRIORITIES AND SUPPORT OF ALLIES:

A detailed matrix tracking the status of Kirkland's legislative priorities from Waypoint Consulting from February 4 is attached to this memorandum (Attachment A). Waypoint Consulting Group's February 4 detailed matrix tracking the status of selected legislative items of Kirkland's ally organizations is attached to this memorandum (Attachment B). Updated matrixes from February 11 of both Kirkland's legislative agenda and items from our allies will be emailed to Council in advance of the meeting on February 15.

2011 Legislative Priority	Bill Number	Hearing Status
Financial assistance for the construction of the Public Safety Building	HB 1497 – Dunshee SB 5467 – Kilmer	- Heard 1/27 & 2/1
Flexibility in the use of Real Estate Excise Tax	HB 1598 – Springer	- Heard 2/4
Annexation census requirements	HB 1336 – Springer SB 5505 – Hill	- Heard 1/26
Roadway pricing tools (tolling) on I-405	HB 1382 – Clibborn SB 5490 – Prentice	- Heard 2/2 Exec 2/8 - Tentative sched 2/16

New financing tools to support public/private partnerships		
Streamline SEPA process	HB 1713 – Upthegrove SB 5657 – Pridemore	- Heard 2/3
"Fiscal relief" bill to postpone various city reporting requirements.	HB 1478 – Springer SB 5360 – Swecker	- Heard 2/4 - Heard 2/3 Exec 2/8
Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers	HB 1335 - Springer SB 5243 - Tom	- Heard 2/1 - Heard 2/8
Eliminate cities' obligation to pay impact fees exempting low-income housing	HB 1398 - Fitzgibbon SB 5524 - White	- Heard 1/26 Exec 2/3 Passed to Rules 2/8 - Heard 2/8
Fire benefit authority (HB 1230 & SB 5155)		

2011 Legislative Items to Support (Organizations)**Bill Number**

Association of Washington Cities – New tools to help cities recover, thrive and be efficient	HB 1033 – Eddy SB 5022 – Kilmer
- Pro-active public records proposals	HB 1034 – Takko SB 5025 – Hargrove
- Options for creating sustainable personnel related costs	SB 5049 – Kline
- Tools for combating gang activity	HB 1139 – Armstrong SB 5062 – Pridemore
- Street maintenance utility authority	HB 1086 – Hunter HB 1497 – Dunshee SB 5467 – Kilmer
Maintain essential state revenues and authorities for cities	
Cascade Water Alliance – - Joint Municipal Utility Services	HB 1332 – Eddy SB 5198 – Pridemore
Environmental Priorities Coalition – - 2011 Clean Water for Jobs	HB 1735 – Ormsby SB 5604 – Nelson
Washington Fire Chiefs Association – - Simple majority for EMS levies	HB 1476 – Haigh SB 5381 – Prentice
Washington Association of Sheriffs and Police Chiefs – - Burglar Alarm Program information protection	HB 1234 – Moscoso SB 5244 – Fraser
Washington Bicycle Alliance– - Safe Routes to School	HB 1071 – Moeller
Washington Recreation and Parks Association – - REET - Washington Wildlife Recreation Program (WWRP)	HB 1598 – Springer Governor's Capital Budget for 11-13 created PSSWWR grants
Washington Low-Income Housing Alliance – - Maintain the State's investment in Housing Trust Fund	Governor's Capital Budget for 11-13 proposes \$40M
Washington Chapter of the American Planning Association –	

WRIA 8 – <ul style="list-style-type: none"> - Funding support for Puget Sound Partnership agenda - Legislation that creates multipurpose Watershed Districts 	HB 1332 – Eddy SB 5198 – Pridemore HB 1735 – Ormsby SB 5604 – Nelson HB 1497 – Dunshee SB 5467 – Kilmer
Other Legislation to Support – <ul style="list-style-type: none"> - Safe collection and disposal of unwanted drugs from residential sources 	HB 1370 – Van de Wege SB 5234 – Kline

BILL TRACKING:

A February 7 bill tracker from Waypoint Consulting is attached to this memorandum (Attachment C) showing the City's position on bills of interest. As Waypoint identifies bills with potential impact on or interest to the City of Kirkland, City staff actively review the bills, measuring them against our 2011 legislative agenda and provide recommended positions to the Legislative Subcommittee. New positions since the Council's February 1 meeting are highlighted in red. An updated bill tracker from February 11 will be emailed to Council in advance of the meeting on February 15.

HEARINGS AND CORRESPONDENCE:

Bill	Cmte	Date	City Rep. / Action	SME
HB – 1382 (express toll lanes in I-405)	TR	2/2	Mayor McBride	Dave Godfrey
HB – 1469 (landscape conservation)	LG	2/2	Letter of Support	Eric Shields
HB – 1332 (joint municipal utility)	LG	2/2	Letter of Support	Juliana Elsom
SB – 5198 (joint municipal utility)	GOTE	2/3	Letter of Support	Juliana Elsom
HB – 1713 (SEPA Modifications)	Envir	2/3	Letter of Support	Paul Stewart
HB – 1370 (Unwanted Medical Waste)	Envir	2/3	Letter of Support	John MacGillvray
HB – 1598 (REET)	LG	2/4	Dep. Mayor Sweet	Kurt Triplett
SB – 5524 (exemption / impact fees for LIH)	FIHI	2/8	CM Dave Asher	Dawn Nelson
SB – 5604 (Clean Water Jobs)	WM	2/10	CM Dave Asher	Jenny Gaus
SB – 5638 (Levy Suppression Fix)	WM	2/10	Letter of Support	Jenny Gaus
SB – 5490 (express toll lanes in I-405)	TR	<i>Tentatively 2/16</i>		Dave Godfrey

Cmte (Committee) Legend

TR = Committee on Transportation

LG = Committee on Local Government

GOTE = Committee on Government Operations, Tribal Relations and Elections

Envir = Committee on Environment

FIHI = Committee on Financial Institutions and Housing & Insurance

HLTC = Committee on Health & Long-Term Care

WM = Committee on Ways and Means

Attachments: Status of City's 2011 legislative priorities
 Status of Ally Support 2011 legislative priorities
 List of bills the City is tracking and positions

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session
Updated 2.4.11**

Attachment A

	Legislative Priority	Bill #	Prime Sponsor	Status
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	HB 1497 SB 5467	Eastside (Kirkland) Legislators	House Cap. Budget local community project request form filled out by Kirkland and back to lobbyists for review; request will come from Kirkland legislators to CB Chair. Contact made last week with Senate CB Vice Chair Derek Kilmer. Meetings scheduled over next two weeks with House CB and Senate W/M members.
3	Flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.	HB 1598	Rep. Springer	HB dropped 1/26 with Republican Asay as 2 nd . We have discussed bill with House Local Government Chair Dean Takko – Bill will be heard Feb. 4 @ 8am
4	Financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.	HB 1336 SB 5505	Rep. Springer Sen. Hill	HB 1336 heard Wed., 1/26 at 1:30 p.m. in H LG Cmte. Rep. Springer, Kurt Triplett & Burien City Manager testified in favor; no opposition; members liked the bill although OFM testified “with concerns.” Exec session not yet scheduled. SB 5505 (Sen. Hill) dropped 1/24; hearing not yet scheduled.
5	Support legislation for roadway pricing tools that provides funding for high priority transportation routes, promotes multi-modal transportation modes and mitigates collateral impacts.	HB 1382 SB 5490	Rep. Clibborn Sen. Prentice	HB 1382 (with Kirkland’s correction language) scheduled for hearing on 2/2 in H TR Cmte. SB 5490 dropped 1/26, not yet scheduled for hearing. Eastside city lobbyists are talking each week to ID targeted legislators for contact.
6	Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses.	NA		Per discussion with legislative committee in fall, it is not feasible to seek state funds this year, but JR and MR will monitor bills that would restrict possible uses of the corridor and continue to bring project to legislator’s attention for future action.

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session
Updated 2.4.11**

Attachment A

7	New financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.	NA		<p>Tax Increment Financing bill (and constitutional amendment) has been drafted by AWC and Washington Jobs Investment Coalition. Group meets regularly to plan legislative strategy. Bill had not been dropped as of 1/27. Committee referral undetermined at this point.</p> <p>Microloan component is not gaining traction due to constitutional restriction on lending of credit; however, low interest loans are available from the state to minorities and veterans through a program within the Treasurer's office.</p>
8	Streamline SEPA process and eliminate duplicate and overlapping requirements of growth management and SEPA.	HB 1713	Rep. Uptegrove	Eric Shields talked with Rep. Springer last week re potential SEPA legislation Friday, 1/21. Bill not yet dropped.
	"Fiscal relief" bill to postpone various city reporting requirements.	HB 1478 SB 5360	Rep. Springer Sen. Swecker	Fiscal relief HB scheduled for hearing in LG on 2/4; SB referred to GOE; not yet scheduled for hearing.
9	Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers	HB 1335 SB 5243	Rep. Springer Sen. Tom	<p>Bills will provide extra grant dollars and additional points in competitive scoring of grants and loans used to help communities carry out their responsibilities under GMA.</p> <p>HB scheduled in LG on 2/1; SB not yet scheduled.</p>
10	Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.	HB 1398 SB 5524	Rep. Fitzgibbon Sen. White	HB heard in Community Development & Housing Cmte. on 1/26; Councilmember Sternoff testified in favor along with City Manager for Gig Harbor, AWC, Master builders and non-profit housing advocates. No one testified in opposition. SB not yet scheduled.
11	Fire benefit authority			Initial feedback from other interested stakeholders and from legislators is to make this longer-term goal. Utilize the Burien bill (HB 1230 / SB 5155) as a way to get issue/Kirkland perspective to LG committee members. Work with other cities and fire interests for development of legislation in 2012 session. Burien bill heard 1/26 in House Local Government.

Legislative Support Issue	Bill #	Prime Sponsor	Status
Association of Washington Cities			
<p>Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times</p> <ul style="list-style-type: none"> City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET). Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded. 			See Top Priorities Sheet for Update...
<p>Enact new tools to help cities recover, thrive and be efficient</p> <ul style="list-style-type: none"> Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests. Options for creating sustainable personnel related costs. Additional tools for combating gang activity including funding for gang intervention and prevention activities. Street maintenance utility authority. 	<p>SB 5022 HB 1033</p> <p>SB 5025 HB 1034</p> <p>SB 5049</p> <p>SB 5062 HB 1139</p>	<p>Sen. Kilmer Rep. Eddy</p> <p>Sen. Hargrove Rep. Takko</p> <p>Sen. Kline</p> <p>Sen. Pridemore Rep. Armstrong</p>	<p>Clarifying the statute of limitations for any court action for public records – Heard Sen. Judiciary 1/26, Heard Hse SGTA 1/20.</p> <p>Reducing penalties for denied public records requests by inmates – Heard Sen. HSC 1/13, Heard Hse SGTA 1/20</p> <p>Implementing recommendations of the sunshine committee. Exec session scheduled for Sen GOTR 2/1</p> <p>Providing agencies notice of a dispute under the public records act and an opportunity to cure error in the production of public records. Heard Sen GOTR 1/24, Heard Hse SGTA 1/20 and 1/27</p>

Environmental Priorities Coalition			
<ul style="list-style-type: none"> Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections. 2011 Clean Water Act/Working for Clean Water -- Fund job-creating projects across the state by building water infrastructure that will clean up our water ways. 	HB 1735	Rep. Ormsby	25 co-sponsors; introduced to Ways and Means on Feb. 1 st . SB 5604- Sponsored by Sen. Nelson with 10 co-sponsors.
Washington Fire Chiefs Association			
<ul style="list-style-type: none"> Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections. Provide funding for CBRNE/Funded Regional Hazardous Materials Teams. Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet. Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate. 			Their website isn't up to date on bill numbers for 2011 – so hopefully you have seen these bills come across intros
Washington Association of Sheriffs and Police Chiefs			
<ul style="list-style-type: none"> Burglar Alarm Program information protection – Amend RCW 42.56 to protect law enforcement false alarm program information from public disclosure that would compromise the security of properties. Require that red light cameras comport with federal standards and that fines are 	HB 1234 SB 5244	Rep. Moscoso Sen. Fraser	It doesn't look like WASPC ended up putting these on their agenda.

<p>equalized.</p> <ul style="list-style-type: none"> • Increase penalties for vehicle prowl. 			
Washington Bicycle Alliance			
<p>Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.</p>	HB 1071	Rep. Moeller	Creating a complete streets grant program. Exec action taken in Hse Trans 1/27
Washington Recreation and Parks Association			
<ul style="list-style-type: none"> • Real Estate Excise Tax -- Provide local-option legislation allowing cities and counties to use up to 25 percent of the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections to be used for maintenance and operations of parks and recreational facilities. • Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program. 			<p>See Top Priorities Update Sheet.</p> <p>The Governor’s proposed capital budget for 11-13 created the “Puget Sound Washington Wildlife and Recreation Grants” program, which selects certain projects off the WWRP ranked list.</p>
Washington Low-Income Housing Alliance			
<ul style="list-style-type: none"> • Maintain the State’s investment in Housing Trust Fund. 			The Governor’s proposed capital budget for the 11-13 biennium gives \$40m to the Housing Trust Fund.
Washington Chapter of the American Planning Association			
<ul style="list-style-type: none"> • Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to 			

<p>allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.</p>			
<p>WRIA 8</p>			
<ul style="list-style-type: none"> • Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State. • Authorize legislation for creation of multipurpose Watershed Districts. 	<p>HB 1332 SB 5198 HB 1735 SB 5604 HB 1497 SB 5467</p>	<p>Rep. Eddy Sen. Pridemore Rep. Ormsby Sen. Nelson Rep. Dunshee Sen. Kilmer</p>	<p>Watershed Bills: 1st substitute bill passed on 1/28. Referred to Rules for scheduling. Scheduled for executive session on 2/8 in Senate Gov Ops.</p> <p>Storm Water: Introduced to Ways and Means on Feb. 1st. Introduced to Ways and Means on Feb. 1st</p> <p>Puget Sound Partnership in Capital Budgets</p>
<p>Additional Legislation to Support</p>			
<ul style="list-style-type: none"> • Support brown grease to energy conversion legislation and programs. • Support modification of the Washington State Department of Licensing’s (DOL) implementation of the Commercial Driver’s License process. • Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program. • Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages. • Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments. 			

Bill	Title	Position
<i>Support</i>		
HB 1012	Planning commissioners	Support
HB 1014	Watersh mgmt partnerships	Support
HB 1018	Bikes and motorists	Support
HB 1033	Court actions/42.56.550	Support
HB 1034	Inmate public record req.	Support
HB 1071	Complete Streets grant prog	Support
HB 1139	Public records dispute	Support
HB 1141	City alternative fuel exemption	Support
HB 1223	Street vacation hearings	Support
HB 1234	Security alarms, crime watch	Support
HB 1332	Utility services joint mgmt	Support
HB 1335	Growth mgmt/local progress	Support
HB 1336	Census data/annexation	Support
HB 1370	Collection of unwanted medicines	Support
HB 1377	Interest arbitration panels	Support
HB 1382	Express toll lanes/eastside	Support
HB 1398	Low income housing/fee ex.	Support
HB 1406	Establishing the intrastate building safety mutual aid system	Support
HB 1452	League fees	Support
HB 1457	Business locate in vacant bldgs	Support
HB 1469	Landscape conservation	Support
HB 1476	Voting requirements for EMS levies	Support
HB 1478	Fiscal relief/cities & towns	Support
HB 1497	2011-2013 capital budget	Support
HB 1598	Real Estate Excise Tax	Support
HB 1713	Modifying the categorical exemptions for development under the SEPA	Support
HB 1730	Authorization of bonds issued by local gov	Support
HB 1735	Clean water jobs thru storm water funding	Support
<i>Oppose</i>		
HB 1026	Adverse possession actions	Oppose
HB 1082	Shoreline & GMA acts	Oppose
HB 1088	Cty/city moratoria authority	Oppose
HB 1111	Fed, state & local govts	Oppose
HB 1160	Adverse possession claims	Oppose
HB 1300	Public record copying costs	Oppose
HB 1634	Regarding underground utilities.	Oppose
<i>Undecided</i>		
HB 1098	Traffic safety cameras	
HB 1099	Traffic safety cameras	
HB 1126	Criminal street gangs	
HB 1173	Small works roster contracting procedures	
HB 1217	Speed limits	
HB 1279	Traffic safety/intersections	
HB 1462	Affordable housing	
HB 1662	appeal/shoreline mgmt act	
HB 1634	Regarding underground utilities.	
HB 1735	Clean water jobs thru storm water funding	



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Robin Jenkinson, City Attorney

Date: February 3, 2011

Subject: Annexation State Sales Tax Credit Resolution

RECOMMENDATION:

City Council approves the resolution required for notification of the Department of Revenue regarding the annexation state sales tax credit amount for July 1, 2011 through June 30, 2012.

BACKGROUND DISCUSSION:

An important part of the implementation strategy for annexation is the use of the annexation state sales tax credit to assist the City in providing municipal services in the area where the revenues are not yet sufficient to fund those services. In February 2010, the City Council adopted Ordinance 4237 imposing a sales and use tax and identifying an anticipated shortfall in the annexation area revenues of \$5 million for the state fiscal year starting July 1, 2010 and ending June 30, 2011. The City was notified by the Department of Revenue on March 31, 2010 that the City would not be eligible to draw on the state sales tax credit until after the effective date of June 1, 2011. RCW 82.14.415 requires the City to provide DOR with an estimate of the revenues, expenditures, and anticipated shortfall (labeled, "new threshold amount") in the annexation area for the next fiscal year (July 1, 2011 through June 30, 2012). To be eligible for the credit this year, the Department of Revenue (DOR) must be notified no later than March 1, 2011, which necessitates approval of the attached resolution at the February 15 City Council meeting.

The state sales tax credit will help bridge the gap between revenues and expenditures in the annexation area. It is important to note that the credit is only available up to the amount needed to offset actual shortfalls due to annexation. The distribution is set up to match the State's fiscal year of July through June. The new threshold amount for the fiscal year beginning July 1 is \$3.5 million. DOR will begin the monthly distributions (with July revenue received in September) and continue until the threshold amount has been reached or until June 30 of the following year, whichever occurs first.

RESOLUTION R-4867

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DETERMINING THE ANTICIPATED SHORTFALL IN REVENUES FOR PROVIDING MUNICIPAL SERVICES TO THE ANNEXATION AREA AND AUTHORIZING THE CITY MANAGER TO CERTIFY THE AMOUNT TO THE DEPARTMENT OF REVENUE AS REQUIRED BY RCW 82.14.415.

WHEREAS, RCW 82.14.415 authorizes the City to impose a sales and use tax as a credit against the state tax to assist the City in providing municipal services to the Finn Hill, Kingsgate and North Juanita Annexation Area; and

WHEREAS, on April 7, 2009, the City Council passed Resolution R-4751 which directed the City Clerk to file a notice of intent to annex the Finn Hill, Kingsgate and North Juanita Annexation Area with the King County Boundary Review Board; and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on June 8, 2009, and approved the annexation on July 9, 2009; and

WHEREAS, the City Council passed Resolution R-4763 calling for an election which was held pursuant to state statute; and

WHEREAS, the King County Council transmitted a certified abstract of the vote in the November 3, 2009, general election reflecting that the annexation was approved by the voters; and

WHEREAS, the City Council passed Ordinance No. 4229 on December 15, 2009, annexing the Finn Hill, Kingsgate and North Juanita Annexation Area, an area that has a population of at least twenty thousand people; and

WHEREAS, on February 16, 2010, the City Council passed Ordinance No. 4237 creating Chapter 5.07 of the Kirkland Municipal Code and imposing the sales and use tax at the rate of 0.2 percent; and

WHEREAS, the City was notified by the Washington State Department of Revenue (DOR) on March 31, 2010, that the City would not be eligible to draw on the state sales tax credit until after the effective date of the annexation, June 1, 2011; and

WHEREAS, RCW 82.14.415 requires the City to provide DOR with an estimate of the revenues, expenditures, and anticipated shortfall in the Annexation Area for the next fiscal year by March 1, 2011; and

WHEREAS, the City Council finds and determines that the projected cost to provide municipal services to the Annexation Area exceeds the projected general revenue that the City would receive from the Annexation Area by \$3.5 million for the state fiscal year starting July 1, 2011, through June 30, 2012;

WHEREAS, state fiscal year July 1, 2011, through June 30, 2012, represents the first year of the ten-year period available to the City for the imposition of the tax authorized by RCW 82.14.415;

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

Section 1. Purpose. The Kirkland City Council determines that the City's projected net cost in providing municipal services to the Finn Hill, Kingsgate and North Juanita Annexation Area is in the amount of \$3.5 million. The City Council previously imposed a sales and use tax at the rate of 0.2 percent, with the passage of Ordinance No. 4237 on February 16, 2010.

Section 2. Implementation. The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this Resolution.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk