



# CITY OF KIRKLAND

## CITY COUNCIL

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

### *Vision Statement*

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

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

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, February 19, 2013

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

#### 7:30 p.m. – Regular Meeting

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

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

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
  - a. Joint Meeting with Planning Commission to Discuss Planning Work Program
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
  - a. *Announcements*
    - (1) Introducing Rod Dembowski, King County Councilmember for Council District One
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Kirkland Works Economic Development Video

**QUASI-JUDICIAL MATTERS**

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

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

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

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

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* February 5, 2013

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

c. *General Correspondence*

d. *Claims*

e. *Award of Bids*

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

g. *Approval of Agreements*

- (1) Resolution R-4964, Approving an Interlocal Agreement Between the City of Kirkland and the Northshore Utility District and Granting the Northshore Utility District a Permanent Facilities Easement.
- (2) Resolution R-4965, Approving an Interlocal Agreement Between King County and the City of Kirkland Regarding an Amended and Restated Solid Waste Interlocal Agreement.

h. *Other Items of Business*

- (1) Ordinance O-4401 and its Summary, Amending and Updating Kirkland Municipal Code Chapter 11.12 and Incorporating Additional State Law Provisions by Reference.
- (2) Resolution R-4966, Determining the Anticipated Shortfall in Revenues for Providing Municipal Services to the Annexation Area as Required by RCW 82.14.415.
- (3) NE 112<sup>th</sup> Street Sidewalk Project – Funding Approval
- (4) Report on Procurement Activities

9. *PUBLIC HEARINGS*

10. *UNFINISHED BUSINESS*

a. 2013 Legislative Update #2

b. Resolution R-4967, Stating the City Council's Position that Corporations are Not Persons Under the Constitution for Purposes of the Regulation of Elections, that Regulating Political Contributions and Spending is Not Equivalent to Limiting Political Speech, and Supporting Limits on Corporations' Ability to Spend Money During Local and National Elections.

- c. Regional NE King County Decant Briefing
- d. Public Safety Building Update and Authorization to Bid

**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.

11. *NEW BUSINESS*

- a. Resolution R-4968, Ratifying Amendments to the King County Countywide Planning Policies.

12. *REPORTS*

a. *City Council*

- (1) Finance and Administration Committee
- (2) Public Safety Committee
- (3) Community Planning, Housing and Economic Development Committee
- (4) Public Works, Parks and Human Services Committee
- (5) Regional Issues

b. *City Manager*

- (1) City Council Options for Meetings with the Neighborhoods
- (2) Calendar Update

**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.

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
www.kirklandwa.gov

---

## MEMORANDUM

**Date:** February 6, 2013

**To:** Kurt Triplett, City Manager

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

**Subject:** City Council and Planning Commission Joint Meeting and 2013-2015 Planning Work Program (PLN13-00010)

### Recommendation

Staff recommends the City Council conduct the annual joint meeting with the Planning Commission to address the following:

- Review of 2012 projects and lessons learned from the Central Houghton/Everest Business District process.
- Review of the proposed 2013 – 2015 Planning Work Program and direct staff to bring back a final work program for adoption.
- Discuss the upcoming Comprehensive Plan update
- Discuss other topics as appropriate with the Planning Commission

### Background

The annual joint meeting between the City Council and Planning Commission is scheduled for the February 19<sup>th</sup>, 2013 study session meeting. The primary purpose is to review the proposed Planning Work Program. In addition, it is an opportunity for the Commission to update and check-in with the Council on their activities and projects. At the joint meeting, staff is requesting direction on the proposed work program. Based on that direction, staff will bring back a resolution adopting the work program at the March 19, 2013 regular Council meeting.

The Planning Commission held its annual retreat on December 13, 2012. That packet can be viewed at the following link: [Planning Commission Retreat](#). There were four main discussion topics:

- Review of the Central Houghton Business District Process
- Community Engagement Strategies (facilitated by Deputy City Manager Marilynne Beard)
- Discussion on the proposed Planning Work Program (including the update to the Comprehensive Plan); and
- The list of miscellaneous Zoning Code Amendments.

The Commission met again on January 14<sup>th</sup> and, by motion, recommended approval of the proposed 2013-2015 Planning Work Program.

For the Joint Meeting staff would recommend the following format:

- 1) Introduction (Staff)
- 2) Opening Remarks (Planning Commission Chair Mike Miller)
- 3) Lessons Learned from the Houghton/Everest Plan (Commissioner Jay Arnold)
- 4) Planning Work Program (Planning Commission Vice Chair Jon Pascal)
- 5) Miscellaneous Zoning Code Amendments (Eric Shields)
- 6) Comprehensive Plan Update (Commission Chair Mike Miller)
- 7) Other discussion topics of interest

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

#### 2012 Projects

In 2012, the Planning Commission met 24 times (same as 2011) including a joint study session with the City Council. Four of those meetings were joint meetings or hearings with the Houghton Community Council (HCC). On several occasions, the Chair or Vice Chair also appeared at City Council meetings on behalf of the Planning Commission to transmit the Commission's recommendation and respond to Council questions. The Commission completed work on the following projects:

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

#### Houghton/Everest Plan

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

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

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

on the process. At the joint meeting, Jay Arnold would like to share the thoughts and observation of the process with the City Council.

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

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

At the joint meeting, Vice Chair Jon Pascal will present the Commission's recommendation to the Council on the proposed Planning Work Program. The work program sets forth the major long range planning tasks and projects as well as the staffing levels and schedule. Staffing levels are noted as FTE's or "full time equivalent" employees.

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

#### GMA Comprehensive Plan Update – Task 1.0

The major focus for the Planning Commission for the next two years will be on completing the GMA required Comprehensive Plan update. The update process is underway with the City Council's review of the approach at their February 8 Council retreat. The Planning Commission, who will be the lead advisory Commission on the update, will receive a similar briefing at their February 14 meeting. The joint meeting is an opportunity for the Council to provide direction to the Commission as appropriate and for the Council and Commission to discuss the general approach, clarify roles and responsibilities and share expectations. Attachment 5 is the general work program and schedule for the Comprehensive Plan Update. More information was included in the [February 8<sup>th</sup> Council retreat packet](#).

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

Task 2.1 is the Private Amendment Request by MRM Kirkland, LLC (434 Kirkland Way). They have requested to change the Comprehensive Plan and zoning for a mixed use development to allow residential along with retail and office and increase the allowed height. This was originally scheduled to be reviewed in 2012, but MRM agreed to postpone it to 2013. The process to review this PAR is currently underway.

December 1, 2012 was the deadline for submitting private amendment request applications for consideration in 2013. Every two years application are accepted for a threshold review determination by the Planning Commission and City Council to determine which, if any, applications are to be further studied. The City received the following applications:

Evergreen Health Medical Center (13014 120 Ave. NE). Request is to add properties owned by Evergreen Health north of the hospital into the Evergreen campus master plan and to have consistent zoning.

- Chaffey Building Group (Approximately 14467 Simonds Rd. NE – 95<sup>th</sup> Ave. NE and Simonds Road). Request to change the Comprehensive Plan and zoning from RSA 4 to higher density.
- Mark Colon (11451 98<sup>th</sup> Ave. NE). Request to change Comprehensive Plan and Zoning Regulation to allow a drive through facility.

The threshold review process is underway with the Planning Commission scheduled to consider the requests and make a recommendation on March 14 with City Council review and action on April 16.

#### Economic Development (Task 3.0)

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

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

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

The project is funded through a grant from EPA (\$50,000 through King County) and city funds (\$34,500). The City issued a Request for Proposals (RFP) and has selected a consulting team to prepare a scope of services and professional services agreement. The scope will include:

- A general **market analysis** to determine the likely future demand for certain development types in the Totem Lake Urban Center (e.g. residential, commercial, office, retail, high-tech, etc.) and to look at the appropriate TDR commodity to incentivize the purchase of a TDR credit (e.g. additional height, floor area, etc.)
- An **economic analysis** to determine the TDR transfer or exchange rate and the potential market for TDRs.
- An assessment of the feasibility of local **infrastructure financing tools** to apply in Totem Lake such as the Landscape Conservation and Local Infrastructure Program (LCLIP) and Local Revitalization Program (LRF) or other funding sources.

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

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

There are several sub-tasks under this heading. Each year staff proposes a bundle of possible code amendments. A listing of the potential amendments is noted in Attachment 6. In 2012, several sets of amendments are proposed. The amendments are arranged by groups (A through I):

- *Group A - Subtask 4.1:* This would occur in the first of the year. The amendments in this group are minor amendments that would be reviewed under the fast track procedures – Process IVA. These do not involve substantive issues and are not reviewed by the Planning Commission. A roster of these potential amendments will be submitted to the Council for review in late March or early April.
- *Group B – Subtask 4.2: (Commercial Codes – Phase 2):* These are amendments that were lower priority and deferred for future consideration as part of the 2011-2012 Commercial Codes project. Some of these items would extend the recently adopted regulations to additional zones while others would consider additional topics. These amendments would be reviewed in the first half of 2013. The Planning Commission is scheduled to discuss the scope of these amendments at its February 14 meeting.
- *Group C – Subtask 4.3:* These are more substantive amendments and include mostly moderate and major issues. These follow Process IV whereby the Planning Commission conducts the study sessions and the public hearing prior to making a recommendation to the City Council. These amendments would be reviewed in the middle or the second half of 2013.

The City has heard from two interested parties regarding specific code amendments. At the February 5 Council meeting, an individual addressed the Council regarding rounding of density. That item is on the Group C list. Attachment 7 is a request from Galen Page representing a client who is looking to locate a day care center and would like to see a reduction in required yards (setbacks) from 50' to 20'. This is also included on the list for consideration.

- *Group D – Subtask 4.4: (Parking):* This group includes a review of various City parking standards. One impetus is the upcoming completion of King County Metro's Right Size Parking study (<http://metro.kingcounty.gov/up/projects/right-size-parking>). In collaboration with numerous public and private partners, including the City of Kirkland, the County has conducted the most comprehensive study of actual multi-family parking demand in the region. That data and predictive modeling will be publicly available through a web based tool in early

2013. Staff hopes to coordinate a demonstration for the Planning Commission with Metro. These amendments would be reviewed later in 2013.

- *Groups E through I:* These are proposed items to be considered at a future date. Group E are another bundle of miscellaneous code amendments. Group F consists of issues around critical areas (Subtask 7.2). The work program shows these being considered following the Comprehensive Plan update beginning in 2015. Group G (Subtask 4.6) consist of sign code items. Given the work program focus on the Comprehensive Plan update and the other groups of code amendments above this is noted as a place keeper for future consideration if and when resources are available.

Task 4.7 is a potential reformatting of the Zoning Code. It is noted on the work program as a place keeper for now dependent upon the availability of staffing and resources to accomplish this.

Task 4.8 is a review of the residential suites standards to see if any revisions are appropriate. This item was added at the direction of the Council following the Planning Commission review of the work program.

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

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

The City has received a letter (Attachment 8) from the Finn Hill Neighborhood Association requesting the City work with the Association in 2013 develop a neighborhood plan for the neighborhood. This is not currently shown on the Planning Work Program. With Planning Commission and staff resources committed to working on the Comprehensive Plan update it will be difficult to fit this into the work program for 2013-14. Part of the Comprehensive Plan update will also address approaches to neighborhood plans prior to undertaking the next neighborhood plan effort. In addition, other neighborhoods (e.g. Everest) have expressed interest in having their plan updated sooner rather than later. Staff would be available to meet with representatives from the Association to see what their interests and issues are and determine if there are ways to possibly incorporate these into the overall Comprehensive Plan update.

#### Housing (Task 6.0)

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

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

### Natural Environment/Sustainability (Task 7.0)

These tasks consist of a variety of sustainability and environmental stewardship efforts. The City has completed a draft Urban Forestry Management Plan (Task 7.1) that is out for public comment and will be finalized and implemented in 2013 and beyond.

Following the Comprehensive Plan update, the City will need to update its Critical Area Regulations (wetlands, streams, etc.) – primarily in Chapter 90 of the Zoning Code (Task 7.2).

In 2003 the City adopted a Natural Resources Management Plan. The City has in place a “Green Team” consisting of representatives from several City departments that meet on a monthly basis to coordinate stewardship and sustainability activities and programs throughout the City and implement the plan.

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

### **Summary and Policy Question**

Based on the discussion at the joint meeting and City Council direction, staff will prepare a final 2013-2015 Planning Work Program for adoption by resolution at the March 19<sup>th</sup> regular Council meeting.

For 2013 the major work program tasks are:

- Comprehensive Plan Update
- MRM Private Amendment Request (work on other PAR’s to be determined)
- Totem Lake focus ( TDR, financing tools, Action Plan, Comp Plan update)
- Several bundles of Zoning Code amendments

Generally staff resources are available to undertake the tasks as proposed. As noted, the Comprehensive Plan update will be a major focus over the next two years that will involve several departments, key boards and commissions, the Houghton Community Council, the City Council and the public at large. Having been through this process before, staff is trying not to underestimate the time and resources required to make this a successful endeavor.

Policy questions for the Council on the Work Program are:

- Does the proposed work program reflect the priority tasks that the staff and the Planning Commission should be addressing in 2013?
- Is the timing and sequencing of the tasks appropriate?
- Are there any other items or topics of interest to discuss with the Planning Commission at the joint meeting?

Attachments

1. 2012 Planning Commission Agenda Items
2. Review of the Houghton/Everest Shopping Center Plan
3. Proposed 2013-2015 Planning Work Program
4. Adopted 2012-2014 Planning Work Program
5. Comprehensive Plan Update Work Program
6. Zoning Code Amendment List
7. Letter from Galen Page
8. Letter from Finn Hill Neighborhood Association

# Planning Commission Agenda Topics for 2012

## Attachment 1

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



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

---

## MEMORANDUM

**Date:** December 6, 2012

**To:** Planning Commission

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

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

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

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

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

### **Public Notice:**

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

### **Lessons Learned:**

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

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

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

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

### **Public Participation:**

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

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

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

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

### **Graphics:**

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

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

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

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

**Business Districts Located in Multiple Neighborhoods:**

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

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

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

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

**Neighborhood Plans:**

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

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

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







COMP PLAN UPDATE PROGRAM	2013 (by month)												2014 (by month)												NOTES
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
<b>INITIAL APPROACH &amp; COUNCIL DISCUSSION</b> <ul style="list-style-type: none"> <li>City Council Retreat</li> <li>CC &amp; PC Joint Meeting</li> </ul>	█																								
<b>DEVELOP WORK PROGRAM, SCHEDULE AND STAFFING</b> <ul style="list-style-type: none"> <li>Form interdepartmental team</li> <li>Staff kickoff meetings</li> <li>PC &amp; CC review work program</li> </ul>	█																								Planning Commission & City Council review work program and schedule.
<b>DATA COLLECTION AND MAPPING</b> <ul style="list-style-type: none"> <li>Update Community Profile</li> <li>Capacity analysis</li> <li>GIS Mapping</li> <li>Housing Needs Assessment</li> </ul>	█												█												Capacity analysis may need to be revised based on land use plan.
<b>COMMUNITY OUTREACH</b> <ul style="list-style-type: none"> <li>Develop public outreach program (CC &amp; PC to review)</li> <li>Neighborhood U on GMA</li> <li>Issues and Interest Scoping</li> <li>Develop informational materials</li> <li>Continuous public involvement events</li> </ul>	█																								Planning Commission and City Council review and approve public outreach program.
<b>COMMUNITY VISIONING</b> <ul style="list-style-type: none"> <li>Confirm or revise vision statement and framework goals</li> </ul>	█																								
<b>REVIEW OF COMPREHENSIVE PLAN ELEMENTS</b> <ul style="list-style-type: none"> <li>Prepare issue papers for each element (Land Use, Transportation, Housing, etc.)</li> <li>ID potential plan amendments</li> <li>ID potential zoning amendments</li> <li>Review by Planning Commission</li> <li>PC check in with City Council</li> </ul>							█																		Issue papers would address GMA requirements, identify outdated policies, and provide initial discussion on proposed goal and policy direction.
<b>NEIGHBORHOOD PLAN APPROACHES</b> <ul style="list-style-type: none"> <li>Council retreat discussion</li> <li>Neighborhood Outreach</li> <li>Update issue paper</li> <li>Address with Comp Plan</li> </ul>	█																								
<b>SEPA COMPLIANCE</b> <ul style="list-style-type: none"> <li>RFP for consulting services</li> <li>Scoping</li> <li>Develop alternatives</li> <li>Impact analysis</li> <li>Prepare draft EIS</li> <li>Prepare Final EIS</li> </ul>							█																		EIS to be prepared in conjunction with the Transportation Master Plan.
<b>TRANSPORTATION MASTER PLAN</b> <ul style="list-style-type: none"> <li>RFP for consulting services</li> <li>Incorporate into EIS process</li> <li>Identify network, projects and costs</li> <li>Conduct LOS analysis &amp; transportation modeling effort.</li> <li>Prepare final plan</li> </ul>	█																								Effort to be led by Transportation Commission and close coordination with Planning Commission. Land use to be supported by transportation system and LOS approach. TMP becomes Transportation Element of Comprehensive Plan
<b>PARKS, RECREATION AND OPEN SPACE PLAN (PROS PLAN)</b> <ul style="list-style-type: none"> <li>Public involvement</li> <li>Technical analysis</li> <li>LOS consideration</li> </ul>	█																								Effort to be led by Park Board. PROS Plan forms basis for Parks, Recreation & Open Space element of the Comprehensive Plan.
<b>PREPARE UPDATED DRAFT COMPREHENSIVE PLAN ELEMENTS</b> <ul style="list-style-type: none"> <li>Draft Goals, policies, maps, etc.</li> <li>Draft Transportation Master Plan</li> <li>Draft EIS</li> <li>Draft code and map changes</li> </ul>													█												Review of draft elements at study sessions.
<b>FINAL PLAN REVIEW</b> <ul style="list-style-type: none"> <li>Planning Commission and HCC review, hearings and recommendation</li> <li>CC review, revision &amp; adoption</li> <li>HCC final action</li> </ul>																			█						Planning Commission & HCC review, conduct public hearings and transmit a recommendation to the City Council. City Council review and provide direction on any revisions. Final adoption by City Council and HCC final action.
	J F M A M J J A S O N D												J F M A M J J A S O N D												
	J F M A M J J A S O N D												J F M A M J J A S O N D												
<b>RELATED PROJECTS</b>	J F M A M J J A S O N D												J F M A M J J A S O N D												
<b>TOTEM LAKE STUDY (TDR, MARKET)</b> <ul style="list-style-type: none"> <li>Market Analysis</li> <li>Infrastructure Finance Tools</li> <li>Draft TDR Program</li> <li>ID potential amendments</li> </ul>	█																								Analysis will provide basis for possible changes to Totem Lake.
<b>CROSS KIRKLAND CORRIDOR PLAN</b> <ul style="list-style-type: none"> <li>Prepare goals and vision</li> <li>Develop guidelines &amp; principles</li> <li>Identify alternatives &amp; cost estimates</li> <li>Prepare plan</li> </ul>	█																								Incorporated into Transportation Master Plan. Effort led by Public Works.

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	Attachment 6	POLICY LEVEL	HCC ?
			<b>A</b>			<b>2013 MISCELLANEOUS - PROCESS IVA</b>			
KMC 1.12.50.e.	NCC	06/21/12	<b>A</b>	2013	Municipal Code	Change violation" appeared" to violation "occurred."		0_None	Yes
KZC 5. ...	JSM	07/23/12	<b>A</b>	2013	Ch 5 – Definitions	Delete references to UBC or change to Title 21, IRC or IBC. E.g. 5.10.210		0_None	Yes
KZC 15.10.10..	JLB	11/14/12	<b>A</b>	2013	Ch 15 - SF Residential	Correct references to equestrian regulations in special reg. 5 for RS and RSX zones		0_None	No
118.20...	ERS	09/04/12	<b>A</b>	2013	Ch 118 - Hazard pipelines	Make chapter applicable within 500' (rather than 150" to match high consequence use regs.		0_None	No
KZC 115....	ERS	09/04/12	<b>A</b>	2013	Ch 5 - Definitions	Clarify that adjoining measured from property line of low density use in low density zone.		0_None	Yes
#REF!	ERS	09/25/12	<b>A</b>	2013	Ch 170 - Code Enforce	Clarify that Comp. Plan is not a development regulation		0_None	Yes
KZC 5.10.7.20.	ERS	10/26/12	<b>A</b>	2013	Ch 5 - Definitions	Change Burlington Norhtern ROW to Cross Kirkland Corridor. Check other sections too.		0_None	Yes
KZC 3.30.10..	ERS	10/02/12	<b>A</b>	2013	Title 3 Admin & Personell	Eliminate Planning Director as member of the DRB		0_None	No
KZC . . .	NCC	11/08/12	<b>A</b>	2013	Multiple zones	Delete reference to HCC in zones not in Houghton:17.10.010.		0_None	No
KZC 100.50...		06/30/10	<b>A</b>	2013	Ch 100 – Signs	Change 'NE 106th Street' to 'Forbes Creek Drive' (Updegrave 4/12/05)		0_None	Yes
40....	JLB	12/04/12	<b>A</b>	2013	Multiple Zones	BN & BC zones add reference to Chapter 105 for entertainment uses. Also TL 4,5 & 6		0_None	Yes
KZC 115.80...	TJS		<b>A</b>	2013	Ch 115 Miscellaneous	Add notation that links subdivision lot size provisions to legal building site		0_None	Yes
KZC 100....		06/30/10	<b>A</b>	2013	Ch 100 – Signs	Interp 85-6. Center ID sign may only ID development. Signs not seen off site are excluded		1_Minor	Yes
KZC 100.65...		06/30/10	<b>A</b>	2013	Ch 100 – Signs	Interp 86-16. Signs may be above roof line if on a parapet.		1_Minor	Yes
KZC 100.115...		06/30/10	<b>A</b>	2013	Ch 100 – Signs	Interp. 92-4. Fuel price signs may be > 20' if they use allotment from permitted isgn area.		1_Minor	Yes
KZC 100.115...		06/30/10	<b>A</b>	2013	Ch 100 – Signs	Interp 95-4- Temp. commercial sigs may not have name of business unless permanent sign not yet installed. Signs may be up for maximum of 60 days or end of event whichever 1st.		1_Minor	Yes
KZC 95.23.4.b.	DRN	07/19/12	<b>A</b>	2013	Multiple Zones	Change appeals to follow Process I appeals process (per similar situations).		1_Minor	Yes
KZC 51.8...		12/12/12	<b>A</b>	2013	Ch 25 PR & PRA zones	Exempt detached dwellings from horizontal façade regulations per RM zone. Also for MSC zones		1_Minor	No
KZC 48.15...	TJS	09/25/12	<b>A</b>	2013	Ch 48 - LIT zone	Add schools as permitted use per interpretation 09-2		1_Minor	No
145.60...	TJS	12/17/12	<b>A</b>	2013	Ch 145 - Process I	Clarify that in order to appeal, comments must be submitted in the designated comment period.		1_Minor	
KZC 127.25...	NCC	11/27/12	<b>A</b>	2013	CH 127 - Temporary Uses	Simplify regulaions for homeless encampments and allow temporary homeless shelters.		2_Moderate	Yes
			<b>B</b>			<b>2013 COMMERCIAL ZONES</b>			
KZC 115.23.1..	ERS	10/25/10	<b>B</b>	2013	Multiple Zones	Revise regulations for ground floor uses consistent with recent revisions for BN and BC zones.		3_Major	Yes
KZC 25.10.50.80.	ERS	06/30/10	<b>B</b>	2013	Multiple Zones	In commercial/ mixed use zones (including RM), setbacks, buffers & min. lot size are often different for different uses. Consider standardizing to makes it easier to change usse in existing buildings.		2_Moderate	Yes
KZC 25.10.60..	ERS	12/06/11	<b>B</b>	2013	Ch 25 – PR & PRA Zones	Clarify permitted commercial uses. May also apply to RM zone		1_Minor	Yes
KZC ....	ERS	10/25/10	<b>B</b>	2013	Multiple Zones	Correct special regs. for mini- schools & day care centers that reference out of date state statutes.		0_None	Yes
KZC 45....	ERS	06/30/10	<b>B</b>	2013	Ch 45- BC & 1 & 2 Zones	Consider deleting storage services and auto sales from BC zone or require retail frontage?		2_Moderate	Yes
KZC ....	ERS	06/30/10	<b>B</b>	2013	Multiple Zones	Use consistent terminology for gas stations & auto repair. Combine repair with sales, where		0_None	Yes
KZC ....	ERS		<b>B</b>	2013	Multiple Zones	Make rules for residential & assisted living lobies consistent.		1_Minor	Yes
KZC ....	ERS		<b>B</b>	2013	Multiple Zones	Make ground floor rules for assisted living consistent with other residential use regulations.		1_Minor	Yes
KZC 25.100...	ERS	02/01/13	<b>B</b>	2013	Multiple Zones	Consider setbacks for schools/ day cares in PR & MSSC zones to be same as other commercial		2_Moderate	Yes
KZC 105.60...	TJS	07/28/11	<b>B</b>	2013	Ch 105 – Parking/Ped	Clarify whether posts within garages are allowed to encroach into parking stalls.		2_Moderate	Yes
			<b>C</b>			<b>2013 MISCELLANEOUS PROCESS IV</b>			
KZC 115....	JSM	06/30/10	<b>C</b>	2013	Ch 115 – Miscellaneous	Allow averaging of lot coverage & shared common open space in zero lot line MF projects		2_Moderate	Yes
KZC 15....	ERS	12/01/13	<b>C</b>	2013	Ch.15 - RS zones	Consider setbacks for schools/ day cares in RS zones. Also RSX and RSA.		2_Moderate	Yes
KZC 135....	PDS	06/30/10	<b>C</b>	2013	Ch 135 – ZC Text Amend	Clarify what constitutes City initiated KZC amendment.		2_Moderate	Yes
KZC 70....	JSM	10/30/12	<b>C</b>	2013	CH 70- Holmes Pt Overlay	Allow clustering/ aggregation of undisturbed area in short plats and subdivisions		2_Moderate	No
KZC 115.125...	ERS	07/13/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Restore King Co. rules for rounding of units in RSA zones. Consider allowing in other RS zones		2_Moderate	Yes
KZC 115.3...	ERS	06/30/10	<b>C</b>	2013	Ch 115 – Miscellaneous	Amend horizontal façade regs. Either: elimiinate entirely, revise dimensions, don't apply across ROW, or add flexibility.		2_Moderate	Yes
KZC 115.43...	ERS	03/01/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Eliminate or simplify garage setback regulations.		2_Moderate	Yes
KZC 114....	PES	12/05/12	<b>C</b>	2013	Ch 114 - Low Impact Dev.	Allow lots with LID standards to be part of a conventional subdivision.		2_Moderate	Yes

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	Attachment 6	POLICY LEVEL	HCC ?
KZC 115.23...	ERS	06/30/10	C	2013	Ch 115 – Miscellaneous	Eliminate or revise MF common open space requirements (also see interpretation).		3_Major	Yes
KZC 95....	NCC	12/18/12	C	2013	Ch 95-Trees & Landscape	Add time limit for tree permits and notifications		1_Minor	Yes

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	Attachment 6	POLICY LEVEL	HCC ?
			<b>D</b>			<b>2013 PARKING</b>			
KZC ....	ERS	09/20/12	<b>D</b>	2013	Multiple Zones	Amend MF parking requirements based on "right size parking" study.		3_Major	Yes
KZC 105.103.3.c.	JLS	01/01/12	<b>D</b>	2013	Ch 105 – Parking/ Ped	Consider removing the public notice for parking modifications.		2_Moderate	Yes
KZC ....	JLS	06/21/12	<b>D</b>	2013	Multiple Zones	Should parking requirement for restaurant and retail be the same to allow flexible use of space?		3_Major	Yes
KZC 105.18.1.d.	ERS	06/30/10	<b>D</b>	2013	Ch 105 – Parking/ Ped	Clarify or limit the requirement to provide pedestrian connections to all adjacent properties, or provide a modification option.		2_Moderate	Yes
KZC 115.115.5.b.d	ERS	06/30/10	<b>D</b>	2013	Ch 115 – Miscellaneous	Restrictions on parking in front yards are different for different uses. Why should office and MF be different in same zones? (ES email 08/02/06)		1_Minor	Yes
			<b>E</b>			<b>MISCELLANEOUS - POTENTIAL IN FUTURE YEARS</b>			
KZC 115.42...	ERS	04/01/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Eliminate single family FAR or consider alternatives.		3_Major	Yes
KZC ....	ERS	11/04/10	<b>E</b>	TBD	Multiple Zones	Review the process for zoning decisions (e.g. I, IIA, etc.) & reduce where appropriate.		2_Moderate	Yes
KZC 115.85.2..		06/30/10	<b>E</b>	TBD	Ch 115 – Miscellaneous	Review/ revise Rose Hill Business District lighting standards and consider city-wide.		2_Moderate	Yes
KZC 115.7...	ERS	06/30/10	<b>E</b>	2013	Ch 115 – Miscellaneous	Clarify whether ADUs are allowed in detached units within condominium plats.		2_Moderate	Yes
KZC 115.90...	DMG	11/21/12	<b>E</b>	2013	Ch 115 – Miscellaneous	Limit lot coverage exception for area under eaves and cantilevers		2_Moderate	Yes
KZC 142.35.3.c.	JGR	07/21/10	<b>E</b>	TBD	Design Guidelines	Update design guidelines. May need new guidelines for residential, mixed-use, &/or retail dvlpmnt		3_Major	Yes
KZC 115.115.2.a.1	JLB	10/25/12	<b>E</b>	2013	CH 115 - Miscellaneous	Delete statement about height being same as in underlying zone. Unnecessary and confusing.		0_None	Yes
KZC 60.77.10..	NCC	11/08/12	<b>E</b>	2013	Multiple zones	Delete reference to HCC in zones not in Houghton: 60.77.010, 60.67.010, 60.182.010.		0_None	No
KZC ....	ERS	10/25/10	<b>E</b>	2013	Multiple Zones	Correct special regs. for mini- schools & day care centers referencing out of date state statutes.		0_None	Yes
			<b>F</b>			<b>CRITICAL AREAS UPDATE</b>			
KZC 90.30...	SMG	02/08/11	<b>F</b>	2015	Ch 90 – Drainage Basins	Add definitions for "bulkhead" and "rock toe" in streams.		1_Minor	Yes
KZC 90....		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	If improved environment conditions are created that result in greater buffer requirements on neighboring properties, could those greater requirements be reduced?		3_Major	Yes
KZC 90....	DMG	06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Review and Reduce approval processes consistent with reasonable use level of decision		2_Moderate	Yes
KZC 90....		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Eliminate definitions that are common with definitions applicable throughout entire code		1_Minor	Yes
KZC 90....		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Allow reduced setbacks with minimal process where necessary to reduce wetland/ stream impacts.		3_Major	Yes
KZC 90.140.5..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Add criterion limiting disturbance of Type 1 wetlands (suggested by Council member)		3_Major	Yes
KZC 90.140.6..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Allow modification of garage width standards with reasonable use permit.		2_Moderate	Yes
KZC 90.140.8..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Eliminate or revise so lapse date is same as for underlying review process (Process I or IIA)		1_Minor	Yes
KZC 90.20.5..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Clarify "normal or routine maintenance or repair." See e-mail from Desiree 12/10		2_Moderate	Yes
KZC 90.45.3..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Allow stormwater outfalls to extend into wetlands		2_Moderate	Yes
KZC 90.55.4..		06/30/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Allow off-site mitigation in another drainage basin for essential public facilities		3_Major	Yes
KZC 90.20.4..		12/08/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Exempt electrical and other utility lines connecting existing lines in sensitive areas & buffers.		2_Moderate	Yes
KZC 90....		12/08/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Codify Int. 08-4		1_Minor	Yes
KZC 90.90.1..	WDB	07/01/10	<b>F</b>	2015	Ch 90 – Drainage Basins	Clarify where stream buffer is measured from (2.5 storm line?)		1_Minor	Yes
KZC 90. ...	TJS	09/01/11	<b>F</b>	2015	Ch 90 – Drainage Basins	Incorporate adequate provisions to qualify for FEMA/ESA Biological Opinion Option 2		2_Moderate	Yes
KZC 90....	ERS		<b>F</b>	2015	Ch 90 – Drainage Basins	Consider extending the lapse of approval for reasonable use permits		1_Minor	Yes

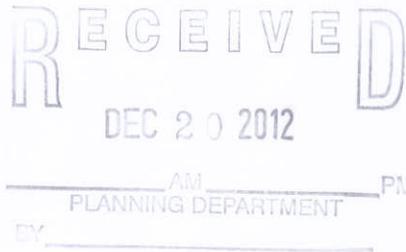
SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	Attachment 6	POLICY LEVEL	HCC ?
KZC ....			<b>G</b>			<b>SIGN CODE</b>			
KZC 100....			<b>G</b>	2013	Ch 100 – Signs	Interp. 90- 3. Major nonconform. signs must be removed when underground tanks removed.		1_Minor	Yes
KZC 100....			<b>G</b>	2013	Ch 100 – Signs	Interp. 94-1. Changing message centers limited to time & temp. unless approved in master plan.		1_Minor	Yes
KZC 100....		06/30/10	<b>G</b>	2013	Ch 100 – Signs	Interp 95-3. Colors and patterns associated with business counted as sign area.		1_Minor	Yes
KZC 5.10.550..		06/30/10	<b>G</b>	TBD	Ch 5 – Definitions	Clarify "multi-use complex" for consistency w/ 100.4.3.b. Delete requirement for exterior entrance		1_Minor	Yes
KZC 100.15.1..	ERS	01/14/11	<b>G</b>	TBD	Ch 100 – Signs	Don't exempt public service government signs from all of chapter100 - e.g. electronic readerboards.		1_Minor	Yes
KZC 100.115...		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Amend temporary off-site sign regs. Don't regulate by message per Supreme Ct case. Regulate RE signs same as others - restricting location, number, hours. Consider political & public event signs.		2_Moderate	Yes
KZC 162.35.5.b.	DBC	06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Minor nonconforming signs - Is a new sign a 'structural alteration'? Is a new, less nonconforming sign permitted? Delete 'minor' in first paragraph b.3.		2_Moderate	Yes
KZC 100....		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Create criteria to allow for deviations from sign code to be reviewed at a planner level.		2_Moderate	Yes
KZC 100....		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Reduce height of monument signs. Liberalize dimensions for sign base.		2_Moderate	Yes
KZC 100....		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Increase signage for larger sites?		2_Moderate	Yes
KZC 100....		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Allow reduced setback for ground mounted signs subject to criteria		2_Moderate	Yes
KZC 100.115...	ERS	06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Under marquee signs - allow larger & allow for sign category A & probably B (8/11/04 ES email)		2_Moderate	Yes
KZC 100.35.3.c.	JGR	06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Allow for two monument signs along streets with long frontage and more than one entrance		2_Moderate	Yes
KZC 100.52. ..		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Prohibit cabinet signs in other business districts (citizen suggestion). Also for consistency with design guidelines/regulations?		2_Moderate	Yes
KZC 162.35.5..		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Major nonconforming signs & amortization (billboards). Need to address constitutional issues.		2_Moderate	Yes
KZC 162.35.5.a.1		06/30/10	<b>G</b>	TBD	Ch 100 – Signs	Make cabinet signs in CBD and JBD major nonconforming		2_Moderate	Yes
			<b>H</b>			<b>NONCONFORMANCE REGULATIONS</b>			
KZC 5.10.570..	DMG	06/30/10	<b>H</b>	TBD	Ch 5 – Definitions	City owned property should comply with the non-conformance provisions of the code		2_Moderate	Yes
#REF!		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Int. 83-11 (may also affect 115.80) - Nonconforming lots held in common ownership		2_Moderate	Yes
KZC 162.35.2.a.	JSM	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Look at definition of 'use' (e.g. office use)		2_Moderate	Yes
KZC 162.35.2.b.1		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Be less restrictive on structural alterations for nonconforming uses. See 'master list' for more info.		2_Moderate	Yes
KZC 162.35.2.b.3	PDS	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Develop criteria for allowing change of nonconforming use. Alternatively, consider not allowing change of nonconforming use. (8/10/04 PS email). Group with 162.9 and 10.		2_Moderate	Yes
KZC 162.35.3..		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Clarify criteria for structure expansion: measured by all structures on property per Int. 90-4		2_Moderate	Yes
KZC 162.35.5.d.		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Delete 10 years time period and replace with Director discretion with criteria		2_Moderate	Yes
KZC 162.35.7..	AAR	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Allow some structural alterations in nonconforming setbacks, e.g. instalation of windows & doors (see Angela's email)		2_Moderate	Yes
KMC 162.35.8.a.		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Clarify that 50% replacement threshold applies to improvement being altered per Int. 85-4		2_Moderate	Yes
			<b>I</b>			<b>NEIGHBORHOOD PLAN ISSUES</b>			
KZC 45..08		02/01/11	<b>I</b>	TBD	Ch 45– BC & 1 & 2 Zones	JUANITA: Increase allowable height in BC 1 zone as per BC 2 zone.		2_Moderate	No
KZC 45..09		06/30/10	<b>I</b>	TBD	Ch 47 –BCX Zone	BRIDLE TRAILS: Rename BCX zone to Bridle Trails Business District Zone		0_None	No
48....		06/30/10	<b>I</b>	TBD	Ch 48- LIT Zone	NORKIRK: Delete auto sales in neighborhood unless requires a Comprehensive Plan amendment		2_Moderate	No



**PAGE & BEARD  
ARCHITECTS, PS**

**910 Market Street  
Kirkland, WA 98033**

**T 425.827.7850  
F 425.827.7014  
info@pageandbeard.com  
www.pageandbeard.com**



December 20, 2012

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

Re: Request for Zoning Code Modification or Interpretation

**ISSUE:**

The current City of Kirkland Zoning Code should be modified to reduce the required side and rear yard setbacks for Schools and Day Care Centers that accommodate 50 to 125 students. Schools and Daycare Centers have been defined as "Community Facilities" and are a compatible and allowable use within a single family residential zone.

**CURRENT CODE REQUIREMENT:**

In the current Residential Single Family Zones (RS, RSA and RSX) a school or daycare center with 13 to 49 students or children is required to have a 20 foot building setback from all property lines (Front, Side and Rear).

In the current Residential Single Family Zones (RS, RSA and RSX) a school or daycare center with 50 or more students or children is required to have a 50 foot building setback from all property lines (Front, Side and Rear).

This interpretation should be modified to allow a medium size School and Daycare Center with 50 to 125 students or children to have the same 20 foot building setback as the 13 to 49 students facility provided that a more restrictive landscape buffer or screening requirement be implemented.

A 50 foot building setback, on all sides, should only apply to large Schools and Daycare Centers with over 125 students or children and those that do not provide increased landscape buffers and sufficient screening.

The 50' setback, on all sides, should only apply to Schools and Daycare Centers with more than 125 students or children.

Other allowed uses in the RSX zone, such as Churches, are only required a 20' building setback. These structures generally have a much larger scale and footprint than a small to medium size School or Daycare Center.

**INTERPRETATION:**

In other zoning classifications a School or Daycare Center is classified as a "Community Facility" See Zoning Code Interpretation No. 09-2

A 50 foot building setback requirement for a local, nonprofit, daycare center serving the residence of the surrounding residential community should not be subject to such excessive building setback requirements. A small to medium size (50 to 125 student), School or Daycare Center is a compatible use to its residential neighbors. A School or Daycare use is occupied during normal business hours 5 days per week when most, single family, residential homes are not occupied. The impact of a small to medium size School or Daycare use is negligible and is also considered a "Community Facility" as defined within the City of Kirkland zoning code

The Department of Early learning (DEL) licensing restricts group size for licensed childcares to 20 children, maximum, in any given area at one time, indoors or outdoors. This, group size, restriction makes the impact of small and medium sized daycare center virtually the same. The maximum number of children in the outdoor or indoor play area at one time can not exceed 20 kids.

The City of Kirkland Planning Department and the City Council should consider a minor modification to Section 17.10 USE ZONE CHART to reflect the reduced building setbacks for small to medium sized Schools and Daycare Centers in Single Family Residential Zones to 20 foot on all sides with more restrictive landscape buffers and screening.

**APPLICABLE CODE SECTION:**

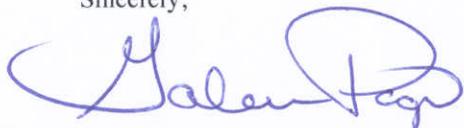
The zoning code defines Community Facility as:

“A use which serves the public and is generally of a noncommercial nature. Such use shall include food banks, clothing banks and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performance arts centers”

**ANALYSIS:**

In May, 2009 the City Council determined that a School meets the definition of a “Community Facility Use and directed that this interpretation be drafted.

Sincerely,



Galen Page, Principal Architect  
Page & Beard Architects, PS

## PROJECT DATA

<b>PROPOSED DEVELOPMENT CRITERIA:</b>	
School Building Area:	5,500 Sq. Ft.
Theater/Gym Area:	1,500 Sq. Ft.
<b>TOTAL BUILDING AREA:</b>	7,000 Sq. Ft.
Playground Area:	1,500 Sq. Ft.
12 Car Parking lot:	3,500 Sq. Ft.
<b>TOTAL OUTDOOR AREA:</b>	5,000 Sq. Ft.
<b>Number of Employees:</b>	(10) - Teachers & Staff
<b>NUMBER OF CHILDREN:</b>	
Pre-School & Kindergarten Age - (4 Classrooms)	49 Children
1st Grade through 4 <sup>th</sup> Grade - (4 Classrooms)	49 Children
<b>TOTAL CHILDREN:</b>	98 Children
<b>RS ZONING:</b>	
<b>ESTIMATED PROPERTY SIZE:</b>	32,000 to 36,000 Sq. Ft.
Code Review Process:	Process IIA, Chapter 150 KZC
Setbacks for 49 or less Students	Setbacks 20' Front, 20' Sides, 20' Rear
Setbacks for 50 or more Students	Setbacks 50' Front, 50' Sides, 50' Rear
Playground Setbacks for 49 or less Students	Setbacks 10' Front, 10' Sides, 10' Rear
Playground Setbacks for 50 or more Students	Setbacks 20' Front, 20' Sides, 20' Rear
<b>MAXIMUM LOT COVERAGE:</b>	70%
<b>MAXIMUM HEIGHT OF STRUCTURE:</b>	25 Feet
<b>LANDSCAPE CATEGORY:</b>	D
<b>REQUIRED PARKING:</b>	10 -12 SPACES
<b>DROP OFF/LOADING ZONE:</b>	Yes
<b>LIT, RH, PLA, ZONING:</b>	
<b>ESTIMATED PROPERTY SIZE:</b>	20,000 to 24,000 Sq. Ft.
Code Review Process:	Non Required
Setbacks for 49 or less Students	Setbacks 20' Front, 0' Sides, 0' Rear
Setbacks for 50 or more Students	Setbacks 20' Front, 0' Sides, 0' Rear
Playground Setbacks for 49 or less Students	Setbacks 10' Front, 10' Sides, 10' Rear
Playground Setbacks for 50 or more Students	Setbacks 20' Front, 20' Sides, 20' Rear
<b>MAXIMUM LOT COVERAGE:</b>	80%
<b>MAXIMUM HEIGHT OF STRUCTURE:</b>	25 Feet
<b>LANDSCAPE CATEGORY:</b>	C
<b>REQUIRED PARKING:</b>	10 -12 SPACES
<b>DROP OFF/LOADING ZONE:</b>	Yes

## PROJECT INFORMATION

<b>CLIENT:</b>	Northlake Academy – Pre-School
<b>ADDRESS OF OWNER:</b>	315 – 3 <sup>rd</sup> Avenue South Kirkland, WA. 98033
<b>OWNER CONTACT:</b>	Sue Werner, sjwags@me.com 425-889-4444 Office, 425-749-9447 Cell
<b>ARCHITECT CONTACT:</b>	Galen Page, President, page@pageandbeard.com Page & Beard Architects, PS 425-827-7850 Office, 425-466-8971 Cell
<b>REALTOR:</b>	Brenda Nunes, LEED AP, GREEN, brenda@brendanunes.com Keller Williams Kirkland 425-785-6286 Office

### PROJECT DESCRIPTION:

The existing Northlake Academy Pre-School occupies approximately 5,200 sq. ft. of heated space in the Unitarian Church on the corner of State Street and 3<sup>rd</sup> Avenue South in Kirkland. They also utilize about 1,400 sq. ft. of outdoor playground area. The pre-school has two 700 sq. ft. classrooms, three 490 sq. ft. classrooms, one small kitchen, four separate toilet rooms, office space, storage rooms, laundry area and a theater/gym.

The current lease is expiring in February 2014. The pre-school is looking for a new location in Kirkland. They would like to find a property close to their current location that will accommodate the current and future needs of their business. It has been estimated that they will need a facility of about 8,200 sq. ft. +/- They would prefer a single story, 8,200, sq. ft. +/- building with an adjacent large playground and a site that would accommodate about 10 to 12 vehicles with a pick up and drop off area. They are also considering properties with existing structures and land improvements. The pre school's proximity to other compatible uses, such as churches, and other large developments, is also a consideration for shared parking opportunities.

RECEIVED

NOV 26 2012

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



# GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



**Legend**

- SW Manhole
- SW Main
- SW Channel
- SW Tags
- SW Polys
  - Pond
  - Tank
  - Vault
- SS Lift Station
- SS Manhole
- SS Node
- SS Pipe
- SS Tags
- WA Hydrant
- WA Valve
  - PRV/PREL
  - Water Valve
  - Hydrant Valve
- WA Pump
- WA Tank
- WA Others
  - AirVac
  - Blow Off
  - Other
  - Sample Stand
- WA Fire Flow Node
- WA Main
- WA Tags
- Contours 10F
- Contours 2F
- Address
- City Limits
- Grid
- QQ Grid
- Railroad
- Streets
- Parcels
- ComPlace Names
- Buildings
- Parks
- Schools
- z\_Image09

1:1,360

0.0 0 0.02 0.04 Miles

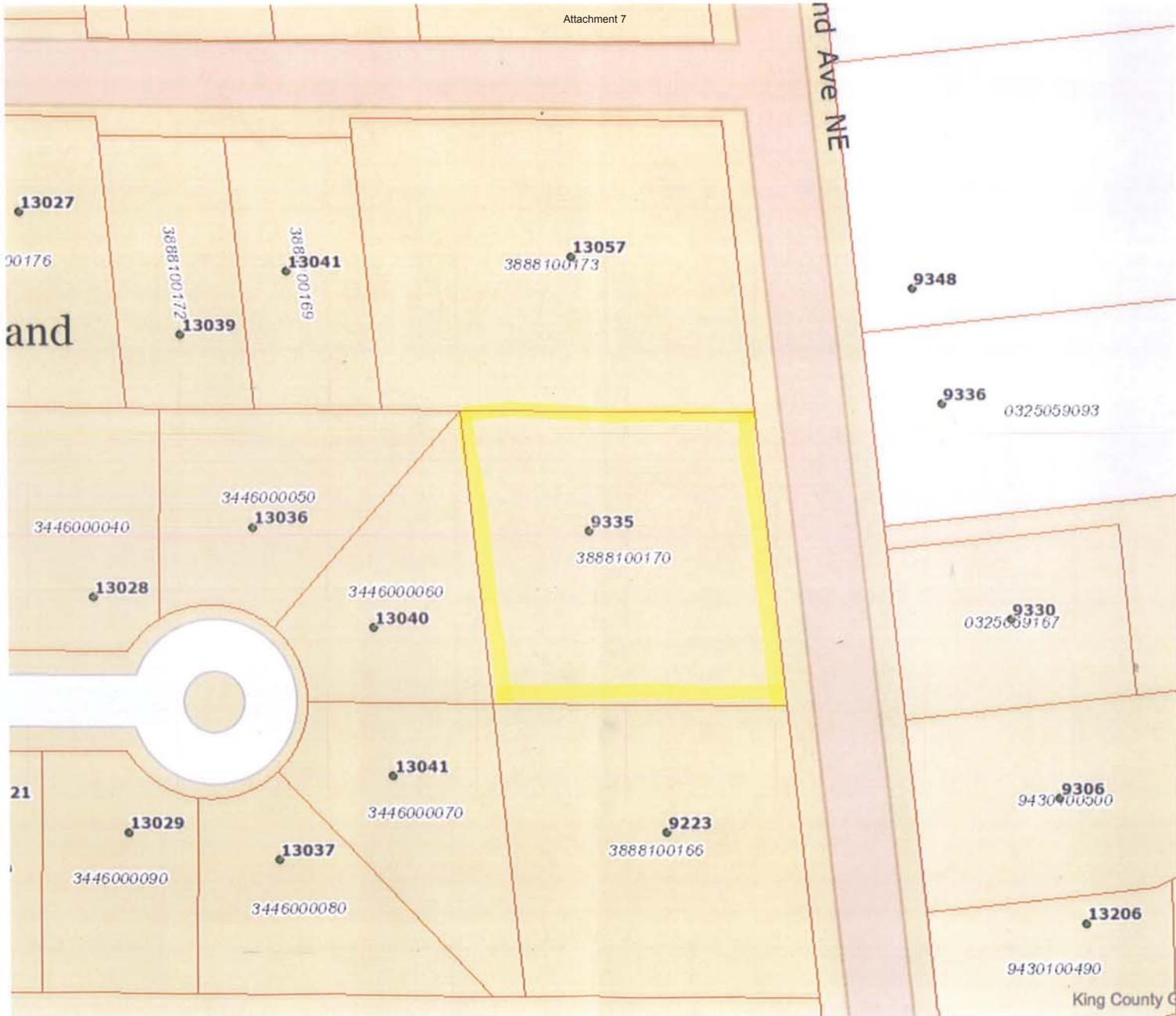
NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet  
 Produced by the City of Kirkland. © 2011 City of Kirkland, Washington, all rights reserved.

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
 Enter Map Description

Attachment 7







Attachment 7

CHURCH PARKING

POTENTIAL 7,500 SF LOT

POTENTIAL 7,500 SF LOT

POTENTIAL 7,500 SF LOT

CHURCH PROPERTY (22,650 SF)

BLDG. SETBACK

132nd AVE N.E.

ZONE RSX 7.2

ZONE RSX 7.2

ZONE RSX 7.2

ZONE R-4

SCHOOL / DAYCARE USE

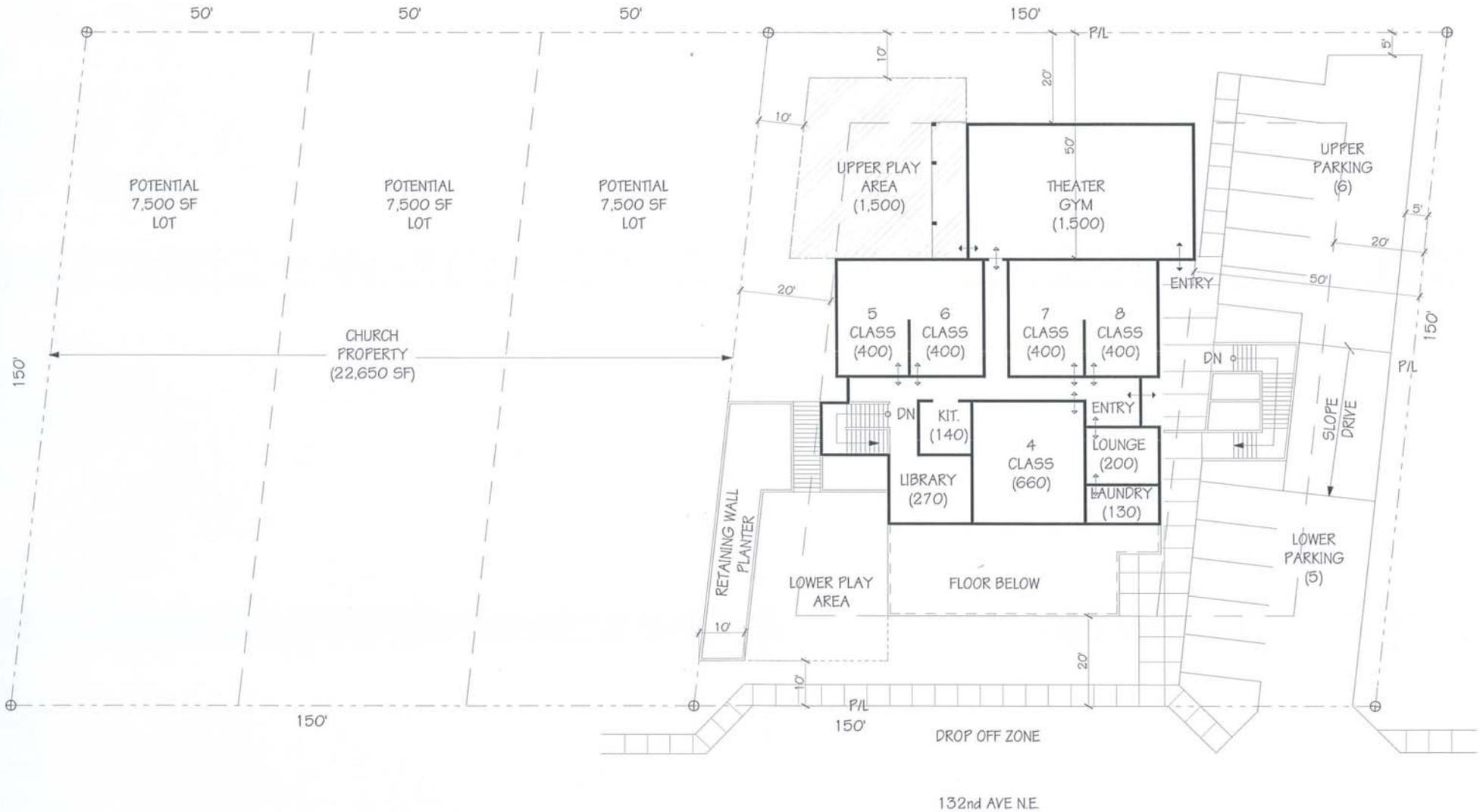
EXISTING SITE DIAGRAM

SCALE: 1" = 30'





Attachment 7



SITE DIAGRAM UPPER FLOOR

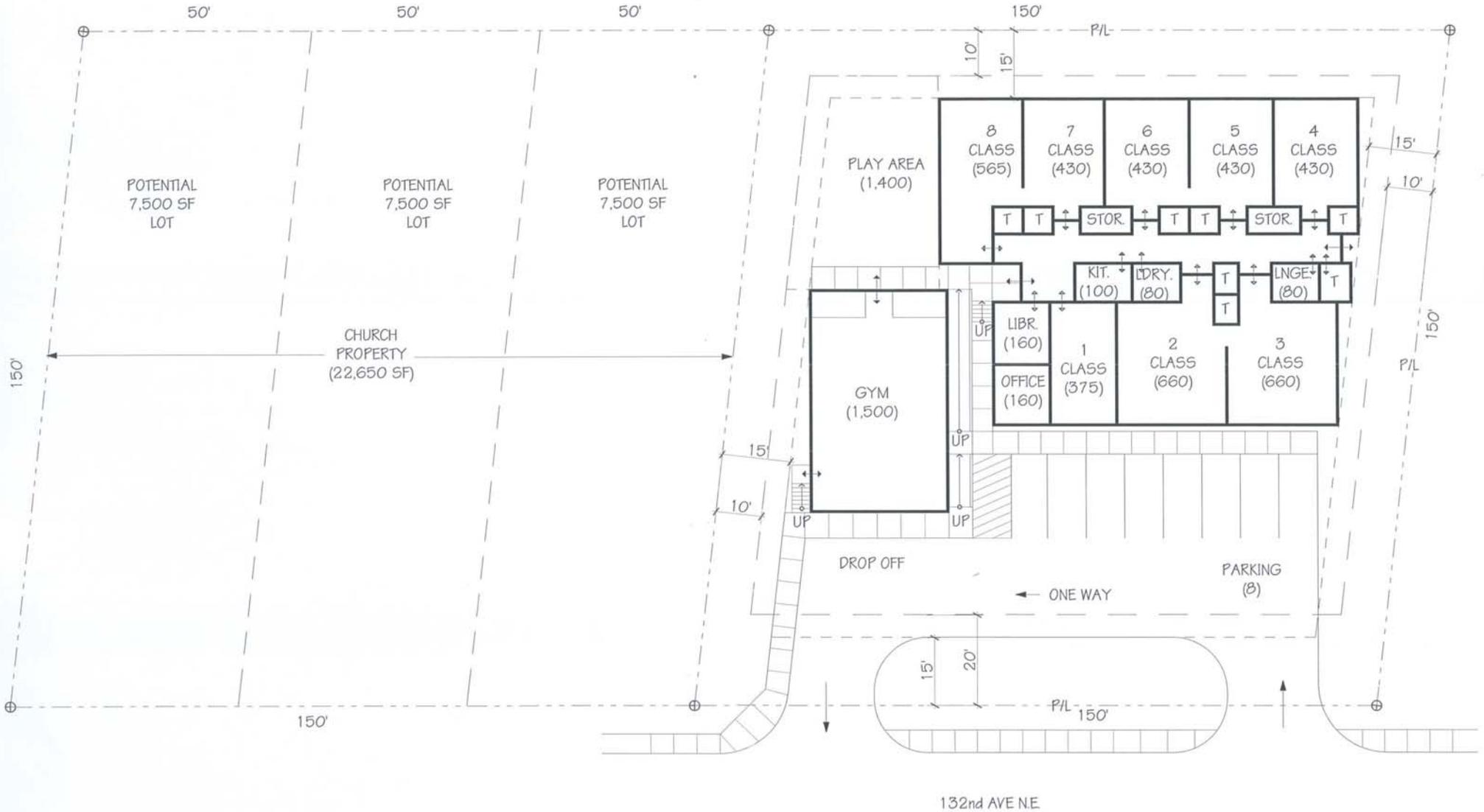
(SECOND FLOOR = 5,500 SF)

SCALE: 1" = 20'





Attachment 7



SITE DIAGRAM MAIN FLOOR ALTERNATE #2

(6,200 SF + 1500 SF)

SCALE: 1" = 20'





February 5, 2013

City Council  
City of Kirkland  
123 Fifth Avenue  
Kirkland WA 98033-6189

**RE: Finn Hill Neighborhood Plan**

Dear Council Members:

I am writing on behalf of the Finn Hill Neighborhood Alliance (FHNA) to encourage the City of Kirkland to work with FHNA in 2013 on an expedited neighborhood plan for Finn Hill. Our community's highest priority is to develop an effective plan for Finn Hill before further zoning changes are made in the neighborhood.

FHNA has urged both the City Council and the Planning Commission to prepare a neighborhood plan for Finn Hill since it was annexed in June 2011. The need for a Finn Hill plan is pressing for several reasons: Finn Hill is the city's largest single neighborhood; it contains large tracts of land that remain undeveloped; it is comprised of many sensitive areas and limited transportation infrastructure; and the area has never benefitted from a planning process in which citizens have had meaningful input. The immediate need for a plan has been highlighted by recent land use actions that Finn Hill residents have questioned: the effort to select a suitable location for a new fire station, the revision of housing density limits in the Inglewood Business District, and the redefinition of the Holmes Point Business District as a result of the Howard private amendment request.

As the Planning Commission has noted, it is difficult to assess the impact of proposed zoning changes in a neighborhood in the absence of a comprehensive plan for the area. More particularly, a Finn Hill plan is critical for the proper resolution of two matters the City will face in the near future: the Chaffey private amendment request, affecting a large parcel of forested hillside on Simonds Road, and the Juanita Drive Corridor Study.

FHNA recognizes that the neighborhood planning process is not easy and that it consumes a significant amount of City resources. We know that the City has struggled to complete timely updates for the neighborhood plans that it prepared before annexation, a challenge that has been exacerbated now that Kirkland has absorbed three new neighborhoods. We are aware as well that the City is launching a

Comprehensive Plan Update project that will require the commitment of several Planning Department staff members for the next two years.

Clearly, the City needs to develop an approach that will allow it to prepare and revise neighborhood plans on a regular basis, even as it tackles major projects like a Comprehensive Plan Update. FHNA would like to work with City staff on creating a new model of collaborative planning, using Finn Hill as the planning area and stressing the principal issues that interest our community: long-term land use trends (residential and commercial), transportation, and open space. We think FHNA can relieve a significant portion of the administrative burden that City staff has previously shouldered in the neighborhood planning process by assuming the responsibility to publicize and organize meetings, prepare and disseminate minutes, and move the discussion forward in an orderly fashion. We are confident that we have the experience and the volunteer resources to do this.

We expect that we would need to work with Planning Department staff, the City Manager, Planning Commissioners and interested City Council members to outline a process that has a well-defined scope of work, list of responsibilities, schedule, and milestones that clearly specify what City resources will be required.

However, we do have initial ideas on how the process can be designed. In our view, it should begin with an educational stage that will acquaint our community with critical facts concerning our current zoning regime and transportation assets. Our hope is that City staff can summarize these matters effectively at one or two community meetings, following which FHNA would disseminate the essential elements of staff presentations to residents who are unable to attend those meetings. These meetings will help the community to understand what level of housing and commercial development is expected and what traffic volumes have been projected for the Finn Hill community, why those plans were created, and what constraints they impose on planning and land use decisions in the future.

With this information in hand, Finn Hill residents would be prepared to advance to a second step in the process, that of understanding how the neighborhood might develop in the future, given expected population trends. By the time the Finn Hill process reaches this second phase, in the latter part of 2013, we expect that the Comprehensive Plan Update will have advanced to a point where the City can present a general view of the population growth that Finn Hill may need to absorb over the next twenty years.

The Finn Hill community should then be able to articulate how it would like to handle development demands, knowing that it will need to make intelligent trade-offs among factors relating to residential density, commercial amenities, open space, and efficient transportation. We realize that this step in the planning process will be the most challenging. However, we believe Finn Hill can complete it efficiently if community members have a good grasp of current planning (step one), understand the requirements of the Comprehensive Plan (step two), and frame their discussions in the final phase in terms of essential values and principles, as opposed to addressing specific solutions (such as revisions to particular zoning regulations or the design of specific arterials). Our objective would be to complete the plan by the end of 2014.

As noted above, these are FHNA's initial thoughts about a Finn Hill neighborhood or subarea planning process. However, we recognize we have little expertise in community planning and we approach the initiative with both humility and a willingness to consider other alternatives – so long as we can plot a

Letter to Kirkland City Council  
February 5, 2013

course toward having a useful neighborhood plan in the near future. We are ready to engage with the City Manager and Planning Department staff, as well as Planning Commissioners and City Council Members, in creating a subarea plan process that will work not only for Finn Hill, but might well serve as a model for other areas of the City.

At this point, we would appreciate the Council's endorsement of our offer to work with the City on a Finn Hill plan and allocation of necessary resources, with the goal of starting the process by the middle of the year and completing it by the end of 2014, without overburdening City staff.

Thank you for your consideration of our views. Please let us know how we may proceed with our proposal.

Submitted on behalf of the FHNA Board of Directors,



Scott Morris  
President

cc: Kurt Triplett  
Planning Commissioners  
Eric Shields  
Paul Stewart  
FHNA Board of Directors



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
February 05, 2013

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Special Events

Joining Councilmembers for this discussion were City Manager Kurt Triplett and Deputy City Manager Marilynne Beard.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

(1) Introducing Pam Bissonnette, Interim Public Works Director

Scoutmaster Dave McKee introduced Boy Scout Troop 532

b. Items from the Audience

Greg Seiler  
Suzanne Grogan

Brian Rohrback  
Ellen Haas  
Terri Fletcher

c. Petitions

(1) Call for Stricter Gun Control and Reduction of Violence

7. SPECIAL PRESENTATIONS

a. Recognition of Parking Advisory Board

Due to member illness, this item was pulled to be rescheduled for a future meeting.

b. Washington State Department of Transportation I-405/SR 167 Corridor Program Update

Washington State Department of Transportation Project Director Kim Henry, P.E. and Project Deputy Director Denise Cieri, P.E. presented information on the status of the I-405 improvements and answered council questions.

8. CONSENT CALENDAR

a. Approval of Minutes: January 15, 2013

b. Audit of Accounts:

Payroll \$2,483,663.26

Bills \$3,496,823.85

run #1165 checks #540442 - 540550

run #1166 checks #540551 - 540552

run #1167 checks #540553 - 540561

run #1168 checks #540562 - 540625

run #1169 checks #540627 - 540744

run #1170 checks #540747 - 540760

run #1171 checks #540761 - 540822

c. General Correspondence

d. Claims

Claims were received and acknowledged from Darene Barnes, Rhonda Brown-Maxwell, Renee Frese, Dana Lockhart, Elaine Loveland, Karen Beth Meyer, and Danielle Strizic.

e. Award of Bids

(1) The construction contract for the 2012 Water System Improvement Project was awarded to Shoreline Construction Company of Woodinville, WA in the amount of \$378,245.30.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2011 Aging Infrastructure Program - Juanita Tributary (Billy Creek) Culvert Slip Lining Project, Construction Inc., Ferndale, WA, and Authorize Use of Remaining Funds for 2012 Aging Infrastructure Project

(2) 2012 Striping Project, Road Runner Striping Company, Puyallup, WA, and Authorize the Use of Remaining Funds for 2013 Striping Program

g. Approval of Agreements

(1) Resolution R-4957, entitled " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF BOTHELL, EDMONDS, KIRKLAND, LAKE FOREST PARK, LYNNWOOD, MONROE AND MOUNTLAKE TERRACE; REGARDING THE NORTH SOUND METRO SPECIAL WEAPONS AND TACTICS (SWAT)/CRISIS NEGOTIATING TEAM (CNT)."

h. Other Items of Business

(1) Ordinance O-4400, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ADMISSIONS TAX AND AMENDING SECTION 5.12.020 OF THE KIRKLAND MUNICIPAL CODE."

(2) Resolution R-4961, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH THE CURRENT RULES OF PROCEDURE FOR THE CONDUCT OF KIRKLAND CITY COUNCIL MEETINGS."

(3) Resolution R-4962, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ACCEPTING THE ACQUISITION OF THE INGLEMOOR HIGHLANDS GREENBELT, TRACT B OF THE INGLEMOOR HIGHLANDS PLAT."

(4) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Bob Sternoff, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2013 Legislative Update #1

Intergovernmental Relations Manager Lorrie McKay reviewed the status of current legislation related to Council's legislative agenda.

b. Resolution R-4963, Setting Priority Goals for 2013-2014 and Adopting the 2013-2014 City Work Program.

City Manager Kurt Triplett provided a presentation on the 2013-2014 priority goals and city work program.

Motion to Approve Resolution R-4963, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2013-2014 AND ADOPTING THE 2013-2014 CITY WORK PROGRAM."

Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

11. NEW BUSINESS

None.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Moss Bay Neighborhood meeting; Sound Cities Association orientation; Councilmember Walen and Mayor McBride's economic development trip to California; "One Night Count" for Seattle/King County Coalition on Homelessness; Cascade Water Alliance Member Alert; Eastside Time Bank potluck dinner for Camp Unity Homeless Encampment; I-405 Executive Advisory Committee meeting; Transportation Choices Coalition Friday Forum; Bellevue School District community outreach; request staff report on styrofoam/plastic single-use bags; Public Safety Building open house; tour of Lake Washington School District's STEM High School in Redmond; Sound Cities Association Public Issues Committee meeting; tour of the new Astronics facility open house; Cascade Water Alliance; Committee to End Homelessness - King County; requested and received Council agreement to sign on to the Transportation Funding letter to the Washington State Legislature; reappointment of Councilmembers Walen and Asher to the Eastside Transportation Partnership Committees with Mayor McBride remaining as the alternate; appointing a representative and alternate to the Cross Kirkland Corridor Committee; meeting between Mayor McBride and Congresswoman Suzan DelBene.

Motion to appoint Mayor McBride and Councilmember Sweet to the Disability Board.

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

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

Motion to appoint Councilmembers Walen and Asher to the Eastside Transportation Partnership Committees with Mayor McBride serving the alternate.

Moved by Councilmember Penny Sweet, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

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

Motion to appoint Mayor McBride as representative and City Manager Kurt Triplett as alternate to the Cross Kirkland Corridor Committee.  
Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Penny Sweet  
Vote: Motion carried 7-0  
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

b. City Manager

(1) Calendar Update

Captain Balkema, Lt. Ursino and Deputy Director Ray Steiger met with members of Christ Church Kirkland to talk about the public safety building.

Emergency Medical Services (EMS) levy update.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of February 5, 2013 was adjourned at 9:04 p.m.

---

City Clerk

---

Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.kirklandwa.gov

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** February 11, 2013  
**Subject:** CLAIM(S) FOR DAMAGES

**RECOMMENDATION**

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers 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) Thomas Bach  
11425 NE 90<sup>th</sup> Street  
Kirkland, WA 98033

**Amount:** \$16,799.03

**Nature of Claim:** Claimant states damage to property resulted from water main break.

- (2) Bolles Construction Inc.  
18844 N.E. 84<sup>th</sup> Street  
Redmond, WA 98052

**Amount:** \$1,564.10

**Nature of Claim:** Claimant states damage to property resulted from water leak.

- (3) Karen Louise Cameron  
1423 Madrona Avenue  
Everett, WA 98203

**Amount:** \$2,737.50

**Nature of Claim:** Claimant states damage to property resulted from replacing a water service line.

- (4) Graham, Lundberg Peschel, P.S., Inc. for  
Trish Dillon mother of Tejah Dillon  
12616 NE 119<sup>th</sup> St. Ste D-2  
Kirkland, WA 98034

**Amount:** \$250,000.00

**Nature of Claim:** Claimant states injury resulted from falling off play structure.

- (5) Linda Goodwin  
20225 Bothell Everett Hwy. #1832  
Bothell, WA 98012

**Amount:** Unspecified

**Nature of Claim:** Claimant states damage to vehicle resulted from driving over rut in the road.

- (6) Devin Hendricks  
9111 NE 139<sup>th</sup> Street  
Kirkland, WA 98034

**Amount:** \$141.86

**Nature of Claim:** Claimant states damage to vehicle resulted from striking pothole in the road.

- (7) Matthew Jahn  
14041 95<sup>th</sup> Avenue N.E.  
Kirkland, WA 98034

**Amount:** \$217.45

**Nature of Claim:** Claimant states damage to vehicle resulted from striking a pipe protruding from unmarked construction area in the road.

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



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

---

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Pam Bissonnette, Interim Public Works Director  
Jenny Gaus, Surface Water Engineering Supervisor

**Date:** February 6, 2013

**Subject:** Inglemoor Highlands Greenbelt - NUD Interlocal Agreement for Facilities Easement

## RECOMMENDATION:

Staff recommends that Council approves the attached resolution authorizing the City Manager to sign the interlocal agreement which grants a permanent easement for utility placement to the Northshore Utility District over the Inglemoor Highlands Greenbelt, which the city recently acquired via a King County tax foreclosure auction.

## BACKGROUND DISCUSSION:

The plat of Inglemoor Highlands was created in 1977 (Attachments A and B). A greenbelt noted as "Tract B" was created as part of the plat, and was supposed to have been deeded to King County (the area was Unincorporated King County at the time). There was an error, and the greenbelt ended up in private hands. The most recent owner had not paid taxes on the property for the past 3 years, so it was made available at the 2012 King County Tax Foreclosure Auction on December 14, 2012. The City purchased the property at the auction using Surface Water Utility funds of \$4,700 plus \$87 in recording fees. The Council officially accepted the purchase at the January 15, 2013 Council meeting.

The Inglemoor Highlands greenbelt is a 5.9 acre parcel that contains a steep ravine through which runs a tributary of Juanita Creek (Attachment C). There are several publicly-maintained pipes that carry stormwater from the surrounding streets down steep slopes and into the creek. The pipes are contained within easements in the greenbelt, but the plat language does not specifically dedicate these easements to the public. City Surface Water Utility ownership of the property will simplify maintenance of these pipes in that staff would not need to negotiate easement rights or additional access with the owner of the greenbelt.

An Interlocal Agreement with the Northshore Utility District (NUD) is Exhibit A to the attached resolution. Originally, NUD was going to bid to obtain the property and then donate it to Kirkland with the easement reserved for the reasons described below. The logistics of this

approach turned out to be complicated, and so Kirkland agreed to purchase the property and propose an ILA for the easement to Council.

NUD currently has an easement on the greenbelt that contains a sanitary sewer pump station. NUD wishes to obtain an easement over the property for potential future placement of a sanitary sewer pipe and related equipment. NUD is offering to pay \$4,000 in exchange for this additional easement. This purchase price is based on NUD policy that allows the District to pay up to 50% of the value of the land for an easement. The assessed value of the property is \$8,000. Funds from NUD will be credited to the Surface Water Utility.

NUD expects that a sewer line project is several years out, and does not yet know that exact path that the line would take. Therefore, the easement is written over the entire greenbelt with language stating that the easement area will be refined once a project plan is developed. The City has final authority over the placement of any facilities, and so can insure that such facilities do not interfere with other allowed and potential uses of this greenbelt area.

Attachment A - Map of Inglemoor Highlands Greenbelt

Attachment B - Plat of Inglemoor Highlands

Attachment C - King County Assessor Property Detail for Parcel 3574802030



# INGLEMOOR HIGHLANDS

## Section 19, Township 26 North, Range 5 East, W.M. King County, Washington

### LEGAL DESCRIPTION

A. The Easterly 825.00 feet of Government Lot 1, Section 19, Township 26 North, Range 5 East W.M., in King County, Washington; EXCEPT the Northerly 417.50 feet thereof; AND ALSO EXCEPT that portion thereof described as follows: Beginning at the Southeast corner of Lot 21, ASSESSOR'S PLAT OF DUNDERRY, according to the plat thereof recorded in Volume 65 of Plats, page 5, records of King County, Washington; thence South 87°43'20" East along the Easterly projection of the South line of said Lot 21, 165.92 feet; thence North 25°22'39" East 131.28 feet; thence North 87°43'20" West 165.92 feet to the Northeast corner of said Lot 21; thence South 1°22'39" West along the East line of said Lot 21, 131.28 feet to the point of beginning.

B. The Northeast quarter of the Northwest quarter of Section 19, Township 26 North, Range 5 East W.M., in King County, Washington; EXCEPT the North 30 feet thereof for N.E. 145th Street; AND ALSO EXCEPT that portion thereof described as follows: Beginning at the Southeast corner of said subdivision; thence North 0°13'44" East a distance of 30.02 feet; thence North 87°42'19" West a distance of 108.92 feet; thence along the arc of a curve to the left having a radius of 230.00 feet a distance of 118.79 feet to an intersection with the South line of said subdivision; thence South 87°42'19" East a distance of 223.58 feet to the point of beginning, conveyed to King County for N.E. 142nd Place by a deed recorded under Recording No. 7302060450.

Situate in the County of King, State of Washington.

### ACKNOWLEDGMENTS

STATE OF WASHINGTON) ss  
COUNTY OF KING

This is to certify that on the 30<sup>th</sup> day of JUNE, 1977, before me, the undersigned, a Notary Public, personally appeared ROBERT F. PASCAL, Assistant Vice President of WASHINGTON CAPITAL CORPORATION, a Washington Corporation, to me known to be the individual who executed the within dedication, and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the Corporate Seal of said Corporation.

WITNESS my hand and official seal the day and year first above written.

William P. Pears  
Notary Public in and for the State of Washington  
Residing at SEATTLE

### MAINTENANCE OBLIGATION

Owners of Lots 1, 41, 42, 43, 79, 162, 163, 164, 176, 177, 178, 189, 189, and 190 shall be responsible for maintenance of the street island fronting their respective lot.

### EASEMENT PROVISIONS

An easement is hereby reserved for and granted to Puget Sound Power & Light Co. and General Telephone Co., and their respective successors and assigns, under and upon the exterior seven (7) feet parallel and adjacent to the street frontage of all lots in which to install, lay, construct, renew, repair and maintain underground conduits, cables, any wires with necessary facilities and other equipment for the purpose of serving the subdivision and other properties with electric and telephone service, together with the right to enter upon the lots at all times for the purposes stated.

### RESTRICTIONS

No lot or portion of a lot shown on this plat shall be divided and sold or resold, or ownership changed or transferred whereby the ownership of any portion shown on this plat shall be less than the area required for the use district in which located. Prior approval must be obtained from the Department of Public Works before any structures, fill or obstructions, including fences, are located within any drainage easement or delineated flood plain area.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, owners in fee simple of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever, all streets and avenues shown hereon, and the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and avenues shown hereon.

IN WITNESS WHEREOF we have set our hands and seals.

INGLEMOOR HIGHLANDS ASSOCIATES  
R. B. HEVLY, INC., GENERAL PARTNER

Robert B. Hevly  
ROBERT B. HEVLY, President

Naomi M. Hevly  
NAOMI M. HEVLY, Secretary

WASHINGTON CAPITAL CORPORATION

Robert F. Pascal  
ROBERT F. PASCAL, Assistant Vice President

### ACKNOWLEDGMENTS

STATE OF WASHINGTON) ss  
COUNTY OF KING

This is to certify that on the 30th day of June, 1977, before me, the undersigned, a Notary Public, personally appeared ROBERT B. HEVLY, president, and NAOMI M. HEVLY, secretary, of R. B. HEVLY, INC., a Washington Corporation, and the General Partner of Inglemoor Highlands Associates, to me known to be the individuals who executed the within dedication, and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and that the seal affixed is the Corporate Seal of said Corporation.

WITNESS my hand and official seal the day and year first above written.

William P. Pears  
Notary Public in and for the State of Washington  
Residing at SEATTLE

### LAND SURVEYOR'S CERTIFICATE

I, William C. Rowlands, Registered Land Surveyor, hereby certify that this plat of "INGLEMOOR HIGHLANDS" is based upon an actual survey and subdivision of Section 19, Township 26 North, Range 5 East, W.M. that the courses and distances are shown correctly hereon; that the monuments will be set and the lot corners are staked correctly on the ground; and that I have fully complied with the provisions of the statutes and platting regulations.

William C. Rowlands  
WILLIAM C. ROWLANDS, Cert. No. 9185

### APPROVALS

Examined and approved this 26<sup>th</sup> day of September, 1977.

DEPARTMENT OF PUBLIC WORKS

G. R. Allen  
Director

Examined and approved this 10<sup>th</sup> day of October, 1977.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Edward B. Hendon  
Manager, Building and Land Development Division

Examined and approved this 12<sup>th</sup> day of OCTOBER, 1977.

DEPARTMENT OF ASSESSMENTS

Harley H. Horne A. Math  
King County Assessor Deputy, King County Assessor

Examined and approved this \_\_\_ day of \_\_\_, 1977.

KING COUNTY COUNCIL

Chairman, King County Council ATTEST: [Signature]  
Clerk of the Council

### COMPTROLLER'S CERTIFICATE

I hereby certify that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection and that all special assessments certified to this office for collection, in any of the property herein contained, dedicated as streets, alleys or for other public use, are paid in full. This 14<sup>th</sup> day of OCTOBER, 1977.

OFFICE OF THE COMPTROLLER

W. H. JAMES Frank T. Jackson  
King County Comptroller Deputy King County Comptroller

### RECORDING CERTIFICATE 770180974

Filed for Record at the request of the King County Council this 18 day of OCTOBER, 1977, at 38 minutes past 2:00 P.M. and recorded in Volume 104 of Plats, page 80-82, records of King County, Washington.

DIVISION OF RECORDS AND ELECTIONS

CLINT G. ELSOM David H. Shiner  
Manager Superintendent of Records

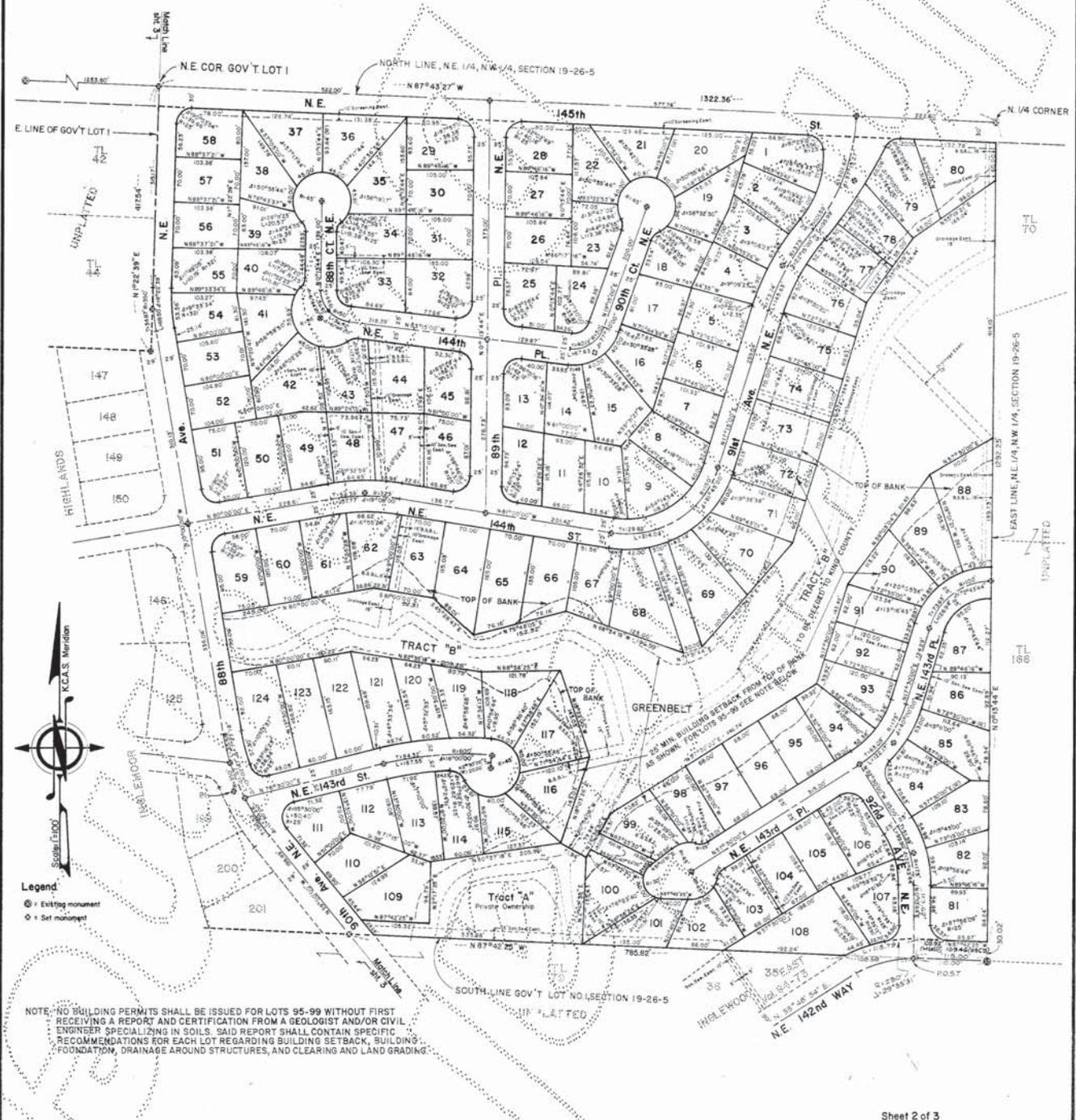
CC. 710550

# INGLEMOOR HIGHLANDS

## Section 19, Township 26 North, Range 5 East, W.M.

### King County, Washington

104-81



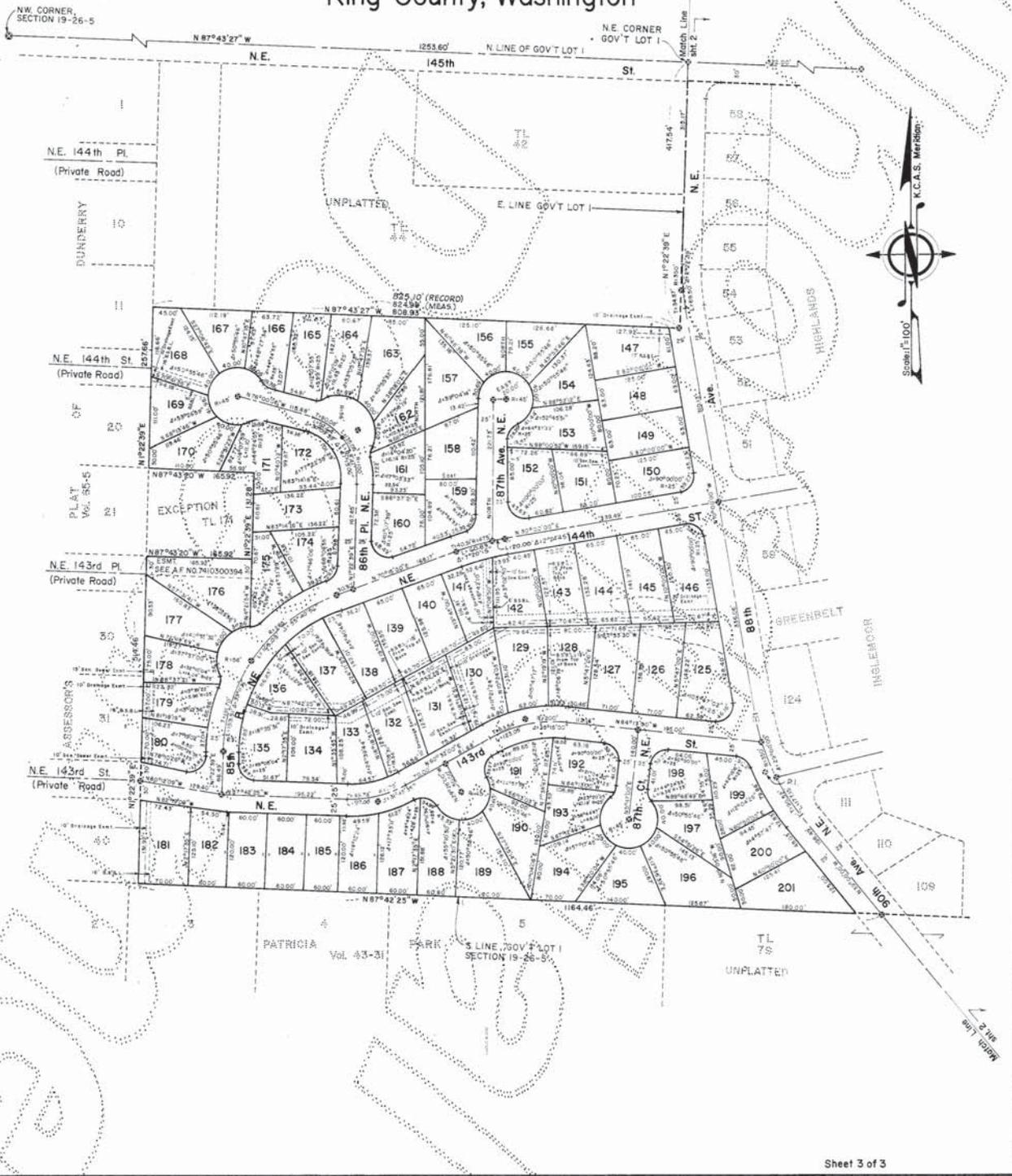
**Legend**  
 ⊙ Existing monument  
 ⊛ Set monument

**NOTE:** NO BUILDING PERMITS SHALL BE ISSUED FOR LOTS 95-99 WITHOUT FIRST RECEIVING A REPORT AND CERTIFICATION FROM A GEOLOGIST AND/OR CIVIL ENGINEER SPECIALIZING IN SOILS. SAID REPORT SHALL CONTAIN SPECIFIC RECOMMENDATIONS FOR EACH LOT REGARDING BUILDING SETBACK, BUILDING FOUNDATION, DRAINAGE AROUND STRUCTURES, AND CLEARING AND LAND GRADING.

# INGLEMOOR HIGHLANDS

Section 19, Township 26 North, Range 5 East, W.M.  
King County, Washington

104-82





HOME NEWS SERVICES DIRECTORY CONTACT

Search

# King County Department of Assessments

Fair, Equitable, and Understandable Property Valuations

You're in: Assessments >> Online Services >> eReal Property

SHARE

[New Search](#) [Property Tax Bill](#) [Map This Property](#) [Glossary of Terms](#) [Area Report](#) [Print Property Detail](#)

## PARCEL DATA

Parcel	357480-2030	Jurisdiction	KIRKLAND
Name	DYER ELIZABETH	Levy Code	1708
Site Address		Property Type	R
Residential Area	037-002 (NW Appraisal District)	Plat Block / Building Number	
Property Name		Plat Lot / Unit Number	TR B
		Quarter-Section-Township-Range	<a href="#">NW-19-26-5</a>

## Legal Description

INGLEMOOR HIGHLANDS GREENBELT TAX POR PARTIALLY EX PER RCW 84.36.381 THRU .389

## LAND DATA



Click the camera to see more pictures.



Highest & Best Use As If Vacant	SINGLE FAMILY	Percentage Unusable	0
Highest & Best Use As Improved	(unknown)	Unbuildable	NO
Present Use	Vacant(Single-family)	Restrictive Size Shape	NO
Base Land Value SqFt	0	Zoning	RSA 6
Base Land Value	10,000	Water	WATER DISTRICT
% Base Land Value Impacted	100	Sewer/Septic	PUBLIC
Base Land Valued Date	5/26/2009	Road Access	PUBLIC
Base Land Value Tax Year	2010	Parking	
Land SqFt	257,031	Street Surface	PAVED
Acres	5.90		

## Views

Rainier	
Territorial	
Olympics	
Cascades	
Seattle Skyline	
Puget Sound	
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

## Waterfront

Waterfront Location	
Waterfront Footage	
Lot Depth Factor	
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	
Proximity Influence	NO

## Designations

Historic Site	
Current Use	
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	YES
Development Rights Purchased	NO

## Nuisances

Topography	YES
Traffic Noise	
Airport Noise	
Power Lines	NO
Other Nuisances	NO

## Problems

Water Problems	NO
Transportation Concurrence	NO

## Reference Links:

- [King County Tax Links](#)
- [Property Tax Advisor](#)
- [Washington State Department of Revenue](#) (External link)
- [Washington State Board of Tax Appeals](#) (External link)
- [Board of Appeals/Equalization](#)
- [Districts Report](#)
- [iMap](#)
- [Recorder's Office](#)
- [Scanned images of surveys and other map documents](#)
- [Scanned images of plats](#)

E-page 53

Easements	NO	Other Problems	NO
Native Growth Protection Easement	NO	<b>Environmental</b>	
DNR Lease	NO		

Environmental	YES
---------------	-----

Environmental Type	Information Source	Delineation study	Percentage Affected
Stream	JURISDICTION	N	0

**BUILDING**

**Accessory Of Building Number:**

Accessory Type	Picture	Description	SqFt	Grade	Eff Year	%	Value	Date Valued
MISC IMP		lift station facilities					116000	4/21/2009

**TAX ROLL HISTORY**

Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value	Appraised Imps Value	Appraised Total Value	New Dollars	Taxable Land Value	Taxable Imps Value	Taxable Total Value	Tax Value Reason
357480203003	2012	2013		1708	\$8,000	\$0	\$8,000	\$0	\$8,000	\$0	\$8,000	
357480203086	2012	2013		1708	\$0	\$91,000	\$91,000	\$0	\$0	\$0	\$0	EX
357480203003	2011	2012		1708	\$9,000	\$0	\$9,000	\$0	\$9,000	\$0	\$9,000	
357480203086	2011	2012		1708	\$0	\$93,000	\$93,000	\$0	\$0	\$0	\$0	EX
357480203003	2010	2011		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203086	2010	2011		7337	\$0	\$97,000	\$97,000	\$0	\$0	\$0	\$0	EX
357480203003	2009	2010		7337	\$10,000	\$99,000	\$109,000	\$99,000	\$10,000	\$99,000	\$109,000	
357480203003	2008	2009		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2007	2008		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2006	2007		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2005	2006		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2004	2005		7337	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2003	2004		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2002	2003		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2001	2002		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	2000	2001		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	1999	2000		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	1998	1999		7338	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	
357480203003	1997	1998		7338	\$0	\$0	\$0	\$0	\$10,000	\$0	\$10,000	
357480203003	1996	1997		7338	\$0	\$0	\$0	\$0	\$10,000	\$0	\$10,000	
357480203003	1994	1995		7338	\$0	\$0	\$0	\$0	\$10,000	\$0	\$10,000	
357480203003	1992	1993		7338	\$0	\$0	\$0	\$0	\$2,800	\$0	\$2,800	
357480203003	1990	1991		7338	\$0	\$0	\$0	\$0	\$2,200	\$0	\$2,200	
357480203003	1988	1989		7338	\$0	\$0	\$0	\$0	\$1,500	\$0	\$1,500	
357480203003	1986	1987		7338	\$0	\$0	\$0	\$0	\$1,500	\$0	\$1,500	
357480203003	1984	1985		7338	\$0	\$0	\$0	\$0	\$1,700	\$0	\$1,700	
357480203003	1982	1983		7338	\$0	\$0	\$0	\$0	\$1,400	\$0	\$1,400	

**SALES HISTORY**

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
<a href="#">1937309</a>	<a href="#">20030203002083</a>	12/13/2002	\$0.00	HOLMES GARRY/KING COUNTY EXECUTIVE SERVICES	DYER ELIZABETH	Other - See Affidavit	Other
<a href="#">795087</a>	<a href="#">198410040328</a>	9/14/1984	\$0.00	KING-COUNTY GOVT	TAKE ME HOME INC	Warranty Deed	Foreclosure

**REVIEW HISTORY**

Tax Year	Review Number	Review Type	Appealed Value	Hearing Date	Settlement Value	Decision	Status
2010	R196399	Review - Assessment	\$0	1/1/1900	\$0		Completed

**PERMIT HISTORY**

Permit Number	Permit Description	Type	Issue Date	Permit Value	Permit Status	Issuing Jurisdiction	Reviewed Date
B06C0188	Construction of new lift station facilities w/temporary bypass of existing lift station. Removal & replacement of existing lift station w/new wet well/dry well combination.	Building, New	10/17/2007	\$116,400	Complete	KING COUNTY	4/21/2009

**HOME IMPROVEMENT EXEMPTION**

E-page 54

Updated: Sept. 7, 2011

[Quick answers](#) | [Property assessments](#) | [Taxpayer assistance](#) | [Online services](#) | [Reports data](#) | [Forms](#) | [News room](#) | [Contact us](#) | [About us](#) | [Site map](#)

---

[Home](#) | [Privacy](#) | [Accessibility](#) | [Terms of use](#) | [Search](#)

Links to external sites do not constitute endorsements by King County. By visiting this and other King County web pages, you expressly agree to be bound by terms and conditions of the site.

© 2012 King County

RESOLUTION R-4964

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE NORTSHORE UTILITY DISTRICT AND GRANTING THE NORTSHORE UTILITY DISTRICT A PERMANENT FACILITIES EASEMENT.

WHEREAS, the City of Kirkland (City) recently purchased Tract B of Inglemoor Highlands according to the plat thereof recorded in Volume 104, pages 80-82, records of King County, Washington (Property); and

WHEREAS, the Northshore Utility District (District) operates a lift station within an existing easement from King County on the Property; and

WHEREAS, the District desires to acquire additional easements over the Property as needed in the future and the City is willing to grant such easements upon consideration received pursuant to an Interlocal Agreement; and

WHEREAS, the City and the District are authorized to enter into Interlocal Agreements pursuant to RCW Chapter 39.34;

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 Facilities Easements," and includes the grant of a permanent facilities easement to the District.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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

## Interlocal Agreement for Facilities Easement

THIS AGREEMENT is made this \_\_\_\_\_ day of February, 2013, between the **NORTHSHORE UTILITY DISTRICT**, a municipal corporation in King County, Washington ("District") and the **CITY OF KIRKLAND**, a municipal corporation in King County, Washington ("City").

### RECITALS

(A). City owns certain real property in the Inglemoor neighborhood of City with a King County tax lot number of 3574802030 ("Property") and is legally described in King County records as:

Tract B Inglemoor Highlands According to the Plat Thereof  
Recorded in Volume 104, Pages 80-82 Inclusive, Records of King  
County, Washington.

(B). District operates a public water distribution system and a public sanitary sewer system for an area including a portion of City and all of Property.

(C). One of District's facilities (Lift Station 14) is located within an easement on Property under King County recording number 20061012000736 ("Existing Easement").

(D). District desires to acquire an additional easement within Property for the possible future development of its systems.

(E). City is willing to grant such additional easement to District under certain conditions.

### AGREEMENT

Now therefore, in consideration of the terms and conditions contained herein, the parties agree as follows:

- (1). District shall pay City Four Thousand dollars (\$4,000.00) within sixty days upon the execution of this Agreement.
- (2). With this Agreement, City grants District a blanket easement over all of Property for existing water and/or sewer facilities and for the construction and installation of any future water and/or sewer facilities. If District plans to install such facilities within Property, it shall notify City in writing identifying the size and location of necessary easements. City agrees to grant such requested easement so long as it does not interfere with any then existing use of Property by City or any planned use. The aforementioned blanket easement shall then be replaced by new easements of such necessary size and location, substantially in the form as shown in Exhibit "A", which is incorporated herein by this reference.
- (3). This Agreement shall have no effect on Existing Easement.
- (4). This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- (5). This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and may be modified only by an agreement in writing signed by both parties.

(6). A copy of this Agreement shall be filed with the City Clerk and the King County Recorder's Office.

CITY OF KIRKLAND

NORTHSHORE UTILITY DISTRICT

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

\_\_\_\_\_  
By Fanny Yee, its General Manager

STATE OF WASHINGTON )  
  )  
COUNTY OF KING        )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged that as the \_\_\_\_\_ of City of Kirkland to be the free and voluntary act of the City for the uses and purposes intended.

\_\_\_\_\_  
Signature  
Date Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Commission Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
  )  
COUNTY OF KING        )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged that as the General Manager of Northshore Utility District to be the free and voluntary act of the district for the uses and purposes intended.

\_\_\_\_\_  
Signature  
Date Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Commission Expires: \_\_\_\_\_

**SEWER AND/OR WATER EASEMENT**

THIS INSTRUMENT is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and the City of Kirkland, ("Grantor"), and NORTSHORE UTILITY DISTRICT, a municipal corporation of King County, Washington, ("Grantee".)

1. For and in consideration of value paid by Grantee, and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby grants and conveys to Grantee, its successors and assigns, a non-exclusive perpetual easement for sewer and/or water lines with necessary appurtenances over, across, along, in, upon, under and through, the following described real property in King County, Washington, more particularly described as follows ("Real Property"):

<p>King County tax lot number of 3574802030 and legally described as:          Tract B Inglemoor Highlands According to the Plat Thereof Recorded in Volume 104, Pages 80-82 Inclusive, Records of King County, Washington.</p>
---

2. This Easement consists of all that portion of Real Property described as follows ("Easement"):

<p> </p>
----------

3. Grantor does further convey and grant to Grantee a temporary construction easement for all purposes during the construction of said sewer and/or water lines with necessary appurtenances over, across, along, in, upon, under and thorough Real Property, together with the right of ingress to and egress from Real Property for the foregoing purposes. Said temporary construction easement to commence on the date of this instrument and to terminate at such time the sewer and/or water lines and appurtenances have been accepted for maintenance and operation by Grantee. The legal description of the temporary construction easement is as follows:

<p> </p>
----------

4. Grantee shall have the right without prior institution of any suit or proceeding at law, at times as may be necessary, to enter upon Real Property for the purpose of installing, constructing, operation, maintaining, repairing, altering, making connections or reconstructing said sewer and/or water lines and appurtenances, without incurring any legal obligation or liability therefor; provided that if the area within Easement is disturbed by such installation, constructing, operating, maintaining, repairing, altering, making connections or reconstruction of said sewer lines and appurtenances, Grantee shall restore the same to a condition equal to or better than the condition prior to construction.

5. Grantor shall retain the right to use the surface of Easement, so long as such use does not interfere with the installation, construction, operation, maintenance, repair, alteration, connection to or reconstruction of said sewer and/or water lines and appurtenances. Grantor, Grantor's heirs, successors and assigns shall not place or have placed upon Easement used for such infrastructure obstructions such as a building(s)/structure(s) of a permanent nature, building/structure overhangs, rockeries, retaining walls, trees or shrubs.
6. Grantee shall indemnify, defend and hold harmless Grantor, Grantor's heirs, successors and assigns from any and all claims for injuries and/or damages suffered by any person which may be caused by exercise of the rights herein granted, provided, that Grantee shall not be responsible for any injuries and/or damages to any person caused by Grantor.
7. Easement and the covenants herein shall be equitable servitudes or covenants running with Real Property and shall be binding upon the successors, heirs, and assigns of both parties hereto.
8. Grantor warrants that Grantor has clear title to Real Property and Easement and warrants Grantee title to, and quiet enjoyment of, Easement conveyed herein.
9. If either party is required to bring legal action to enforce or enjoin the covenants and rights granted by the Easement, the prevailing party shall have the right to recover all attorney's fees, witness fees and expense associated with the legal pursuit of these rights, whether in mediation or arbitration, at trial and on appeal, and in any bankruptcy proceeding.

CITY OF KIRKLAND

\_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Print Title: \_\_\_\_\_

STATE OF WASHINGTON     )  
   )  
 COUNTY OF KING            )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged that as the \_\_\_\_\_ of City of Kirkland to be the free and voluntary act of the City for the uses and purposes intended.

\_\_\_\_\_  
 Signature  
 Date Signed: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Notary Public in and for the State of Washington  
 Commission Expires: \_\_\_\_\_



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

---

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** John MacGillivray, Solid Waste Programs Lead  
Ray Steiger, P.E., Deputy Public Works Director  
Pam Bissonnette, Interim Public Works Director

**Date:** February 6, 2013

**Subject:** Approval of Solid Waste Interlocal Agreement

### RECOMMENDATION:

Staff recommends that the City Council approves the attached resolution authorizing the City Manager to sign the Amended and Restated Solid Waste Interlocal Agreement (ILA) between the City of Kirkland and King County.

### BACKGROUND:

At its January 15, 2013 meeting, the City Council received a staff presentation on the King County Transfer System, the state of the transfer station improvements, and the content and key provisions in the Amended and Restated Solid Waste Interlocal Agreement. The City Council subsequently voted unanimously to authorize the Mayor to sign a Non-Binding Statement of Interest affirming that the City of Kirkland will likely approve and sign the ILA.

King County and the Metropolitan Solid Waste Management Advisory Committee (MSWMAC) have been working together over the past two years to extend the *Solid Waste Interlocal Agreement of 1988* (original ILA), which every City in King County, excluding Seattle and Milton, has signed. In 2010, the City of Kirkland played a significant role in initiating the ILA renegotiation process as a means to ensure that the County's capital improvement program would be fully funded and, consequently, the Houghton Transfer Station would be replaced with a more appropriately-sized and modern transfer facility.

After intensive negotiations, a team of City and County representatives reached an agreement on a new ILA that will foster cooperation in our regional solid waste system. This agreement extends the original ILA by 12.5 years, from June 2028 through December 2040, which will keep rates lower by allowing for longer-term bonding for capital improvement projects.

The new ILA includes several significant enhancements over the original ILA. It deals much more effectively with liability, establishing a protocol for payment of environmental liabilities, if and when they arise, including insurance and reserves. The intent to protect both City and County general funds from environmental liabilities to the greatest extent feasible is explicit.

**KEY ELEMENTS OF THE EXTENDED INTERLOCAL AGREEMENT:****Lower Long-Term Disposal Fees**

By extending the current ILA by 12.5 years through December 2040, King County may issue longer-term general obligation bonds to fund the transfer station capital improvement program as described in the 2006 [Solid Waste Transfer and Waste Export System Plan](#). As shown in *Table 1*, the annual disposal fee savings is estimated to be between \$7 - \$9/ton with the extended ILA and longer term bonded debt. The total cost of the new bonded debt issued with the extended ILA is projected to be \$448m. The principal is expected to be around \$300m. Cities that choose not to extend their ILA's with King County will pay the \$7 - \$9/ton disposal fee rate differential.

<b>Table 1: Disposal Fee Comparison</b>								
	2013/14	2015/16	2017/18	2019/20	2021/22	2023/24	2025/26	2027/28
2028 ILA Disposal Fee	\$120.17	\$129	\$138	\$144	\$146	\$147	\$153	\$163
2040 ILA Disposal Fee	\$120.17	\$121	\$131	\$135	\$137	\$138	\$144	\$155
Difference	\$0.00	\$8.00	\$7.00	\$9.00	\$9.00	\$9.00	\$9.00	\$8.00

**Host City Mitigation**

The new ILA also contains an acknowledgment that solid waste facilities are regional facilities, and host cities and neighboring cities may receive mitigation for impacts. Below is the mitigation language from the County information sheet.

"When new facilities are sited, or existing facilities are reconstructed, mitigation will be determined with advance input from host communities and neighboring cities, and per state law. The County will collaborate with potential host cities and neighboring cities in advance of both the environmental review and permitting processes, including seeking advance input from such cities as to potential impacts that should be addressed in scoping of environmental studies/documents, or in developing permit applications."

With respect to existing facilities, the County will continue the full range of operational mitigation activities required under law (odor and noise control, maintenance, litter cleanup, etc.).

The ILA recognizes the rights of cities to charge the County for direct impacts from operations consistent with State law (RCW 36.58.080). Cities that believe they are entitled to such mitigation may request the County undertake technical studies to determine the extent of such impacts; the County will undertake analysis it determines is reasonable and appropriate. The costs of such studies will be System costs. Dispute resolution would occur per the state statute provision, rather than the ILA dispute resolution provisions. Cities retain their full regulatory authority with respect to design, construction or operation of facilities within their jurisdiction.

## **Environmental Liability Protection**

The Sound Cities Association Principles as agreed to by the King County Executive served as the foundation for the negotiation of the environmental liability section of the ILA. The current ILA is silent on the issue of environmental liability and the inclusion of this section in the new ILA is a significant improvement that will provide a tiered line of defense to all City and County general funds and solid waste utilities, where present. Notably, the parties agree that system disposal rates will be used to pay for mechanisms to pay for environmental liabilities and neither party will receive priority in the use of any liability payment mechanisms listed below:

- 1) If commercially available, insurance will be purchased by King County. Cities with extended ILA's will be named as additional insured. King County will consult with MSWAC on the "adequacy, amount, and availability" of any insurance.
- 2) King County will use disposal rates to establish an Environmental Reserve Fund. King County will consult with MSWAC to ensure the Fund is adequate. The Fund will be maintained for at least 30 years after the closure of the Cedar Hills Landfill.
- 3) State and Federal grants will be pursued to, "... pay for or remediate..." environmental liabilities.
- 4) In the event that the three aforementioned mechanisms are not adequate to pay for the environmental liabilities, disposal rates will be used. King County, in consultation with MSWAC, will establish a rate schedule to pay for the remaining environmental liabilities.

## **Replacement of the Houghton Transfer Station**

In 2005 the KCSWD, in close collaboration with its ILA cities, conducted an exhaustive study of the transfer system's infrastructure. In the *Solid Waste Transfer and Waste Export Plan*, a myriad of criteria were applied to each facility to determine whether it should be left alone, renovated on-site, closed and rebuilt at a different location, or closed and removed from the system.

The Houghton Transfer Station has served the City of Kirkland and surrounding communities well for decades. It's presence in the community has offered a convenience to our residents and businesses and has allowed the City to keep its curbside and commercial garbage rates competitively low and services comparably high. However, the Houghton Transfer Station did not meet the majority of the critical criteria in the Transfer Plan and it has been recommended for ultimate closure in or about 2018. The siting process for the new Northeast King County Recycling and Transfer Station will begin in 2015 and the bonding capacity offered by the new extended ILA will guarantee that the new station is built, ensuring Kirkland's access to a modern, state-of-the-art facility for the next several decades.

## **OTHER KEY IMPROVEMENTS OVER THE CURRENT INTERLOCAL AGREEMENT:**

- A commitment to the continued involvement of the City advisory group, renamed the Metropolitan Solid Waste Advisory Committee (MSWAC).

- An expanded role for Cities in system planning, including long-term disposal alternatives and in establishing financial policies.
- A dispute resolution process, which includes non-binding mediation.

According to King County, as of the writing of this memorandum, six cities have approved/signed the new ILA. King County has also provided Kirkland with the names of those cities that indicated they are likely to sign. Those cities are listed below.

**Cities that have signed the “Amended and Restated” ILA in 2013:**

Carnation, Des Moines, Kenmore, Normandy Park, Shoreline, Woodinville, Tukwila

**Cities indicating they intend to sign the amended ILA in addition to Kirkland:**

Algona	Issaquah
Auburn	Lake Forest Park
Beaux Arts	Maple Valley
Black Diamond	Medina
Clyde Hill	Newcastle
Covington	North Bend
Duvall	Redmond
Enumclaw	Sammamish
Federal Way	SeaTac

The City of Bothell has not yet indicated if they will sign the new ILA, but they have previously signed an amendment extending their current ILA to 2057.

**NEXT STEPS:**

If the new ILA is signed by the City of Kirkland, the agreement will be forwarded to the King County Executive for signature. Once fully executed, the new ILA will expire in December, 2040. In the event that the City Council elects to not sign the new ILA, the City of Kirkland’s current ILA with King County will remain in force through 2028.

On or before February 28, King County is expected to convert \$75m in Bond Anticipation Notes (BANs) to long-term General Obligation Bonds backed by the rate revenues from City’s with ILA’s through 2040. By mid-2014, the Solid Waste Division will propose rates for the 2015/16 rate period. Financial policies developed in collaboration with MSWAC will inform the rate study. To allow sufficient time to develop those policies, the County needs each City to act on the ILA by April 30, 2013.

Attachments: Term Sheet & Informational Materials  
Resolution  
Solid Waste Interlocal Agreement

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**ILA Term Sheet**

- **Accountability**
- **Durability: address long-term needs**
- **Transparency**
- **Simplicity**

<b>Part I: Contract Term, Capital Financing, and Ability to Terminate Agreement in Advance</b>	
<b>Contract Term</b>	ILA is extended 12.5 years, through December 2040. As of June 2012, there would be 28.5 years remaining on the contract.
<b>Bond Term</b> How long could the financing term be for bonds funding the Transfer Station improvement plan?	20 to 28 years, depending on when each series of bonds to finance the transfer station projects is issued.
<b>Disposal Fees (tonnage rates)</b>	Significantly lower cost per ton is possible as compared to the “no extension” option The longer the term, the higher the total price paid for the improvements (more interest paid).
<b>Negotiated ILA Extension</b>	An ILA extension is likely to be necessary at some point during the term of the amended ILA in order to accommodate a cost-effective long-term disposal solution after Cedar Hills closes.  The ILA will include language describing the parties’ intent to enter into negotiations to extend the ILA before Cedar Hills closes, but after such time as the region has made a decision on the long-term disposal option; that decision will require amending the Comprehensive Solid Waste Management Plan (CSWMP). The parties could choose to begin the negotiations before ratification of the CSWMP amendment is complete.  The amended ILA cannot compel either party to agree to a future extension of the term.
<b>If Cedar Hills closes on schedule (2025), what happens if the ILA is <u>not</u> extended again?</b>	The County would have to provide disposal at another location for 15 years (2025 through 2040). The City will continue to be part of the County system during that time. This is a relatively short time period and as a result the assumption is that costs would likely be considerably more expensive than disposal at Cedar Hills.
<b>Early Termination</b> Will cities have the ability to terminate the ILA early?	No.  If a city has the ability to terminate the ILA early, the County will, in exchange, need to be able to recoup from that city, at a minimum, all the debt service costs associated with the terminating city’s share of the transfer station system upgrades.  Not included because the cost of prepaying debt service for a city’s share of transfer station system improvements is likely to be so expensive that no city would choose

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**ILA Term Sheet**

	to exercise this option. It would imply the city would prepay for a 50-year asset after a few years, and, the terminating city would not be assured of having access to the system assets after leaving.
<b>What if some cities don't agree to extend the ILA?</b>	<p>Non-extending cities would be in a different customer class than extending cities.</p> <p>Non-extending cities would be charged rates to ensure their portion of transfer station debt is fully repaid by June 2028. As a result, their rates would be \$7-\$9 per ton higher than for cities extending the ILA.</p>
<b>Part 2: Governance</b>	
<b>Cities Advisory Committee</b>	<p>The Cities advisory committee (MSWMAC) is memorialized within the ILA as the Metropolitan Solid Waste Advisory Committee (MSWAC). Its structure and operations are no longer controlled by County Code. It has the same composition, same rules as today:</p> <ul style="list-style-type: none"> <li>• Each city may appoint a delegate and alternates to MSWAC.</li> <li>• MSWAC retains its existing responsibilities.</li> <li>• MSWAC will elect a chair and vice-chair, and adopt its own bylaws.</li> <li>• MSWAC will be staffed by the County.</li> <li>• MSWAC remains an advisory body. It will coordinate with the Solid Waste Advisory Committee (SWAC) and provide advice to SWAC as it deems appropriate. MSWAC will also provide recommendations to the County Executive, County Council, and other entities.</li> </ul> <p>The County agrees to consider and respond on a timely basis to questions and issues from MSWAC, including but not limited to development of efficient and accountable billing practices.</p>
<b>Regional Policy Committee (RPC)</b>	<p>The role of the RPC is not affected by the amended and restated ILA. The RPC will retain its current charter role in acting on Comprehensive Solid Waste Management Plan (CSWMP) amendments and financial policies. Its existing responsibilities as the Solid Waste Interlocal Forum will continue through the end of the current ILA in June 2028. After 2028 those responsibilities will go to the RPC.</p>
<b>Part 3: Comprehensive Solid Waste Management Plan</b>	
<p><b>Process</b></p> <p>The CSWMP is reviewed and amended as needed. Several years before the Cedar Hills Landfill closes, the CSWMP will be amended to include language defining the regional disposal option.</p>	<p>The ILA will confirm current practice that the County Council acts to approve the CSWMP <i>subject to ratification</i>, in the same way that Countywide Planning Policies are now first approved by the County and then subject to ratification.</p> <p>The County will act after seeking input from MSWAC, among others.</p> <p>Once the County action is effective, the ratification period would run for 120 days.</p>

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**ILA Term Sheet**

<p><b>Ratification Requirement</b> The current ILA requires that jurisdictions representing 75% of the contract city population must approve CSWMP changes. The 75% is determined based on those cities taking a position.</p>	<p>The negotiating team considered modifying the ratification requirement. Because of the difficulties of administering two different ratification processes if some cities extend and others do not, the current process was left unchanged. It has been used several times over the term of the agreement without significant problems.</p>
<p><b>Part 4: Other Issues</b></p>	
<p><b>Parties Obligations to Communicate</b></p>	<p>The parties will endeavor to notify each other in the event of the development of any plan, contract, dispute, use of environmental liability funds or other solid waste issue that could have potential significant impacts on the City and/or Cities, the County and/or the regional solid waste system.</p>
<p><b>Emergency Planning</b></p>	<p>The County and the cities will coordinate on the development of emergency plans related to solid waste, including but not limited to debris management.</p>
<p><b>Grants</b></p>	<p>The ILA will include a provision confirming that grants to cities in support of programs that benefit the Solid Waste system are a permissible use of system revenues.</p>
<p><b>Mitigation</b></p>	<p>The ILA will acknowledge that solid waste facilities are regional facilities and host cities and neighboring cities may sustain impacts for which there are three types of mitigation:</p> <ol style="list-style-type: none"> <li>1. When <b>new facilities</b> are sited, or <b>existing facilities are reconstructed</b>, mitigation will be determined with advance input from host communities and neighboring cities, and per state law. The County will collaborate with potential host cities and neighboring cities in advance of both the environmental review and permitting processes, including seeking advance input from such cities as to potential impacts that should be addressed in scoping of environmental studies/documents, or in developing permit applications.</li> <li>2. With respect to <b>existing facilities</b>, the County will continue the full range of operational mitigation activities required under law (odor and noise control, maintenance, litter cleanup, etc.).</li> <li>3. The ILA will recognize the rights of cities to <b>charge the County for direct impacts</b> from operations consistent with State law (RCW 36.58.080). Cities that believe they are entitled to such mitigation may request the County undertake technical studies to determine the extent of such impacts; the County will undertake analysis it determines is reasonable and appropriate. The costs of such studies will be System costs. Dispute resolution would occur per the state statute provision, rather than the ILA dispute resolution provisions.</li> </ol> <p>Cities retain their full regulatory authority with respect to design, construction or operation of facilities within their jurisdiction.</p>

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**ILA Term Sheet**

<p><b>Cedar Hills Landfill Rent</b> The County began leasing the Cedar Hills Landfill from the state in 1960 at a time when the solid waste function was still part of County General Fund operations. Throughout the '60s, '70s and into the '80s, the solid waste system was operated as part of the General Fund through a mix of County General Fund monies and solid waste fees. In 1983, the County formally began the effort to transform the solid waste system from a General Fund operation to a self-sustaining utility enterprise, fully funded from system revenues-- primarily tipping fees charged at the Cedar Hills Landfill. The Landfill was acquired by the General Fund from the state in 1992 and remains a General Fund asset. The General Fund began charging the Division for the use of this asset in 2004.</p>	<p>The ILA will acknowledge that rent is charged to the Division for use of the Cedar Hills Landfill, and clarify how the rent will be determined.</p> <p>The County will continue to charge the Solid Waste System rent for use of the Cedar Hills Landfill. The Landfill is a General Fund asset.</p> <p>The ILA will ensure that Landfill rent will be based on third party professional valuations using accepted MAI valuation principles. Cities will have input into the selection of the appraiser and will have an opportunity to review and comment on data inputs provided by the System to the appraiser for purposes of conducting the appraisal.</p> <p>The December 2011 appraisal setting the rent value for the period from 2013 through 2025 (the current estimated end of the Landfill's useful life) will be adjusted downward to ensure that the System is not charged for Landfill capacity that was included and paid for by the System per the previous (2004) appraisal. The same adjustment will be made with respect to any future appraisal.</p> <p>The ILA will define a clear process by which the value of Cedar Hills to the Division, and the associated rent, may be revalued during the Agreement, and will ensure engagement of MSWAC in that process.</p> <p>Rent costs are an operating cost to the Division that will be incorporated into solid waste rates. MSWAC will have input on all rate proposals, as well as the specific schedule of rent payments derived from the new appraisal.</p> <p>The County will commit to not charge General Fund rent for any transfer station property now in use, and will not charge General Fund rent for assets acquired in the future solely from System revenues. Assets owned by other County funds (e.g., the Roads Division, or other funds) will be subject to rent (and vice versa). Any revenue generated from System owned assets will be treated as revenues of the System.</p>
<p><b>Financial Policies</b></p>	<p>The County will develop financial policies to guide the Division's operations and investments. The policies will address debt issuance, cost containment, reserves, asset ownership and use, and other financial issues. The policies will be developed through discussion with MSWAC, RPC, the County Executive and the County Council. Such policies will periodically be codified at the same time as CSWMP updates, but may be adopted from time to time as appropriate outside the CSWMP update cycle.</p>
<p><b>Dispute Resolution</b></p>	<p>The ILA will replace the current dispute resolution provisions involving State DOE (State DOE is not willing to serve the role ascribed to it in the current ILA) with more standard provisions, similar to those used in other multi-party County ILAs. In event of a dispute, the first step will be for staff from the parties to meet. If the issue is not resolved, then the City Manager/Administrator from the city(ies) and the County Executive will meet. If the issue is still not resolved, non-binding mediation may be pursued if any party so chooses, prior to pursuing formal legal action. All cities will be notified of disputes at each step, and may join the dispute if they so choose. Costs of mediation will be split, with the cities (all those participating in the matter) paying half of the costs and the County paying half of the costs.</p>

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**ILA Term Sheet**

<b>Liability</b>	<p>SCA Principles as agreed to by Executive Constantine form the basis for the Environmental Liability section. The County and the Cities agree that System-related costs, including environmental liabilities, should be funded by System revenues which include but are not limited to insurance proceeds, grants and rates. A protocol for payment of liabilities if and when they arise is established including:</p> <ul style="list-style-type: none"> <li>• Insurance, if commercially available with cities as additional insured</li> <li>• Any reserves established for environmental liability shall survive for 30 years after the closure of the Cedar Hills Landfill.</li> <li>• Grants to the extent available</li> <li>• Developing a financial plan including a rate schedule in consultation with MSWAC</li> </ul> <p>Specific language is included indicating it is the intent of the parties to protect their general funds from Environmental Liabilities to the greatest extent feasible.</p>
<b>Severability</b>	<p>Team agreed not to include a severability section. Effect is that in the event one section of the contract is found to be invalid the Parties will need to meet to discuss how to remedy the issue</p>
<b>Survivability</b>	<p>No obligations of the agreement shall survive the expiration of the contract except portions of the liability section including:</p> <ul style="list-style-type: none"> <li>• A three year obligation for tort related operational liability</li> <li>• Any insurance in effect at the end of the agreement shall continue for the term of the policy</li> <li>• Reserve fund is retained for 30 years following Cedar Hills closure</li> </ul>
<b>Flow Control</b>	<p>Language in Section 6.2 is simplified to state “The City shall cause to be delivered to the County disposal system...” It does not specify what means the City shall use to accomplish this.</p>
<b>County Commitment to Transfer Station Plan</b>	<p>Section 6.1.g is amended to state “The County shall provide facilities and services pursuant to the Comprehensive Solid Waste Management Plan <b><i>and the Solid Waste Transfer and Waste Management Plan as adopted...</i></b>”</p>
<b>Long-Term Bonds</b>	<p>Section 6.1.f includes “The County shall primarily use long term bonds to finance transfer system improvements.” This recognizes that in the past these improvements have been partially funded by cash. This section also includes a commitment to develop, through discussions with MSWAC, financial policies.</p>

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**Solid Waste Governance**

	<b>Solid Waste Advisory Committee</b>	<b>Metropolitan Solid Waste Advisory Committee</b>	<b>Solid Waste Interlocal Forum</b>
<b>Basis</b>	RCW 70.95; KCC 10.28	Amended and Restated Interlocal Agreement	Forum Agreement (Addendum to 1988 ILA)
<b>Appointment</b>	Executive appoints; Council confirms	Cities appoint	County Council and Sound Cities Association appoint
<b>Membership</b>	Interested citizens; local elected officials; waste management industry; recycling industry; labor; public interest groups; marketing interests	Cities – staff, elected officials and consultants	Regional Policy Committee members excluding City of Seattle representatives
<b>Advises</b>	King County	King County Executive and Council, Solid Waste Division, Solid Waste Advisory Committee, Solid Waste Interlocal Forum and Regional Policy Committee	King County Executive and Council, and other jurisdictions
<b>Duties</b>	Advise King County on all aspects of solid waste management planning; assist in development of programs and policies concerning solid waste management	Advise the King County Executive and Council, Solid Waste Division, Solid Waste Advisory Committee, and other jurisdictions as appropriate, on all policy aspects of solid waste management and planning	Advise the King County Executive and Council, and other jurisdictions as appropriate, on all policy aspects of solid waste management and planning

## Rate Differences Between the *Solid Waste Interlocal Agreement of 1988* and the *Amended and Restated Solid Waste Interlocal Agreement*

The chart below compares estimated fees for Cities that choose to remain with the original 1988 ILA that expires in 2028 and those Cities that choose to sign the new ILA that expires in 2040.

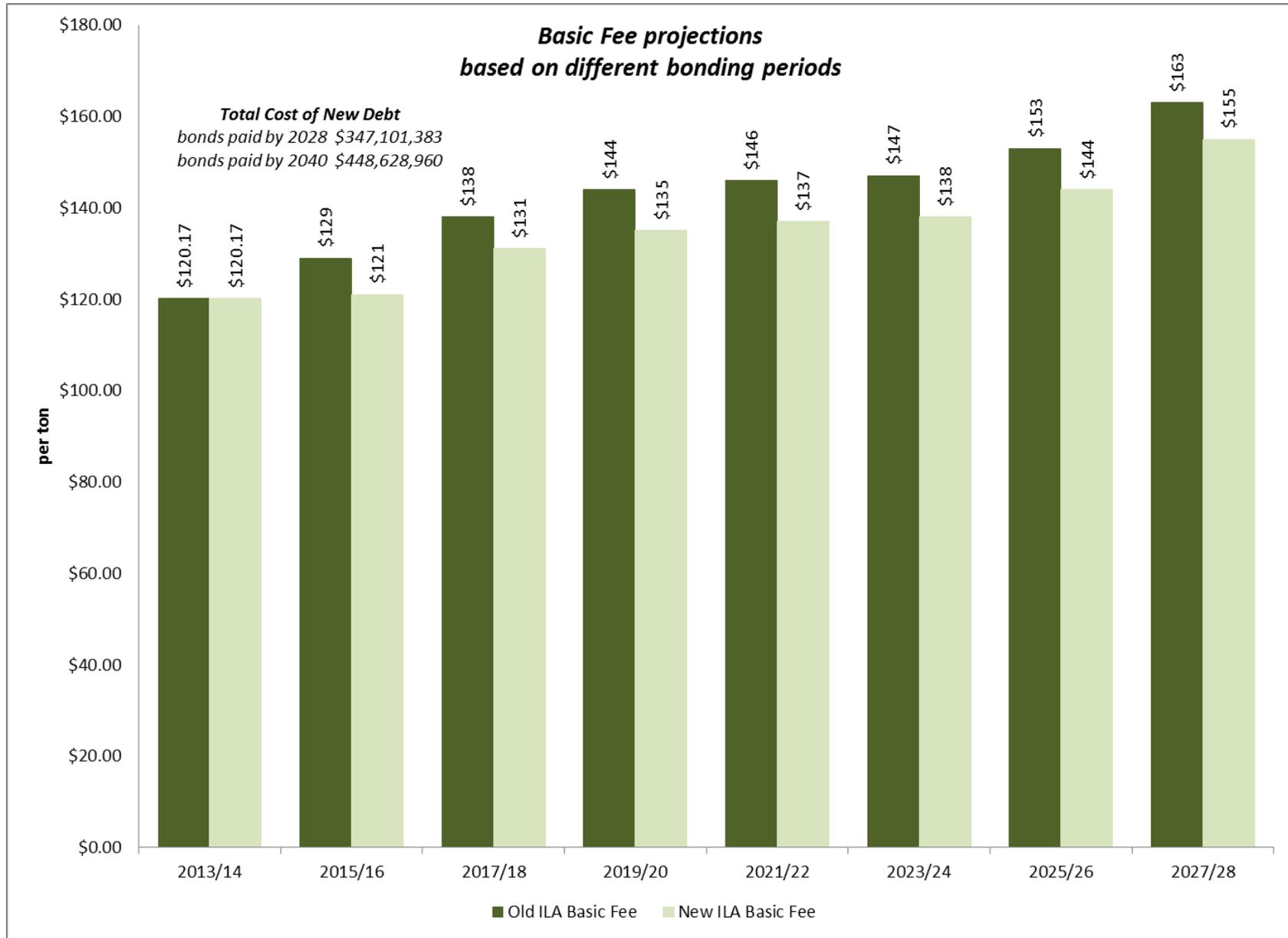
	2013/14	2015/16	2017/18	2019/20	2021/22	2023/24	2025/26	2027/28
Original ILA Basic Fee	\$120.17	\$129.00	\$138.00	\$144.00	\$146.00	\$147.00	\$153.00	\$163.00
New ILA Basic Fee	\$120.17	\$121.00	\$131.00	\$135.00	\$137.00	\$138.00	\$144.00	\$155.00
Difference	\$0.00	\$8.00	\$7.00	\$9.00	\$9.00	\$9.00	\$9.00	\$8.00

See chart on page 2.

### Notes:

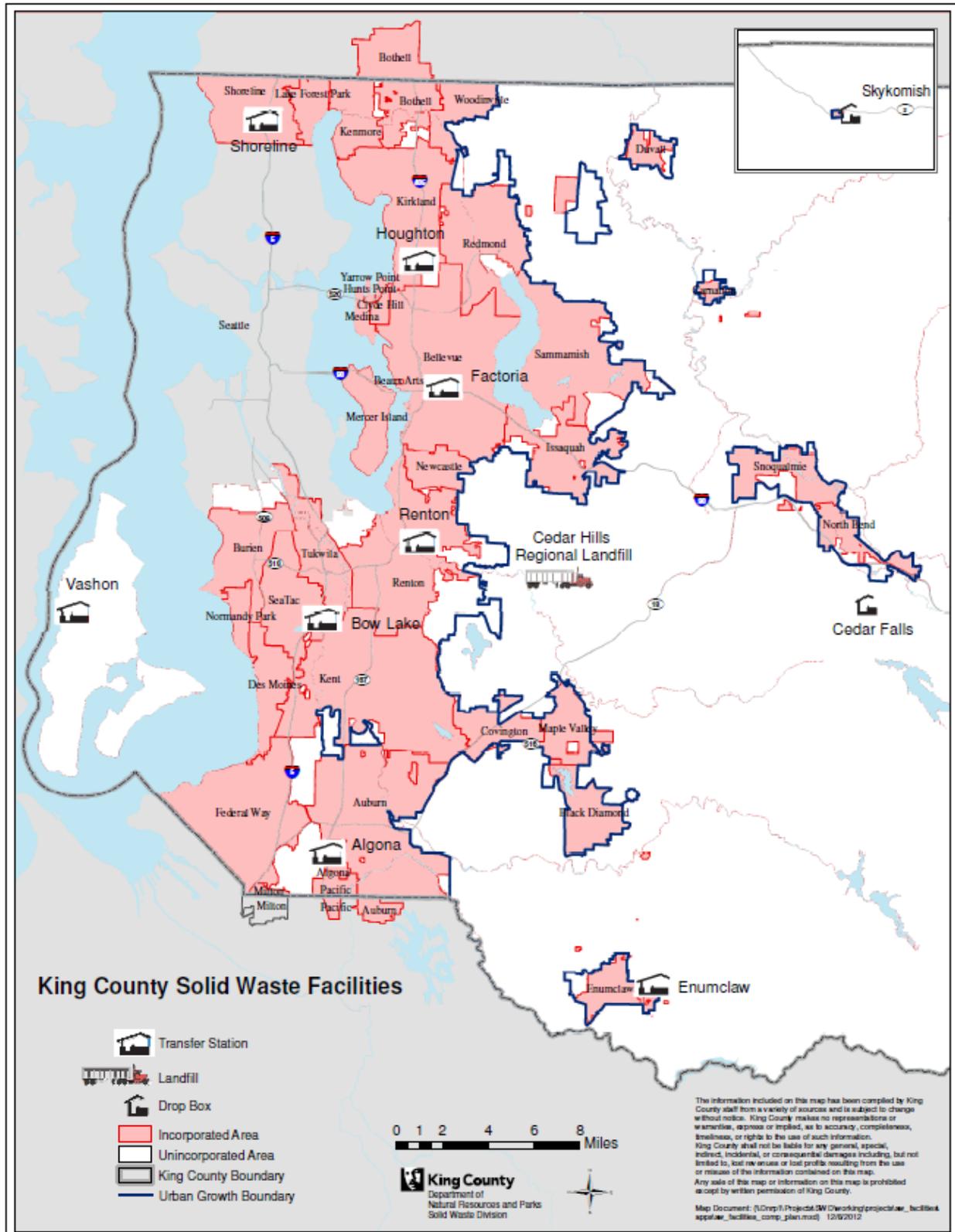
- *This is a planning level projection - actual fees may vary depending on a variety of circumstances, including the exact mix of Cities signing the Amended and Restated ILA*
- *For Cities not signing the new ILA, the fee includes the additional amount needed to pay for shorter-term financing - estimated fees assume interest rates for borrowing for 15 years at 2 percent and for 28 years at 3.25 percent*
- *New ILA 2015/16 fee reflects savings for longer-term bonds issued during the previous period (the 2013/14 fee of \$120.17 was based on an assumption of issuing shorter term bonds)*
- *Estimated fees are rounded to the nearest dollar*
- *Estimated fees differ from the 2012 Rate Study because assumptions for inflation and interest rates have been updated*
- *Fee estimates are based on current forecasts for tonnage, interest rates, inflation, transfer system improvements, etc.*
- *Operating expenses (labor costs, fuel, etc.) are assumed to increase at rate of inflation based on the King County Economic Forecast Council's August 2012 Seattle Annual CPI-U Forecast*

### Rate Differences Between the *Solid Waste Interlocal Agreement of 1988* and the *Amended and Restated Solid Waste Interlocal Agreement*



## Amended and Restated Solid Waste Interlocal Agreement between King County and Cities

### System Map



## ***Amended and Restated Solid Waste Interlocal Agreement between King County and Cities***

### **Frequently Asked Questions**

1. *What is the timeframe for Cities to adopt the new ILA?*

By mid-2014 the Solid Waste Division will propose rates for the 2015/16 rate period. Financial policies developed in collaboration with the Metropolitan Solid Waste Advisory Committee will inform the rate study. To allow sufficient time to develop those policies and complete the rate study, the County needs each City to act on the ILA by April 30, 2013.

2. *What is the purpose of the non-binding statement of interest?*

The County is asking each City to provide a non-binding statement of interest that indicates likely participation in the new ILA by January 31, 2013. This information will be helpful to the County as it moves forward with a variety of planning efforts, including updating the Draft Comprehensive Solid Waste Management Plan.

3. *What are the capital project financing needs in 2013 and 2014?*

Presently, the division has \$75 million in Bond Anticipation Notes (BANs) that will expire on February 28, 2012. Those BANs will be converted to long-term bonds. Later in 2013, an additional \$13 million will be required for anticipated capital project expenditures. In 2014, it is anticipated that \$35 million will be needed.

4. *How does City participation in the new ILA affect capital project financing?*

Financing for transfer system capital improvements will be primarily by long-term bonds. Ensuring adequate revenue to repay the bonds is critical and that revenue is directly dependent on City participation in the system. If enough cities sign the extended ILA, the County will issue bonds of 20 years or longer (out to 2040), which will mean lower per ton fees. Conversely, if cities do not choose to extend the ILA, bonds will only be issued out to 2028, which will increase rates. A mix of longer and shorter bonds may be possible if some cities extend the ILA and others do not.

5. *What are the implications for a City that chooses not to sign the new ILA?*

Cities that choose to remain with the original ILA that expires in 2028 will pay rates that include the additional amount needed to pay for the shorter bonds. The additional amount will be in the range of \$7 to \$9 per ton. Cities that choose to remain with the original ILA will also not receive the benefits of the new ILA, including those related to potential environmental liability.

6. *How long do cities have to adopt the new ILA?*

In order to move forward with development of financial policies that will inform the 2015/16 rate period and other planning efforts, the County needs each City by April 30, 2013 to decide whether to sign the new ILA.

7. *How would insurance coverage and liability reserves be established?*

The insurance coverage and liability reserves provided for under the new ILA would be established based on what is commercially available and determined appropriate in consultation with the Metropolitan Solid Waste Advisory Committee (MSWAC - note that the name of this committee changes in the new ILA from the Metropolitan Solid Waste Management Advisory Committee or MSWMAC).

***Amended and Restated Solid Waste Interlocal Agreement  
between King County and Cities***

**Frequently Asked Questions**

*8. Does this ILA lock Cities into the current Transfer System Plan?*

No. In the new ILA the County commits to provide facilities and services pursuant to adopted plans. The ILA also acknowledges that plans for transfer station improvements may be modified.

*9. How does the ILA relate to the comprehensive solid waste management plan?*

The ILA provides a framework for Cities and the County to work collaboratively to maintain and update the comprehensive solid waste management plan and for adoption of the plan. Specific policies, plans, and strategies are not included in the ILA.

*10. What about disposal after Cedar Hills closes?*

The ILA provides a framework for Cities and the County to plan for disposal post-Cedar Hills. At least seven years before the date that the landfill is projected to close, the County will seek advice and input from MSWAC and others on disposal alternatives.

*11. Does the new ILA address Cedar Hills landfill rent?*

The ILA establishes a clear process for rent for Cedar Hills, limiting when rental payments can be changed, requiring a certified appraisal process be followed, and seeking review and comment from the Cities. It clearly states that the solid waste system shall not pay rent to the general fund for use of other county properties for transfer stations.

*12. What if my City has more questions about this new ILA?*

If you have any questions or would like to schedule a briefing, please call or email Pat McLaughlin at 206-296-4385 or [pat.mclaughlin@kingcounty.gov](mailto:pat.mclaughlin@kingcounty.gov).

RESOLUTION R-4965

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KIRKLAND REGARDING AN AMENDED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT.

WHEREAS, as authorized by RCW Chapter 39.34, the City of Kirkland and King County originally entered into an agreement for cooperative management of Solid Waste in King County for a term of forty (40) years, through June 30, 2028; and

WHEREAS, pursuant to this same authority, the City and County wish to extend this agreement for an additional 12.5 years to December 31, 2040, to enable the County to obtain capital improvement financing of longer terms at better interest rates; and

WHEREAS, the City and County also wish to improve the original agreement with amendments that, for example, deal more effectively with environmental liability considerations, expand the role of cities in system planning, provide the potential for mitigation to host and neighboring cities for the impacts of regional solid waste facilities and establish a dispute resolution process,

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 amendment to the current interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Amended and Restated Solid Waste Interlocal Agreement."

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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

# AMENDED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT

This Amended and Restated Solid Waste Interlocal Agreement (“Agreement”) is entered into between King County, a political subdivision of the State of Washington and the City of Kirkland, a municipal corporation of the State of Washington, hereinafter referred to as "County" and "City" respectively. Collectively, the County and the City are referred to as the “Parties.” This Agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action as designated below:

King County: Ordinance No. \_\_\_\_\_

City: \_\_\_\_\_

## PREAMBLE

- A. This Agreement is entered into pursuant to chapter 39.34 RCW for the purpose of extending, restating and amending the Solid Waste Interlocal Agreement between the Parties originally entered into in 3; : : (the “Original Agreement”). The Original Agreement provided for the cooperative management of Solid Waste in King County for a term of forty (40) years, through June 30, 2028. The Original Agreement is superseded by this Amended and Restated Agreement, as of the effective date of this Agreement. This Amended and Restated Agreement is effective for an additional twelve (12) years through December 31, 2040.
- B. The Parties intend to continue to cooperatively manage Solid Waste and to work collaboratively to maintain and periodically update the existing King County

Comprehensive Solid Waste Management Plan (Comprehensive Plan) adopted pursuant to chapter 70.95 RCW.

- C. The Parties continue to support the established goals of Waste Prevention and Recycling as incorporated in the Comprehensive Solid Waste Management Plan, and to meet or surpass applicable environmental standards with regard to the Solid Waste System.
- D. The County and the Cities agree that System-related costs, including environmental liabilities, should be funded by System revenues which include but are not limited to insurance proceeds, grants and rates;
- E. The County, as the service provider, is in the best position to steward funds System revenues that the County and the Cities intend to be available to pay for environmental liabilities; and
- F. The County and the Cities recognize that at the time this Agreement goes into effect, it is impossible to know what the ultimate environmental liabilities could be; nevertheless, the County and the Cities wish to designate in this Agreement a protocol for the designation and distribution of funding for potential future environmental liabilities in order to protect the general funds of the County and the Cities.
- G. The County began renting the Cedar Hills Landfill from the State of Washington in 1960 and began using it for Disposal of Solid Waste in 1964. The County acquired ownership of the Cedar Hills Landfill from the State in 1992. The Cedar Hills Landfill remains an asset owned by the County.
- H. The Parties expect that the Cedar Hills Landfill will be at capacity and closed at some date during the term of this Agreement, after which time all Solid Waste under this Agreement will need to be disposed of through alternate means, as determined by the

Cities and the County through amendments to the Comprehensive Solid Waste Management Plan. The County currently estimates the useful life of the Cedar Hills Landfill will extend through 2025. It is possible that this useful life could be extended, or shortened, by System management decisions or factors beyond the control of the Parties.

- I. The County intends to charge rent for the use of the Cedar Hills Landfill for so long as the System uses this general fund asset and the Parties seek to clarify terms relative to the calculation of the associated rent.
- J. The County and Cities participating in the System have worked collaboratively for several years to develop a plan for the replacement or upgrading of a series of transfer stations. The Parties acknowledge that these transfer station improvements, as they may be modified from time-to-time, will benefit Cities that are part of the System and the County. The Parties have determined that the extension of the term of the Original Agreement by twelve (12) years as accomplished by this Agreement is appropriate in order to facilitate the long-term financing of transfer station improvements and to mitigate rate impacts of such financing.
- K. The Parties have further determined that in order to equitably allocate the benefit to all System Users from the transfer station improvements, different customer classes may be established by the County to ensure System Users do not pay a disproportionate share of the cost of these improvements as a result of a decision by a city not to extend the term of the Original Agreement.
- L. The Parties have further determined it is appropriate to strengthen and formalize the advisory role of the Cities regarding System operations.

The Parties agree as follows:

### I. DEFINITIONS

For purposes of this Agreement the following definitions shall apply:

“Cedar Hills Landfill” means the landfill owned and operated by the County located in southeast King County.

“Cities” refers to all Cities that have signed an Amended and Restated Solid Waste Interlocal Agreement in substantially identical form to this Agreement.

"Comprehensive Solid Waste Management Plan" or "Comprehensive Plan" means the Comprehensive Solid Waste Management Plan, as approved and amended from time to time, for the System, as required by chapter 70.95.080 RCW.

“County” means King County, a Charter County and political subdivision of the State of Washington.

"Disposal" means the final treatment, utilization, processing, deposition, or incineration of Solid Waste but shall not include Waste Prevention or Recycling as defined herein.

“Disposal Rates” means the fee charged by the County to System Users to cover all costs of the System consistent with this Agreement, all state, federal and local laws governing solid waste and the Solid Waste Comprehensive Plan.

"Divert" means to direct or permit the directing of Solid Waste to Disposal sites other than the Disposal site(s) designated by King County.

"Energy/Resource Recovery" means the recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of Solid Waste that involves high temperature (above 1,200 degrees F) processing. (chapter 173.350.100 WAC).

"Landfill" means a Disposal facility or part of a facility at which Solid Waste is placed in or on land and which is not a land treatment facility.

“Metropolitan Solid Waste Advisory Committee” or “MSWAC” means the advisory committee composed of city representatives, established pursuant to Section IX of this Agreement.

"Moderate Risk Waste" means waste that is limited to conditionally exempt small quantity generator waste and household hazardous waste as those terms are defined in chapter 173-350 WAC, as amended.

“Original Agreement” means the Solid Waste Interlocal Agreement first entered into by and between the Parties, which is amended and restated by this Agreement. “Original Agreements” means collectively all such agreements between Cities and the County in substantially the same form as the Original Agreement.

“Parties” means collectively the County and the City or Cities.

"Recycling" as defined in chapter 70.95.030 RCW, as amended, means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill Disposal or incineration.

“Regional Policy Committee” means the Regional Policy Committee created pursuant to approval of the County voters in 1993, the composition and responsibilities of which are prescribed in King County Charter Section 270 and chapter 1.24 King County Code, as they now exist or hereafter may be amended.

"Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, swill, commercial waste, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged materials, discarded commodities and recyclable materials, but shall not include dangerous, hazardous, or extremely hazardous waste as those terms are defined in chapter 173-303 WAC, as amended; and shall further not include those

wastes excluded from the regulations established in chapter 173-350 WAC, more specifically identified in Section 173-350-020 WAC.

"Solid Waste Advisory Committee" or "SWAC" means the inter-disciplinary advisory forum or its successor created by the King County Code pursuant to chapter 70.95.165 RCW.

"System" includes King County's Solid Waste facilities used to manage Solid Wastes which includes but is not limited to transfer stations, drop boxes, landfills, recycling systems and facilities, energy and resource recovery facilities and processing facilities as authorized by chapter 36.58.040 RCW and as established pursuant to the approved King County Comprehensive Solid Waste Management Plan.

"System User" or "System Users" means Cities and any person utilizing the County's System for Solid Waste handling, Recycling or Disposal.

"Waste Prevention" means reducing the amount or type of waste generated. Waste Prevention shall not include reduction of already-generated waste through energy recovery, incineration, or otherwise.

## II. PURPOSE

The purpose of this Agreement is to foster transparency and cooperation between the Parties and to establish the respective responsibilities of the Parties in a Solid Waste management System, including but not limited to, planning, Waste Prevention, Recycling, and Disposal. .

### III. DURATION

This Agreement shall become effective as of \_\_\_\_\_, and shall remain in effect through December 31, 2040.

### IV. APPROVAL

This Agreement will be approved and filed in accordance with chapter 39.34 RCW.

### V. RENEGOTIATION TO FURTHER EXTEND TERM OF AGREEMENT

5.1 The Parties recognize that System Users benefit from long-term Disposal arrangements, both in terms of predictability of System costs and operations, and the likelihood that more cost competitive rates can be achieved with longer-term Disposal contracts as compared to shorter-term contracts. To that end, at least seven (7) years before the date that the County projects that the Cedar Hills Landfill will close, or prior to the end of this Agreement, whichever is sooner, the County will engage with MSWAC and the Solid Waste Advisory Committee, among others, to seek their advice and input on the Disposal alternatives to be used after closure of the Cedar Hills Landfill, associated changes to the System, estimated costs associated with the recommended Disposal alternatives, and amendments to the Comprehensive Solid Waste Management Plan necessary to support these changes. Concurrently, the Parties will meet to negotiate an extension of the term of the Agreement for the purpose of facilitating the long-term Disposal of Solid Waste after closure of the Cedar Hills Landfill. Nothing in this Agreement shall require the Parties to reach agreement on an extension of the term of this Agreement. If the Parties fail to reach agreement on an extension, the Dispute Resolution provisions of Section XIII do not apply, and this Agreement shall remain unchanged.

5.2 Notwithstanding any other provision in this Agreement to the contrary, the Parties may, pursuant to mutual written agreement, modify or amend any provision of this Agreement at any time during the term of said Agreement.

## VI. GENERAL OBLIGATIONS OF PARTIES

### 6.1 King County

6.1.a Management. The County agrees to provide Solid Waste management services, as specified in this Section, for Solid Waste generated and collected within the City, except waste eliminated through Waste Prevention or waste recycling activities. The County agrees to dispose of or designate Disposal sites for all Solid Waste and Moderate Risk Waste generated and/or collected within the corporate limits of the City which is delivered to the System in accordance with all applicable Federal, State and local environmental health laws, rules, or regulations, as those laws are described in Subsection 8.5.a. The County shall maintain records as necessary to fulfill obligations under this Agreement.

6.1.b Planning. The County shall serve as the planning authority for Solid Waste and Moderate Risk Waste under this Agreement but shall not be responsible for planning for any other waste or have any other planning responsibility under this Agreement.

6.1.c Operation. King County shall be or shall designate or authorize the operating authority for transfer, processing and Disposal facilities, including public landfills and other facilities, consistent with the adopted Comprehensive Plan as well as closure and post-closure responsibilities for landfills which are or were operated by the County.

6.1.d Collection Service. The County shall not provide Solid Waste collection services within the corporate limits of the City, unless permitted by law and agreed to by both Parties.

6.1.e Support and Assistance. The County shall provide support and technical assistance to the City consistent with the Comprehensive Solid Waste Management Plan for a Waste Prevention and Recycling program. Such support may include the award of grants to support programs with System benefits. The County shall develop educational materials related to Waste Prevention and Recycling and strategies for maximizing the usefulness of the educational materials and will make these available to the City for its use. Although the County will not be required to provide a particular level of support or fund any City activities related to Waste Prevention and Recycling, the County intends to move forward aggressively to promote Waste Prevention and Recycling.

6.1.f Forecast. The County shall develop Solid Waste stream forecasts in connection with System operations as part of the comprehensive planning process in accordance with Article XI.

6.1.g Facilities and Services. The County shall provide facilities and services pursuant to the Comprehensive Solid Waste Management Plan and the Solid Waste Transfer and Waste Management plan as adopted and County Solid Waste stream forecasts.

6.1.h Financial Policies. The County will maintain financial policies to guide the System's operations and investments. The policies shall be consistent with this Agreement and shall address debt issuance, rate stabilization, cost containment, reserves, asset ownership and use, and other financial issues. The County shall primarily use long term bonds to finance transfer System improvements. The policies shall be developed and/or revised through

discussion with MSWAC, the Regional Policy Committee, the County Executive and the County Council. Such policies shall be codified at the same time as the Comprehensive Plan updates, but may be adopted from time to time as appropriate outside the Comprehensive Plan process.

## 6.2 City

6.2.a Collection. The City, an entity designated by the City or such other entity as is authorized by state law shall serve as operating authority for Solid Waste collection services provided within the City's corporate limits.

6.2.b Disposal. The City shall cause to be delivered to the County's System for Disposal all such Solid Waste and Moderate Risk Waste which is authorized to be delivered to the System in accordance with all applicable Federal, State and local environmental health laws, rules or regulations and is generated and/or collected within the corporate limits of the City and shall authorize the County to designate Disposal sites for the Disposal of all such Solid Waste and Moderate Risk Waste generated or collected within the corporate limits of the City, except for Solid Waste which is eliminated through Waste Prevention or waste Recycling activities consistent with the Comprehensive Solid Waste Management Plan. No Solid Waste generated or collected within the City may be Diverted from the designated Disposal sites without County approval.

## 6.3 JOINT RESPONSIBILITIES.

6.3.a Consistent with the Parties' overall commitment to ongoing communication and coordination, the Parties will endeavor to notify and coordinate with each other on the development of any City or County plan, facility, contract, dispute, or other Solid Waste issue that could have potential significant impacts on the County, the System, or the City or Cities.

6.3.b The Parties, together with other Cities, will coordinate on the development of emergency plans related to Solid Waste, including but not limited to debris management.

VII. COUNTY SHALL SET DISPOSAL RATES  
AND OPERATING RULES FOR DISPOSAL; USE OF SYSTEM REVENUES

7.1 In establishing Disposal Rates for System Users, the County shall consult with MSWAC consistent with Section IX. The County may adopt and amend by ordinance rates necessary to recover all costs of the System including but not limited to operations and maintenance, costs for handling, processing and Disposal of Solid Waste, siting, design and construction of facility upgrades or new facilities, Recycling, education and mitigation, planning, Waste Prevention, reserve funds, financing, defense and payment of claims, insurance, System liabilities including environmental releases, monitoring and closure of landfills which are or were operated by the County, property acquisition, grants to cities, and administrative functions necessary to support the System and Solid Waste handling services during emergencies as established by local, state and federal agencies or for any other lawful solid waste purpose, and in accordance with chapter 43.09.210 RCW. Revenues from Disposal rates shall be used only for such purposes. The County shall establish classes of customers for Solid Waste management services and by ordinance shall establish rates for classes of customers.

7.2. It is understood and agreed that System costs include payments to the County general fund for Disposal of Solid Waste at the Cedar Hills Landfill calculated in accordance with this Section 7.2, and that such rental payments shall be established based on use valuations provided to the County by an independent-third party Member, Appraisal Institute (MAI) certified appraiser selected by the County in consultation with MSWAC.

7.2.a A use valuation shall be prepared consistent with MAI accepted principles for the purpose of quantifying the value to the System of the use of Cedar Hills Landfill for Disposal of Solid Waste over a specified period of time (the valuation period). The County shall establish a schedule of annual use charges for the System's use of the Cedar Hills Landfill which shall not exceed the most recent use valuation. Prior to establishing the schedule of annual use charges, the County shall seek review and comment as to both the use valuation and the proposed payment schedule from MSWAC. Upon request, the County will share with and explain to MSWAC the information the appraiser requests for purposes of developing the appraiser's recommendation.

7.2.b Use valuations and the underlying schedule of use charges shall be updated if there are significant changes in Cedar Hills Landfill capacity as a result of opening new Disposal areas and as determined by revisions to the existing Cedar Hills Regional Landfill Site Development Plan; in that event, an updated appraisal will be performed in compliance with MAI accepted principles. Otherwise, a reappraisal will not occur. Assuming a revision in the schedule of use charges occurs based on a revised appraisal, the resulting use charges shall be applied beginning in the subsequent rate period.

7.2.c The County general fund shall not charge use fees or receive other consideration from the System for the System's use of any transfer station property in use as of the effective date of this Agreement. The County further agrees that the County general fund may not receive payments from the System for use of assets to the extent those assets are acquired with System revenues. As required by chapter 43.09.210 RCW, the System's use of assets acquired with the use of other separate County funds (e.g., the Roads Fund, or other funds)

will be subject to use charges; similarly, the System will charge other County funds for use of System property.

## VIII. LIABILITY

8.1 Non-Environmental Liability Arising Out-of-County Operations. Except as provided in this Section, Sections 8.5 and 8.6, the County shall indemnify and hold harmless the City and shall have the right and duty to defend the City through the County's attorneys against any and all claims arising out of the County's operations during the term of this Agreement and settle such claims, provided that all fees, costs, and expenses incurred by the County thereby are System costs which may be satisfied from Disposal Rates as provided in Section VII herein. In providing such defense of the City, the County shall exercise good faith in such defense or settlement so as to protect the City's interest. For purposes of this Section "claims arising out of the County's operations" shall mean claims arising out of the ownership, control, or maintenance of the System, but shall not include claims arising out of the City's operation of motor vehicles in connection with the System or other activities under the control of the City which may be incidental to the County's operation. The provisions of this Section shall not apply to claims arising out of the sole negligence or intentional acts of the City. The provisions of this Section shall survive for claims brought within three (3) years past the term of this Agreement established under Section III.

8.2 Cooperation. In the event the County acts to defend the City against a claim under Section 8.1, the City shall cooperate with the County.

8.3 Officers, Agents, and Employees. For purposes of this Section VIII, references to City or County shall be deemed to include the officers, employees and agents of either Party,

acting within the scope of their authority. Transporters or generators of waste who are not officers or employees of the City or County are not included as agents of the City or County for purposes of this Section.

8.4 Each Party by mutual negotiation hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW.

8.5 Unacceptable Waste

8.5.a All waste generated or collected from within the corporate limits of the City which is delivered to the System for Disposal shall be in compliance with the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) (RCRA), chapters 70.95 and 70.105 RCW, King County Code Title 10, King County Board of Health Rules and Regulations, the Solid Waste Division operating rules, and all other Federal, State and local environmental health laws, rules or regulations that impose restrictions or requirements on the type of waste that may be delivered to the System, as they now exist or are hereafter adopted or amended.

8.5.b For purposes of this Agreement, the City shall be deemed to have complied with the requirements of Subsection 8.5.a if it has adopted an ordinance requiring waste delivered to the System for Disposal to meet the laws, rules, or regulations specified in Subsection 8.5.a. However, nothing in this Agreement is intended to relieve the City from any obligation or liability it may have under the laws mentioned in Subsection 8.5.a arising out of the City's actions other than adopting, enforcing, or requiring compliance with said ordinance, such as liability, if any exists, of the City as a transporter or generator for improper transport or Disposal of regulated dangerous waste. Any environmental liability the City may have for

releases of pollutants or hazardous or dangerous substances or wastes to the environment is dealt with under Sections 8.6 and 8.7.

8.5.c The City shall hold harmless, indemnify and defend the County for any property damages or personal injury caused solely by the City's failure to adopt an ordinance under Subsection 8.5.b. In the event the City acts to defend the County under this Subsection, the County shall cooperate with the City.

8.5.d The City shall make best efforts to include language in its contracts, franchise agreements, or licenses for the collection of Solid Waste within the City that allow for enforcement by the City against the collection contractor, franchisee or licensee for violations of the laws, rules, or regulations in Subsection 8.5.a. The requirements of this Subsection 8.5.d shall apply to the City's first collection contract, franchise, or license that becomes effective or is amended after the effective date of this Agreement.

8.5.d.i If waste is delivered to the System in violation of the laws, rules, or regulations in Subsection 8.5.a, before requiring the City to take any action under Subsection 8.5.d.ii, the County will make reasonable efforts to determine the parties' responsible for the violation and will work with those parties to correct the violation, consistent with applicable waste clearance and acceptance rules, permit obligations, and any other legal requirements.

8.5.d.ii If the violation is not corrected under Subsection 8.5.d.i and waste is determined by the County to have been generated or collected from within the corporate limits of the City, the County shall provide the City with written notice of the violation. Upon such notice, the City shall take immediate steps to remedy the violation and prevent similar future violations to the reasonable satisfaction of the County which may include but not be

limited to removing the waste and disposing of it in an approved facility; provided that nothing in this Subsection 8.5.d.ii shall obligate the City to handle regulated dangerous waste, as defined in WAC 173-351-200(1)(b)(i), and nothing in this Subsection shall relieve the City of any obligation it may have apart from this Agreement to handle regulated dangerous waste. If, in good faith, the City disagrees with the County regarding the violation, such dispute shall be resolved between the Parties using the Dispute Resolution process in Section XII or, if immediate action is required to avoid an imminent threat to public health, safety or the environment, in King County Superior Court. Each Party shall be responsible for its own attorneys' fees and costs. Failure of the City to take the steps requested by the County pending Superior Court resolution shall not be deemed a violation of this Agreement; provided, however, that this shall not release the City for damages or loss to the County arising out of the failure to take such steps if the Court finds a City violation of the requirements to comply with applicable laws set forth in Subsection 8.5.a.

8.6 Environmental Liability.

8.6.a Neither the County nor the City holds harmless or indemnifies the other with regard to any liability arising under 42 U.S.C. § 9601-9675 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) or as hereafter amended or pursuant to chapter 70.105D RCW (MTCA) or as hereafter amended and any state legislation imposing liability for System-related cleanup of contaminated property from the release of pollutants or hazardous or dangerous substances and/or damages resulting from property contaminated from the release of pollutants or hazardous or dangerous substances (“Environmental Liabilities”).

8.6.b Nothing in this Agreement is intended to create new Environmental Liability nor release any third-party from Environmental Liability. Rather, the intent is to protect the general funds of the Parties to this Agreement by ensuring that, consistent with best business practices, an adequate portion of Disposal Rates being collected from the System Users are set aside and accessible in a fair and equitable manner to pay the respective County and City's Environmental Liabilities.

8.6.c The purpose of this Subsection is to establish a protocol for the setting aside, and subsequent distribution of, Disposal Rates intended to pay for Environmental Liabilities of the Parties, if and when such liabilities should arise, in order to safeguard the Parties' general funds. To do so, the County shall:

8.6.c.i Use Disposal Rates to obtain and maintain, to the extent commercially available under reasonable terms, insurance coverage for System-related Environmental Liability that names the City as an Additional Insured. The County shall establish the adequacy, amount and availability of such insurance in consultation with MSWAC. Any insurance policy in effect on the termination date of this Agreement with a term that extends past the termination date shall be maintained until the end of the policy term.

8.6.c.ii Use Disposal Rates to establish and maintain a reserve fund to help pay the Parties' Environmental Liabilities not already covered by System rates or insurance maintained under Subsection 8.6.c.i above ("Environmental Reserve Fund"). The County shall establish the adequacy of the Environmental Reserve Fund in consultation with MSWAC and consistent with the financial policies described in Article VI. The County shall retain the Environmental Reserve Fund for a minimum of 30 years following the closure of the Cedar Hills Landfill (the "Retention Period"). During the Retention Period, the Environmental Reserve Fund

shall be used solely for the purposes for which it was established under this Agreement. Unless otherwise required by law, at the end of the Retention Period, the County and Cities shall agree as to the disbursement of any amounts remaining in the Environmental Reserve Fund. If unable to agree, the County and City agree to submit disbursement to mediation and if unsuccessful to binding arbitration in a manner similar to Section 39.34.180 RCW to the extent permitted by law.

8.6.c.iii Pursue state or federal grant funds, such as grants from the Local Model Toxics Control Account under chapter 70.105D.070(3) RCW and chapter 173-322 WAC, or other state or federal funds as may be available and appropriate to pay for or remediate such Environmental Liabilities.

8.6.d If the funds available under Subsections 8.6.c.i-iii are not adequate to completely satisfy the Environmental Liabilities of the Parties to this Agreement then to the extent feasible and permitted by law, the County will establish a financial plan including a rate schedule to help pay for the County and City's remaining Environmental Liabilities in consultation with MSWAC.

8.6.e The County and the City shall act reasonably and quickly to utilize funds collected or set aside through the means specified in Subsections 8.6.c.i-iii and 8.6.d to conduct or finance response or clean-up activities in order to limit the County and City's exposure, or in order to comply with a consent decree, administrative or other legal order. The County shall notify the City within 30 days of any use of the reserve fund established in 8.6.c.iii.

8.6.f In any federal or state regulatory proceeding, and in any action for contribution, money expended by the County from the funds established in Subsections 8.6.c.i-iii and 8.6.d. to pay the costs of remedial investigation, cleanup, response or other action required

pursuant to a state or federal laws or regulations shall be considered by the Parties to have been expended on behalf and for the benefit of the County and the Cities.

8.6.g In the event that the funds established as specified in Subsections 8.6.c.i-iii and 8.6.d are insufficient to cover the entirety of the County and Cities' collective Environmental Liabilities, the funds described therein shall be equitably allocated between the County and Cities to satisfy their Environmental Liabilities. Factors to be considered in determining "equitably allocated" may include the size of each Party's System User base and the amount of rates paid by that System User base into the funds, and the amount of the Solid Waste generated by the Parties' respective System Users. Neither the County nor the Cities shall receive a benefit exceeding their Environmental Liabilities.

8.7 The County shall not charge or seek to recover from the City any costs or expenses for which the County indemnified the State of Washington in Exhibit A to the Quitclaim Deed from the State to the County for the Cedar Hills Landfill, dated February 24, 1993, to the extent such costs are not included in System costs.

#### IX. CITY ADVISORY COMMITTEE

9.1 There is hereby created an advisory committee comprised of representatives from cities, which shall be known as the Metropolitan Solid Waste Advisory Committee ("MSWAC"). The City may designate a representative and alternate(s) to serve on MSWAC. MSWAC shall elect a chair and vice-chair and shall adopt bylaws to guide its deliberations. The members of MSWAC shall serve at the pleasure of their appointing bodies and shall receive no compensation from the County.

9.2 MSWAC is the forum through which the Parties together with other cities participating in the System intend to discuss and seek to resolve System issues and concerns.

MSWAC shall assume the following advisory responsibilities:

9.2.a Advise the King County Council, the King County Executive, Solid Waste Advisory Committee, and other jurisdictions as appropriate, on all policy aspects of Solid Waste management and planning;

9.2.b Consult with and advise the County on technical issues related to Solid Waste management and planning;

9.2.c Assist in the development of alternatives and recommendations for the Comprehensive Solid Waste Management Plan and other plans governing the future of the System, and facilitate a review and/or approval of the Comprehensive Solid Waste Management Plan by each jurisdiction;

9.2.d Assist in the development of proposed interlocal Agreements between King County and cities for planning, Waste Prevention and Recycling, and waste stream control;

9.2.e Review and comment on Disposal Rate proposals and County financial policies;

9.2.f Review and comment on status reports on Waste Prevention, Recycling, energy/resources recovery, and System operations with inter-jurisdictional impact;

9.2.g Promote information exchange and interaction between waste generators, cities, recyclers, and the County with respect to its planned and operated Disposal Systems;

9.2.h Provide coordination opportunities among the Solid Waste Advisory Committee, the Regional Policy Committee, the County, cities, private waste haulers, and recyclers;

- 9.2.i Assist cities in recognizing municipal Solid Waste responsibilities, including collection and Recycling, and effectively carrying out those responsibilities; and
- 9.2.j Provide input on such disputes as MSWAC deems appropriate.
- 9.3 The County shall assume the following responsibilities with respect to MSWAC;
- 9.3.a The County shall provide staff support to MSWAC;
- 9.3.b In consultation with the chair of MSWAC, the County shall notify all cities and their designated MSWAC representatives and alternates of the MSWAC meeting times, locations and meeting agendas. Notification by electronic mail or regular mail shall meet the requirements of this Subsection;
- 9.3.c The County will consider and respond on a timely basis to questions and issues posed by MSWAC regarding the System, and will seek to resolve those issues in collaboration with the Cities. Such issues shall include but are not limited to development of efficient and accountable billing practices; and
- 9.3.d. The County shall provide all information and supporting documentation and analyses as reasonably requested by MSWAC for MSWAC to perform the duties and functions described in Section 9.2.

## X. FORUM INTERLOCAL AGREEMENT

10.1 As of the effective date of this Agreement, the *Forum Interlocal Agreement and Addendum to Solid Waste Interlocal Agreement and Forum Interlocal Agreement* by and between the City and County continue through June 30, 2028. After 2028 responsibilities assigned to the Forum shall be assigned to the Regional Policy Committee. The Parties agree that Solid Waste System policies and plans shall continue to be deemed regional countywide policies

and plans that shall be referred to the Regional Policy Committee for review consistent with King County Charter Section 270.30 and chapter 1.24 King County Code.

## XI. COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

11.1 King County is designated to prepare the Comprehensive Solid Waste Management Plan (Comprehensive Plan) and this plan shall include the City's Solid Waste Management Comprehensive Plan pursuant to chapter 70.95.080(3) RCW.

11.2 The Comprehensive Plan shall be reviewed and any necessary revisions proposed. The County shall consult with MSWAC to determine when revisions are necessary. King County shall provide services and build facilities in accordance with the adopted Comprehensive Plan.

11.3 The Comprehensive Plans will promote Waste Prevention and Recycling in accordance with Washington State Solid Waste management priorities pursuant to chapter 70.95 RCW, at a minimum.

11.4 The Comprehensive Plans will be prepared in accordance with chapter 70.95 RCW and Solid Waste planning guidelines developed by the Department of Ecology. The plan shall include, but not be limited to:

11.4.a Descriptions of and policies regarding management practices and facilities required for handling all waste types;

11.4.b Schedules and responsibilities for implementing policies;

11.4.c Policies concerning waste reduction, Recycling, Energy and Resource Recovery, collection, transfer, long-haul transport, Disposal, enforcement and administration;  
and

11.4.d Operational plan for the elements discussed in Item c above.

11.5 The cost of preparation by King County of the Comprehensive Plan will be considered a cost of the System and financed out of the rate base.

11.6 The Comprehensive Plans will be “adopted” within the meaning of this Agreement when the following has occurred:

11.6.a The Comprehensive Plan is approved by the King County Council; and

11.6.b The Comprehensive Plan is approved by cities representing three-quarters of the population of the incorporated population of jurisdictions that are parties to the Forum Interlocal Agreement. In calculating the three-quarters, the calculations shall consider only those incorporated jurisdictions taking formal action to approve or disapprove the Comprehensive Plan within 120 days of receipt of the Plan. The 120-day time period shall begin to run from receipt by an incorporated jurisdiction of the Forum's recommendation on the Comprehensive Plan, or, if the Forum is unable to make a recommendation, upon receipt of the Comprehensive Plan from the Forum without recommendation.

11.7 Should the Comprehensive Plan be approved by the King County Council, but not receive approval of three-quarters of the cities acting on the Comprehensive Plan, and should King County and the cities be unable to resolve their disagreement, then the Comprehensive Plan shall be referred to the State Department of Ecology and the State Department of Ecology will resolve any disputes regarding Comprehensive Plan adoption and adequacy by approving or disapproving the Comprehensive Plan or any part thereof.

11.8 King County shall determine which cities are affected by any proposed amendment to the Comprehensive Plan. If any City disagrees with such determination, then the City can request that the Forum determine whether or not the City is affected. Such

determination shall be made by a two-thirds majority vote of all representative members of the Forum.

11.9 Should King County and the affected jurisdictions be unable to agree on amendments to the Comprehensive Plan, then the proposed amendments shall be referred to the Department of Ecology to resolve any disputes regarding such amendments.

11.10 Should there be any impasse between the Parties regarding Comprehensive Plan adoption, adequacy, or consistency or inconsistency or whether any permits or programs adopted or proposed are consistent with the Comprehensive Plan, then the Department of Ecology shall resolve said disputes.

## XII. MITIGATION

12.1 The County will design, construct and operate Solid Waste facilities in a manner to mitigate their impact on host Cities and neighboring communities pursuant to applicable law and regulations.

12.2 The Parties recognize that Solid Waste facilities are regional facilities. The County further recognizes that host Cities and neighboring communities may sustain impacts which can include but are not limited to local infrastructure, odor, traffic into and out of Solid Waste facilities, noise and litter.

12.3 Collaboration in Environmental Review. In the event the County is the sole or co-Lead Agency, then prior to making a threshold determination under the State Environmental Policy Act (SEPA), the County will provide a copy of the SEPA environmental checklist, if any, and proposed SEPA threshold determination to any identifiable Host City (as defined below) and adjacent or neighboring city that is signatory to the Agreement and that may be affected by the

project ("Neighboring City") and seek their input. For any facility for which the County prepares an Environmental Impact Statement (EIS), the County will meet with any identified potential Host City (as defined below) and any Neighboring City to seek input on the scope of the EIS and appropriate methodologies and assumptions in preparing the analyses supporting the EIS. However, nothing in this Section shall limit or impair the County's ability to timely complete the environmental review process.

12.4 Collaboration in Project Permitting. If a new or reconstructed Solid Waste facility is proposed to be built within the boundaries of the City ("Host City") and the project requires one or more "project permits" as defined in chapter 36.70B.020(4) RCW from the Host City, before submitting its first application for any of the project permits, the County will meet with the Host City and any Neighboring City, to seek input. However, nothing in this Section shall limit or impair the County's ability to timely submit applications for or receive permits, nor waive any permit processing or appeal timelines.

12.5 Separately, the County and the City recognize that in accordance with 36.58.080 RCW, a city is authorized to charge the County to mitigate impacts directly attributable to a County-owned Solid Waste facility. The County acknowledges that such direct costs include wear and tear on infrastructure including roads. To the extent that the City establishes that such charges are reasonably necessary to mitigate such impacts, payments to cover such impacts may only be expended only to mitigate such impacts and are System costs. If the City believes that it is entitled to mitigation under this Agreement, the City may request that the County undertake a technical analysis regarding the extent of impacts authorized for mitigation. Upon receiving such a request, the County, in coordination with the City and any necessary technical consultants, will develop any analysis that is reasonable and appropriate to identify impacts. The cost for such

analysis is a System cost. The City and County will work cooperatively to determine the appropriate mitigation payments and will document any agreement in a Memorandum of Agreement. If the City and the County cannot agree on mitigation payments, the dispute resolution process under chapter 36.58.080 RCW will apply rather than the dispute resolution process under Section XII of the Agreement.

### XIII. DISPUTE RESOLUTION

13.1 Unless otherwise expressly stated, the terms of this Section XIII shall apply to disputes arising under this Agreement.

13.2 Initial Meeting.

13.2.a Either Party shall give notice to the other in writing of a dispute involving this Agreement.

13.2.b Within ten (10) business days of receiving or issuing such notice, the County shall send an email notice to all Cities.

13.2.c Within ten (10) business days of receiving the County's notice under Subsection 13.2.b, a City shall notify the County in writing or email if it wishes to participate in the Dispute Resolution process.

13.2.d Within not less than twenty-one (21) days nor more than thirty (30) days of the date of the initial notice of dispute issued under Subsection 13.2.a, the County shall schedule a time for staff from the County and any City requesting to participate in the dispute resolution process ("Participating City") to meet (the "initial meeting"). The County shall endeavor to set such initial meeting a time and place convenient to all Participating Cities and to the County.

### 13.3 Executives' Meeting.

13.3.a If the dispute is not resolved within sixty (60) days of the initial meeting, then within seven (7) days of expiration of the sixty (60)-day period, the County shall send an email notice to all Participating Cities that the dispute was not resolved and that a meeting of the County Executive, or his/her designee and the chief executive officer(s) of each Participating City, or the designees of each Participating City (an “executives' meeting”) shall be scheduled to attempt to resolve the dispute. It is provided, however, that the County and the Participating Cities may mutually agree to extend the sixty (60)-day period for an additional fifteen (15) days if they believe further progress may be made in resolving the dispute, in which case, the County’s obligation to send its email notice to the Participating Cities under this Subsection that the dispute was not resolved shall be within seven (7) days of the end of the extension. Likewise, the County and the Participating Cities may mutually conclude prior to the expiration of the sixty (60)-day period that further progress is not likely in resolving the dispute at this level, in which case, the County shall send its email notice that the dispute was not resolved within seven (7) days of the date that the County and the Participating Cities mutually concluded that further progress is not likely in resolving the dispute.

13.3.b Within seven (7) days of receiving the County’s notice under Subsection 13.3.a each Participating City shall notify the County in writing or email if it wishes to participate in the executives' meeting.

13.3.c Within not less than twenty-one (21) days nor more than thirty (30) days of the date of the notice of the executives' meeting issued under Subsection 13.3.a, the County shall schedule a time for the executives' meeting. The County shall endeavor to set such

executives' meeting a time and place convenient to all Participating Cities that provided notice under Subsection 13.3.b and to the County.

13.4. Non-Binding Mediation.

13.4.a If the dispute is not resolved within thirty (30) days of the executives' meeting, then any Participating City that was Party to the executives' meeting or the County may refer the matter to non-binding mediation by sending written notice within thirty-five (35) days of the initial executives' meeting to all Parties to such meeting.

13.4.b Within seven (7) days of receiving or issuing notice that a matter will be referred to non-binding mediation, the County shall send an email notice to all Participating Cities that provided notice under Subsection 13.3.b informing them of the referral.

13.4.c Within seven (7) days of receiving the County's notice under Subsection 13.4.b, each Participating City shall notify the County in writing if it wishes to participate in the non-binding mediation.

13.4.d The mediator will be selected in the following manner: The City(ies) electing to participate in the mediation shall propose a mediator and the County shall propose a mediator; in the event the mediators are not the same person, the two mediators shall select a third mediator who shall mediate the dispute. Alternately, the City(ies) participating in the mediation and the County may agree to select a mediator through a mediation service mutually acceptable to the Parties. The Parties to the mediation shall share equally in the costs charged by the mediator or mediation service. For purposes of allocating costs of the mediator or mediation service, all Cities participating in the mediation will be considered one Party.

13.5 Superior Court. Any Party, after participating in the non-binding mediation, may commence an action in King County Superior Court after one hundred eighty (180) days from

the commencement of the mediation, in order to resolve an issue that has not by then been resolved through non-binding mediation, unless all Parties to the mediation agree to an earlier date for ending the mediation.

13.6 Unless this Section XIII does not apply to a dispute, then the Parties agree that they may not seek relief under this Agreement in a court of law or equity unless and until each of the procedural steps set forth in this Section XIII have been exhausted, provided, that if any applicable statute of limitations will or may run during the time that may be required to exhaust the procedural steps in this Section XIII, a Party may file suit to preserve a cause of action while the Dispute Resolution process continues. The Parties agree that, if necessary and if allowed by the court, they will seek a stay of any such suit while the Dispute Resolution process is completed. If the dispute is resolved through the Dispute Resolution process, the Parties agree to dismiss the lawsuit, including all claims, counterclaims, and cross-claims, with prejudice and without costs to any Party.

#### XIV. FORCE MAJEURE

The Parties are not liable for failure to perform pursuant to the terms of this Agreement when failure to perform was due to an unforeseeable event beyond the control of either Party (“force majeure”). The term “force majeure” shall include, without limitation by the following enumeration: acts of nature, acts of civil or military authorities, terrorism, fire, accidents, shutdowns for purpose of emergency repairs, industrial, civil or public disturbances, or labor disputes, causing the inability to perform the requirements of this Agreement, if either Party is rendered unable, wholly or in part, by a force majeure event to perform or comply with any obligation or condition of this Agreement, upon giving notice and reasonably full particulars to

the other Party, such obligation or condition shall be suspended only for the time and to the extent practicable to restore normal operations.

#### XV. MERGER

This Agreement merges and supersedes all prior negotiations, representation and/or agreements between the Parties relating to the subject matter of this Agreement and constitutes the entire contract between the Parties [except with regard to the provisions of the Forum Interlocal Agreement]; provided that nothing in Section XV supersedes or amends any indemnification obligation that may be in effect pursuant to a contract between the Parties other than the Original Agreement; and further provided that nothing in this Agreement supersedes, amends or modifies in any way any permit or approval applicable to the System or the County's operation of the System within the jurisdiction of the City.

#### XVI. WAIVER

No waiver by either Party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or a different provision of this Agreement.

#### XVII. THIRD PARTY BENEFICIARY

This Agreement is not entered into with the intent that it shall benefit any other entity or person except those expressly described herein, and no other such person or entity shall be entitled to be treated as a third-party beneficiary of this Agreement.

ZXKKO"UWTXKCDKXK/ "

" Gzegr v'cu'r tqxkf gf "lp"Ugevkqp": Ø.": Ø.". Ø."Ugevkqp": ØØ."gzegr v': ØØkk'cpf "Ugevkqp": Øf."

pq"qdrki cvkppu in this Agreement uwtxkxg'r cuv'j g'gzr ktcvkqp'f cvg'cu'guxdrkuj gf "lp"Ugevkqp"KKO'

"

ZKZ0"PVKEG"

" Gzegr v'cu'qyj gty lug'r tqxkf gf "lp"vj ku'Ci tggo gpv."c'pqvleg'tgs vkt gf "vq'dg'r tqxkf gf "wvf gt"

vj g'vgtu u"qh'vj ku'Ci tggo gpv'uj cm'dg'f grkxgtgf "d{ "egt vktgf "o ckn'tgwtp'tgegr v'tgs wguv'f "qt"d{"

r gtuqpcn'lugtxleg"vq"vj g'hqmy kpi 'r gtuqpcn'"

"

Hqt'vj g'Ekv'<

"

\*\*\*\*\*Ek{ 'O cpci gt

\*\*\*\*\*Ek{ "qh'Mktmcpf

\*\*\*\*\*345"7vj "Cxgpwg

\*\*\*\*\*Mktmcpf."Y C"; : 255"

"

"

"

"

"

"

"

"

"

"

"

"

Hqt'vj g'Eqwpv{ <

" F kt gevqt"  
Mkpi 'Eqwpv{ 'Uqrf 'Y cuv'F kxkukqp"  
423'Uqwj 'Lcemuqp'Ust gg'Uwkg'923"  
Ugcwrg.'Y kuj kpi vqp"; : 326"  
"

" R 'Y KVP GUU'Y J GTGQH'vj kl'Ci tgggo gpv] cu'dggp'gz gewgf 'd{ 'gcej 'Rctv{ 'qp'vj g'f cvg"  
ugv'hqtj 'dgmjy <

"	Ekv[ 'qh"MKTMNCPF	"	"	*****	Mkpi 'EQWP V[ "
"		"	"		
"		"	"		
"		"	"		
"	Ekv{ 'O cpci gt"	"	"	"	*****Mkpi 'Eqwpv{ 'Gz gewkxg"
"		"	"	"	
"	F cvg"	"	"	"	F cvg"
"		"	"	"	
"		"	"	"	
"	Engtm'Cwguv'	"	"	"	Engtm'Cwguv'
"		"	"	"	
"	Cr r tqxgf 'cu'vq'hqto 'cpf 'ngi cnk{ "	"	"		Cr r tqxgf 'cu'vq'hqto 'cpf 'ngi cnk{ ""
"		"	"		
"		"	"		
"	Ekv{ 'Cwqtpg{ ""	"	"	"	*****Mkpi 'Eqwpv{ 'F gr ww{ 'Rtqugewkpi 'Cwqtpg{ "
"		"	"	"	
"	F cvg'"	"	"	"	F cvg"



## CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

---

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Oskar Rey, Assistant City Attorney

**Date:** February 8, 2013

**Subject:** Amendments Updating KMC Chapter 11.12 (Adoption of RCWs by Reference—Criminal Code)

#### RECOMMENDATION:

That Council adopts the attached ordinance amending Kirkland Municipal Code ("KMC") Chapter 11.12 relating to adoption of RCWs by reference.

#### BACKGROUND DISCUSSION:

In 2011, the City recodified Title 11 of the KMC, the City's criminal code. One of the purposes of the recodification was to incorporate state law into the KMC by reference as much as possible rather than adopting parallel City regulations. Therefore, Title 11 of the KMC incorporates many RCW sections by reference and sets forth separate City regulations only when the topic is not covered by state law or when the City's regulations differ from state law.

Washington Supreme Court case law suggests that cities are required to adopt by reference the sections of the RCW that they wish to charge in municipal courts. *City of Auburn v. Gauntt*, 274 P.3d 1033, 174 Wn.2d 321 (2012). Chapter 11.12 of the KMC adopts by reference the specific sections of state law that are chargeable in Kirkland Municipal Court. City staff recommends that two RCWs be added to the existing list:

--RCW 9.46.1962. Cheating in the second degree is a criminal misdemeanor. This section is being added at the request of the Washington State Gambling Commission agent for Casino Caribbean. It will allow misdemeanor cheating cases to be forwarded to the Kirkland Prosecutor.

--RCW 69.50.445. This provision was adopted as part of Initiative 502 (which legalized possession of less than one ounce of marijuana under state law) and was recently codified in the RCWs. It prohibits the opening or use of marijuana in view of the general public. Violation of this provision is a civil infraction.

The attached Ordinance adds these two RCW sections to the existing list of RCW sections incorporated by reference in the KMC.

ORDINANCE O-4401

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STATE CRIMINAL LAW PROVISIONS ADOPTED BY REFERENCE AND AMENDING AND UPDATING KIRKLAND MUNICIPAL CODE CHAPTER 11.12.

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

Section 1. Kirkland Municipal Code Section 11.12.040 is amended to read as follows:

**11.12.040 RCW Title 9, entitled "Crimes and Punishments"—Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9.01.055	Citizen immunity if aiding officer, scope—When.
RCW 9.01.110	Omission, when not punishable.
RCW 9.01.130	Sending letter, when complete.
RCW 9.02.050	Concealing birth.
RCW 9.03.010	Abandoning, discarding refrigeration equipment.
RCW 9.03.020	Permitting unused equipment to remain on premises.
RCW 9.03.040	Keeping or storing equipment for sale.
RCW 9.04.010	False advertising.
RCW 9.04.090	Advertising fuel prices by service stations.
RCW 9.08.030	False certificate of registration of animals—False representation as to breed.
RCW 9.08.065	Definitions.
RCW 9.08.070	Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.
RCW 9.08.072	Transferring stolen pet animal to a research institution—Penalty.
RCW 9.08.078	Illegal sale, receipt or transfer of pet animals—Separate offenses.
RCW 9.12.010	Barratry.
RCW 9.12.020	Buying, demanding, or promising reward by district judge or deputy.

RCW 9.16.005	Definitions.
RCW 9.16.010	Removing lawful brands.
RCW 9.16.020	Imitating lawful brand.
RCW 9.16.030	Counterfeit mark—Intellectual property.
RCW 9.16.035	Counterfeiting—Penalties.
RCW 9.16.041	Counterfeit items—Seizure and forfeiture.
RCW 9.16.050	When deemed affixed.
RCW 9.16.060	Fraudulent registration of trademark.
RCW 9.16.070	Form and similitude defined.
RCW 9.16.080	Petroleum products improperly labeled or graded—Penalty.
RCW 9.16.100	Use of the words "sterling silver," etc.
RCW 9.16.110	Use of words "coin silver," etc.
RCW 9.16.120	Use of the word "sterling" on mounting.
RCW 9.16.130	Use of the words "coin silver" on mounting.
RCW 9.16.140	Unlawfully marking article made of gold.
RCW 9.16.150	"Marked, stamped or branded" defined.
RCW 9.18.080	Offender a competent witness.
RCW 9.18.120	Suppression of competitive bidding.
RCW 9.18.130	Collusion to prevent competitive bidding—Penalty.
RCW 9.18.150	Agreements outside state.
RCW 9.24.010	Fraud in stock subscription.
RCW 9.24.040	Corporation doing business without license.
RCW 9.26A.090	Telephone company credit cards—Prohibited acts.
RCW 9.26A.100	Definitions.
RCW 9.26A.110	Fraud in obtaining telecommunications service—Penalty.
RCW 9.26A.120	Fraud in operating coin-box telephone or other receptacle.

RCW 9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.
RCW 9.26A.140	Unauthorized sale or procurement of telephone records—Penalties—Definitions.
RCW 9.27.015	Interference, obstruction of any court, building, or residence—Violations.
RCW 9.35.005	Definitions.
RCW 9.35.030	Soliciting undesired mail.
RCW 9.38.010	False representation concerning credit.
RCW 9.38.015	False statement by deposit account applicant.
RCW 9.38.020	False representation concerning title.
RCW 9.40.040	Operating engine or boiler without spark arrester.
RCW 9.40.100	Tampering with fire alarm or fire fighting equipment—False alarm—Penalties.
RCW 9.41.010	Terms defined.
RCW 9.41.040	Unlawful possession of firearms—Ownership, possession by certain persons—Penalties.
RCW 9.41.050	Carrying firearms.
RCW 9.41.060	Exceptions to restrictions on carrying firearms.
RCW 9.41.090	Dealer deliveries regulated—Hold on delivery.
RCW 9.41.098	Forfeiture of firearms—Disposition—Confiscation.
RCW 9.41.100	Dealer licensing and registration required.
RCW 9.41.110	Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
RCW 9.41.140	Alteration of identifying marks—Exceptions.
RCW 9.41.220	Unlawful firearms and parts contraband.

RCW 9.41.230	Aiming or discharging firearms, dangerous weapons.
RCW 9.41.240	Possession of pistol by person from eighteen to twenty-one.
RCW 9.41.250	Dangerous weapons—Penalty—Exemption for law enforcement officers.
RCW 9.41.260	Dangerous exhibitions.
RCW 9.41.270	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions.
RCW 9.41.280	Possessing dangerous weapons on school facilities—Penalty—Exceptions.
RCW 9.41.300	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
RCW 9.41.800	Surrender of weapons or licenses—Prohibition on future possession or licensing.
RCW 9.41.810	Penalty.
RCW 9.44.080	Misconduct in signing a petition.
RCW 9.45.060	Encumbered, leased, or rented personal property—Construction.
RCW 9.45.070	Mock auctions.
RCW 9.45.080	Fraudulent removal of property.
RCW 9.45.090	Knowingly receiving fraudulent conveyance.
RCW 9.45.100	Fraud in assignment for benefit of creditors.
RCW 9.45.270	Fraudulent filing of vehicle report of sale.
<u>RCW 9.46.1962</u>	<u>Cheating in the second degree</u>
RCW 9.47A.010	Definition.
RCW 9.47A.020	Unlawful inhalation—Exception.
RCW 9.47A.030	Possession of certain substances prohibited, when.
RCW 9.47A.040	Sale of certain substances prohibited, when.
RCW 9.47A.050	Penalty.
RCW 9.51.010	Misconduct of officer drawing jury.
RCW 9.51.020	Soliciting jury duty.

RCW 9.51.030	Misconduct of officer in charge of jury.
RCW 9.61.230	Telephone harassment.
RCW 9.61.240	Telephone harassment—Permitting telephone to be used.
RCW 9.61.250	Telephone harassment—Offense, where deemed committed.
RCW 9.61.260	Cyberstalking.
RCW 9.62.010	Malicious prosecution.
RCW 9.62.020	Instituting suit in name of another.
RCW 9.68.015	Obscene literature, shows, etc.—Exemptions.
RCW 9.68.030	Indecent articles, etc.
RCW 9.68.050	“Erotic material”—Definitions.
RCW 9.68.060	“Erotic material”—Determination by court—Labeling—Penalties.
RCW 9.68.070	Prosecution for violation of RCW 9.68.060—Defense.
RCW 9.68.080	Unlawful acts.
RCW 9.68.100	Exceptions to RCW 9.68.050 through 9.68.120.
RCW 9.68.110	Motion picture operator or projectionist exempt, when.
RCW 9.68.130	“Sexually explicit material”—Defined—Unlawful display.
RCW 9.68A.011	Definitions.
RCW 9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct—Civil immunity.
RCW 9.68A.090	Communication with minor for immoral purposes—Penalties.
RCW 9.68A.103	Permitting commercial sex abuse of a minor—Penalty.
RCW 9.68A.110	Certain defenses barred, permitted.
RCW 9.68A.120	Seizure and forfeiture of property.
RCW 9.68A.150	Allowing minor on premises of live erotic performance—Definitions—Penalty.
RCW 9.69.100	Duty of witness of offense against child or any violent offense—Penalty.
RCW 9.73.010	Divulging telegram.

RCW 9.73.020	Opening sealed letter.
RCW 9.73.030	Intercepting, recording or divulging private communication—Consent required—Exceptions.
RCW 9.73.050	Admissibility of intercepted communication in evidence.
RCW 9.73.070	Persons and activities excepted from chapter.
RCW 9.73.080	Penalties.
RCW 9.73.090	Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Court authorizations—Admissibility.
RCW 9.73.100	Recordings available to defense counsel.
RCW 9.73.110	Intercepting, recording, or disclosing private communications—Not unlawful for building owner—Conditions.
RCW 9.91.010	Denial of civil rights—Terms defined.
RCW 9.91.020	Operating railroad, steamboat, vehicle, etc., while intoxicated.
RCW 9.91.025	Unlawful transit conduct.
RCW 9.91.060	Leaving children unattended in parked automobile.
RCW 9.91.130	Disposal of trash in charity donation receptacle.
RCW 9.91.140	Food stamps—Unlawful sale.
RCW 9.91.142	Food stamps—Trafficking.
RCW 9.91.160	Personal protection spray devices.
RCW 9.91.170	Interfering with dog guide or service animal.
RCW 9.91.175	Interfering with search and rescue dog.

Section 2. Kirkland Municipal Code Section 11.12.120 is amended to read as follows:

**11.12.120 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons”—Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 69.41.010	Definitions.
RCW 69.41.030	Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty.
RCW 69.41.050	Labeling requirements—Penalty.
RCW 69.41.300	Definitions.
RCW 69.41.320	Practitioners—Restricted use—Medical records.
RCW 69.41.350	Penalties.
RCW 69.43.010	Report to state board of pharmacy—List of substances—Modification of list—Identification of purchasers—Report of transactions—Penalties.
RCW 69.43.105	Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Record of transaction—Exceptions—Penalty.
RCW 69.43.110	Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Electronic sales tracking system—Penalty.
RCW 69.43.120	Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than 15 grams—Penalty—Exceptions.
RCW 69.43.130	Exemptions—Pediatric products—Products exempted by the state board of pharmacy.
RCW 69.50.101	Definitions.
RCW 69.50.102	Drug paraphernalia—Definitions.
RCW 69.50.201	Enforcement of chapter—Authority to change schedules of controlled substances.

RCW 69.50.202	Nomenclature.
RCW 69.50.204	Schedule I.
RCW 69.50.206	Schedule II.
RCW 69.50.208	Schedule III.
RCW 69.50.210	Schedule IV.
RCW 69.50.212	Schedule V.
RCW 69.50.4014	Possession of 40 grams or less of marihuana—Penalty.
RCW 69.50.4016	Provisions not applicable to offenses under RCW 69.50.410.
RCW 69.50.404	Penalties under other laws.
RCW 69.50.407	Conspiracy.
RCW 69.50.412	Prohibited acts: E—Penalties.
RCW 69.50.4121	Drug paraphernalia—Selling or giving—Penalty.
RCW 69.50.425	Misdemeanor violations—Minimum penalties.
<u>RCW 69.50.445</u>	<u>Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public — Penalty.</u>
RCW 69.50.505	Seizure and forfeiture.
RCW 69.50.506	Burden of proof; liabilities.
RCW 69.50.509	Search and seizure of controlled substances.

Section 3. 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 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE O-4401

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STATE CRIMINAL LAW PROVISIONS ADOPTED BY REFERENCE AND AMENDING AND UPDATING KIRKLAND MUNICIPAL CODE CHAPTER 11.12.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 11.12.040 to adopt RCW 9.46.1962 "Cheating in the second degree" by reference.

SECTION 2. Amends KMC Section 11.12.120 to adopt RCW 69.50.445 "Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public — Penalty" by reference.

SECTION 3. Provides a severability clause for the ordinance.

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 five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

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



**CITY OF KIRKLAND**  
Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.kirklandwa.gov

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** February 6, 2013

**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, 2013 through June 30, 2014.

### **BACKGROUND DISCUSSION:**

An important part of the implementation strategy for annexation was 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. RCW 82.14.415 requires the City to provide the Department of Revenue (DOR) with an estimate of the anticipated shortfall (labeled, "new threshold amount") in the annexation area for the next fiscal year (July 1, 2013 through June 30, 2014). To be eligible for the credit in the coming fiscal year, DOR must be notified no later than March 1, 2013, which necessitates approval of the attached resolution at the February 19 City Council meeting.

The state sales tax credit helps 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 \$3.65 million.

RCW 82.14.415 (9) also requires the City to provide the Department of Revenue with a certification of the city's true and actual costs to provide municipal services to the annexed area. For the last completed State fiscal year (in this case, July 1, 2011 to June 30, 2012), this certification language is included in the resolution.

DOR makes the monthly distributions on a two-month delay (for example, 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-4966

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 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 newly annexed areas; 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 Council certifies the true and actual costs to provide municipal services to the Annexation Area totaled \$22.87 million for the period corresponding to the State's fiscal year July 1, 2011 to June 30, 2012; and

WHEREAS, the annexation sales tax credit revenues for the fiscal year July 1, 2011 to June 30, 2012 were necessary to support the true and actual costs to provide municipal services to the Annexation Area; and

WHEREAS, RCW 82.14.415 requires the City to provide the Washington State Department of Revenue with an estimate of the anticipated shortfall or "threshold amount" in the Annexation Area for the next fiscal year by March 1, 2013; and

WHEREAS, the City Council finds and determines that the projected net cost to provide municipal services to the Annexation Area exceeds the projected general revenue that the City would receive from the Annexation Area by \$3.65 million for the state fiscal year starting July 1, 2013, through June 30, 2014; and

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 \$3.65 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 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 \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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



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

---

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Pam Bissonnette, Interim Public Works Director  
David Snider, P.E., Capital Projects Manager

**Date:** February 7, 2013

**Subject:** NE 112<sup>th</sup> Street Sidewalk Project – Approve Funding

### **RECOMMENDATION:**

It is recommended that City Council:

- approves the use of Proposition 1 Levy and REET II funds for the City's grant match requirement on the NE 112<sup>th</sup> Street Sidewalk Project; and
- authorizes the City Manager to sign the granting agency's distribution agreement.

### **BACKGROUND DISCUSSION:**

Public Works has been notified by the Washington State Transportation Improvement Board (TIB) that the City's 2012 Urban Sidewalks Program (USP) grant request was approved with \$200,000 being awarded to the City of Kirkland. Staff submitted the NE 112<sup>th</sup> Street Sidewalk Project (NM-0053) which most closely satisfied the requirements of the TIB Program.

The proposed sidewalk, along the north side of NE 112<sup>th</sup> Street between approximately 118<sup>th</sup> Ave NE and property immediately west of 120<sup>th</sup> Ave NE, will serve the A.G. Bell Elementary School of South Juanita and businesses in the Parmac area of Totem Lake (Attachment A). It will complete an existing gap in the sidewalk network providing improved pedestrian access for the two adjacent neighborhoods and connect directly to the Cross Kirkland Corridor. The improvements will include new concrete curb, gutter, planter strip and sidewalk along NE 112<sup>th</sup> Street.

On July 17, 2012, staff invited TIB staff to City Hall to discuss the City's list of various non-motorized projects. In addition, staff took the TIB staff on a tour to visit projects identified as priorities on the City's non-motorized transportation projects list. After the tour, based on feedback from the TIB staff, it was concluded that the NE 112<sup>th</sup> Street Sidewalk would be Kirkland's best candidate for funding in the 2012 USP.

The total estimated Project cost is \$424,000; with the TIB grant of \$200,000, the City's match requirement is \$224,000. Because of the direct benefit to the A.G. Bell school walk route, staff recommends the use of Proposition 1 Levy funds in the amount of \$10,000, and an additional \$214,000 of REET II grant match funds be used to complete the funding needed for the Project (Attachment B). Recall that the annual Prop 1 road and safety levy funds were earmarked for school walk routes to leverage grant funding and this immediate opportunity fits well with the intent of Levy funding.

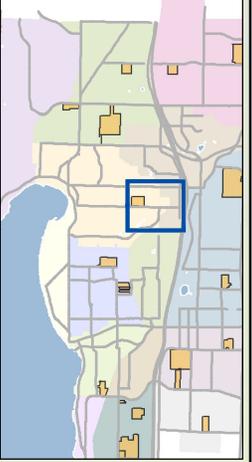
Currently, the NE 112<sup>th</sup> Street sidewalk is on the unfunded list of transportation projects in the 2013-2018 CIP. With City Council's approval to provide grant match funds, staff will obligate the grant funds and proceed with design in 2013 and construction during the summer of 2014.

Attachments: Attachment A - Vicinity Map  
Attachment B - Fiscal Note

E-page 124  
**NE 112th St Sidewalk  
 (NM-0053)**

Attachment A

- Road
- Parks
- Schools
- Parcels
- Railroad
- Streets
- City Limits
- Lakes

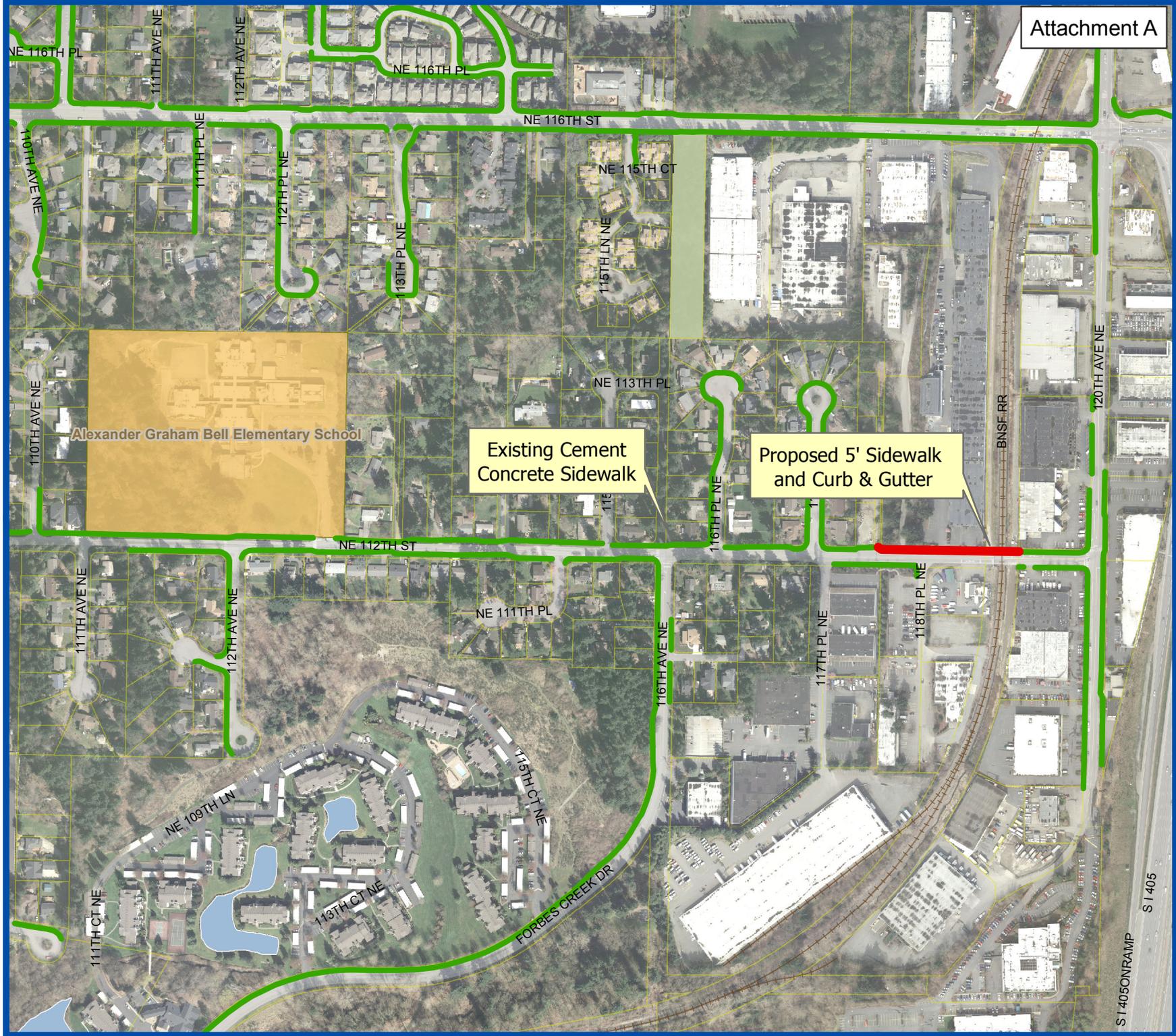


0 60 120 180 240 300 360 Feet



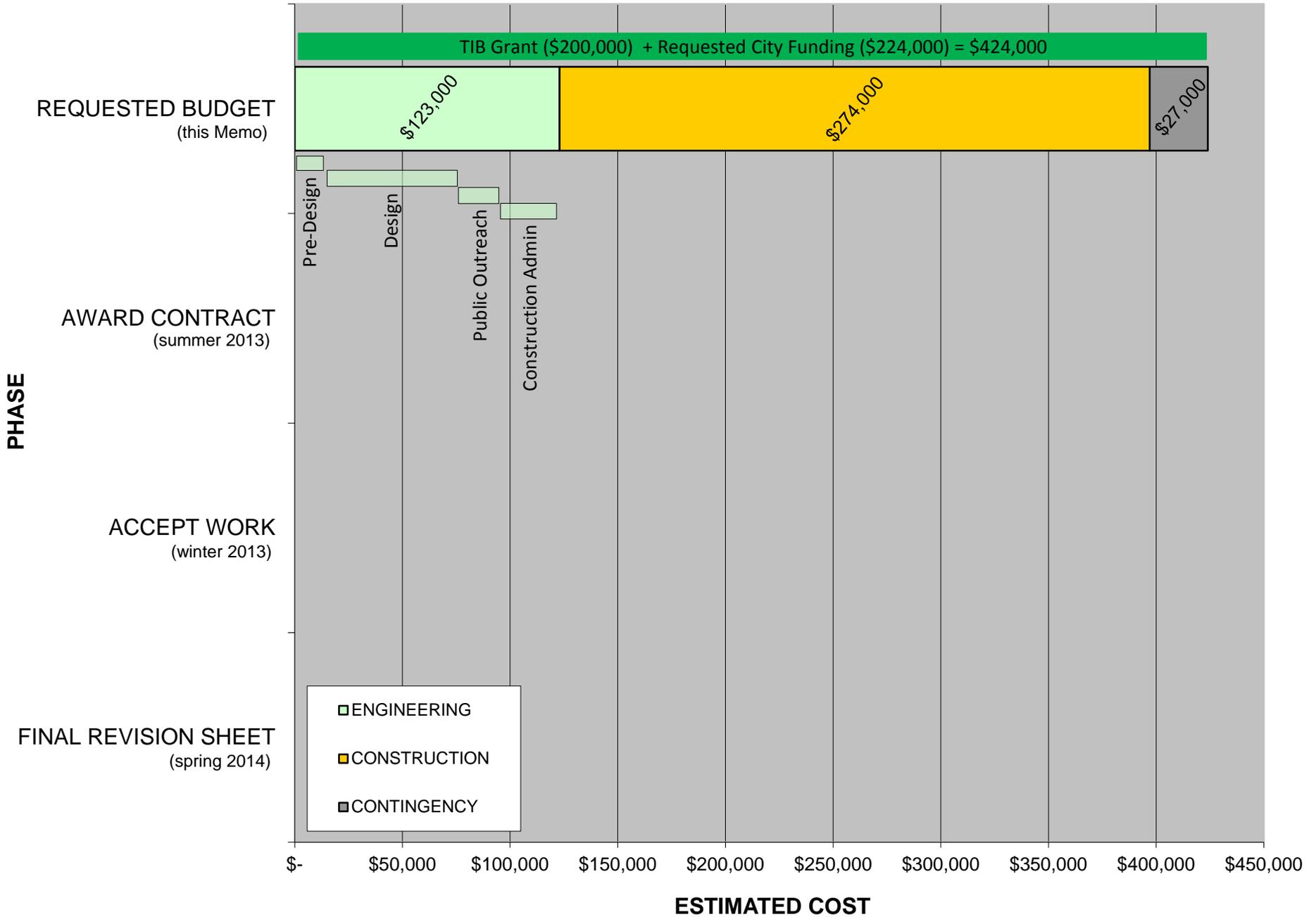
Produced by the City of Kirkland.  
 © 2011, the City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Author:  
 Name: Project Map NE 112th St - 2012  
 Date Saved: 1/25/2013 9:19:15 AM



**NE 112th Street Sidewalk Project  
CNM 0053 000**

**Project Budget Report**



**FISCAL NOTE**

*CITY OF KIRKLAND*

Source of Request							
Pam Bissonnette, Interim Public Works Director							
Description of Request							
Request for funding of a total of \$224,000 for the NE 112th Street Sidewalk Project (CNM 0053) to provide City funding to meet the requirements of a Transportation Improvement Board (TIB) grant of \$200,000. The requested sources are 1) REET 2 Reserves: \$214,000 and 2) Proposition 1 Levy funds: \$10,000. The total project cost is \$424,000.							
Legality/City Policy Basis							
Fiscal Impact							
<p><b>One-time use of \$214,000 from REET 2 Reserve.</b> The reserve is able to fully fund this request.</p> <p><b>One-time use of \$10,000 from Proposition 1 Levy revenue.</b> The levy earmarked 5 percent funding (estimated \$150,000 annually) toward safe school walk route projects and this request meets this criteria.</p>							
Recommended Funding Source(s)							
	Description	2014 Est End Balance	Prior Auth. 2013-14 Uses	Prior Auth. 2013-14 Additions	Amount This Request	Revised 2014 End Balance	2014 Target
<i>Reserve</i>	REET 2 Reserves	2,294,806	0	0	214,000	2,080,806	N/A
	Proposition 1 Levy	N/A	0	0	10,000	N/A	N/A
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	February 6, 2013
-------------	--------------------------------------	------	------------------



## CITY OF KIRKLAND

Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.kirklandwa.gov

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Barry Scott, Purchasing Agent

**Date:** February 7, 2013

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF FEBRUARY 19, 2013

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report, dated January 23, 2013, are as follows:

	Project	Process	Estimate/Price	Status
1.	Construction Management Services for Public Safety Building	A&E Roster	\$349,920	Contract awarded to OAC based on qualifications and using A&E Roster process as provided for in RCW 39.80.
2.	Cross-Kirkland Corridor Master Plan	Request for Qualifications	\$360,000 est.	RFQ advertised on 1/18 with statements of qualifications due on 2/7.

Please contact me if you have any questions regarding this report.

**CITY OF KIRKLAND**

City Manager's Office

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

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager

**Date:** February 11, 2013

**Subject:** 2013 LEGISLATIVE UPDATE #2

**RECOMMENDATION:**

Council receives its second update on the 2013 legislative session.

**BACKGROUND DISCUSSION:**

The 2013 State Legislative Session opened on Monday, January 14 and at the writing of this memo, has completed its fourth week. The last day to read in committee reports in the house of origin, except fiscal committees and Senate Ways and Means and Transportation committees is Friday, February 22. The last day to read in committee reports from House fiscal committees and Senate Ways and Means and Transportation committees is Friday, March 1. This is an update on the City's legislative interests as of February 10.

**COUNCIL LEGISLATIVE COMMITTEE:**

The Council's Legislative Committee (Mayor McBride, Deputy Mayor Marchione and Council Member Asher) meets weekly on Fridays at 3:30pm.

The Council's Legislative Committee met on February 8 to discuss the status of the City's 2013 legislative priorities (Attachment A) and other bills of interest to the City (Attachment B).

**Week 3 (1/28 – 2/3)**

The primary focus in week 3

1. Department review and analysis of 22 bills introduced of interest to the City.
2. Councilmember Sternoff testified in support of SB 5110, local government purchasing bill.
3. Reviewed language of 1<sup>st</sup> Substitute of SB 5110 and identified issues and need for amendment.
4. Monitored transportation funding discussions among legislators and stakeholders.
5. Discussed Mayors Transportation Funding Forum sign-on letter and recommendation to full Council to add Mayor McBride's signature.
6. Monitored status of Annexation Sales Tax Credit.

**Week 4 (2/4 – 2/10)**

The primary focus in week 4

1. Department review and analysis of 18 bills introduced of interest to the City.
2. Communicated concerns and issues with 1<sup>st</sup> Substitute of SB 5110 and need for amendment.
7. Staff testified in support of HB 1268, local government purchasing bill.
3. Monitored transportation funding discussions among legislators and stakeholders.
4. Monitored status of City's legislative priorities.
5. Monitored status of Annexation Sales Tax Credit.

**2013 LEGISLATIVE PRIORITIES:**

As mentioned above, a detailed matrix tracking the status of Kirkland's legislative priorities (as of February 8) is attached to this memorandum. Below is an at a glance summary:

<b>2013 Legislative Priority</b>	<b>Bill Number</b>	<b>Hearing Status</b>
Support state and local transportation revenue to maintain infrastructure investments and complete projects that enhance economic vitality.		House Transportation Chair to release proposal week of the 18 <sup>th</sup> .
Support retaining the State Annexation Sales Tax Credit and defend against state revenue reductions or legislation that impact completion of the Finn Hill, Juanita and Kingsgate-area annexation.		
Support \$5 million in funding for the next phase of the NE 132nd Interchange ramp design and for the NE 132nd Interchange to be included in any statewide transportation package.		1/30 - Rep Springer emailed the House Transportation Chair formal requests.
Support eliminating the \$10 million ongoing diversion of liquor taxes and reinstating local share of excess liquor profits.	HB 1368	2/8 - Heard in Local Government
Support the development of the Cross-Kirkland Corridor including support of continued state financial assistance (WWRP) and other tools to implement multiple uses including recreation and transportation.		The Cross Kirkland Corridor ranked #2 among the WWRP Proposed Trail Projects to be funded in 2013. \$500,000 with a \$500,000 match.
Support providing cities with financing options to support public/private partnerships.	HB 1306 SB 5293	2/5 - Heard in Technology & Econ. Dev. 1/25 - Read into Ways and Means.
Support allowing local governments the option to award contracts to vendors whose pre-tax bid unit price is lowest.	SB 5110 HB 1268	2/8 - Passed by Senate (48 yeas, 1 excsd) 2/5 - Heard in Local Gov.

**HEARINGS AND CORRESPONDENCE:**

Bill	Cmte	Dt/Time	City Rep.	SME
<a href="#">SB 5110</a> Local Government Purchasing	HLG	2/5 1:30pm	Lorrie McKay	Tracey Dunlap

Cmte (Committee) Legend

HLG = House Committee on Local Government

**BILL TRACKING:**

Waypoint Consulting is tracking other bills of interest to the City. To date, Waypoint has identified 122 bills for the City to review, analyze and potentially take positions on. Staff are actively reviewing these bills and assessing their potential impact on the way the city operates, measuring them against our 2013 legislative agenda and providing recommended positions to the Legislative Committee. (Attachment C). A copy of the Engrossed Substitute Senate Bill 5110, passed by the Senate is attached. (Attachment D). As mentioned above, a bill tracker on positions that the City has taken (as of February 8) is attached to this memorandum.

Matrices updated February 15, for both Kirkland's legislative priorities and an updated bill tracker will be emailed to Council in advance of the meeting on February 19.

Attachments: A. Status of City's 2013 legislative priorities  
B. List of bills the City is tracking and positions  
C. Total List of bills reviewed by City and analysis  
D. Text of Engrossed Substitute SB 5110 - Regarding local government purchasing

**City of Kirkland Legislative Priorities and Status: 2013 Legislative Session**  
**Updated 2.8**

<b>Attachment A</b>
---------------------

	<b>Legislative Priority</b>	<b>Bill #</b>	<b>Prime Sponsor</b>	<b>Status</b>
1	Support state & local transportation revenue			
2	Retain the State Annexation Sales Tax Credit			Not discussed. Monitoring
3	\$5M for the next phase of the NE 132nd Interchange ramp design and for it to be included in any statewide transportation package			1/30 - Rep Springer emailed Chair Clibborn formal requests.
4	Eliminate the \$10 million ongoing diversion of liquor taxes and reinstate local share of excess liquor profits	HB 1368 SB 5703	Rep Tharinger Sen Hobbs	2/8 - Heard in Local Government
5	The development of the Cross-Kirkland Corridor including support of continued state financial assistance (WWRP) and other tools to implement multiple uses including recreation and transportation			The Cross Kirkland Corridor ranked #2 among the WWRP Proposed Trail Projects to be funded in 2013. \$500,000 with a \$500,000 match.
6	Provide cities with financing options to support public/private partnerships	HB 1306 SB 5293	Rep Wylie Sen Cleveland	2/5 - Heard in Technology & Econ. Dev. 1/25 – Read into Ways and Means.
7	Allow local governments the option to award contracts to vendors whose pre-tax bid unit price is lowest	SB 5110 HB 1268	Sen Tom Rep Springer	2/8 – Amended by Tom on floor. ESSB Passed Yeas, 48; Nays, 0; Excsd, 1 2/5 - Heard in Local Gov.

Bill	Title	Position	Status
<b>Support</b>			
<a href="#">HB 1007</a>	Covering of loads on public highways	Support	Heard 1/17 - Transportation
<a href="#">HB 1009</a>	Prohibiting certain liquor self-checkout machines	Support	1/31 1st Sub Exec'd - 2/1 Passed to Rules
<a href="#">HB 1016</a>	Designating facilities and infrastructure of water purveyors as essential public facilities under GMP	Support	2/5 - Passed to Rules
<a href="#">HB 1018</a>	Expanding criminal penalties for assault (specific to HIV infection as a noxious substance).	Support	Heard 1/17 - Public Safety
<a href="#">HB 1020</a>	Prohibiting level III sex offenders from residing in a community protection zone.	Support	Heard 1/23 - Public Safety
<a href="#">HB 1037</a>	Establishing a cost-recovery mechanism for public records sought for commercial purposes	Support	Heard 1/23 - Gov Ops & Elections
<a href="#">HB 1045</a>	Authorizing certain local authorities to establish maximum speed limits	Support	1/28 - Passed to Rules
<a href="#">HB 1047</a>	photographs, microphotographs and electronic images from traffic safety cameras and toll systems.	Support	2/4 - Passed to Rules
<a href="#">HB 1049</a>	the administration and operation of flood control districts.	Support	2/5 - Passed to Rules
<a href="#">HB 1052</a>	local government selection of appropriate sewer systems in urban areas.	Support	2/1 - Exec Session in Local Gov
<a href="#">HB 1090</a>	Increasing \$ amount for dock construction that does not qualify as a substantial dev under SMA	Support	2/5 - Passed to Rules
<a href="#">HB 1096</a>	juvenile firearms and weapons crimes	Support	2/12 - Exec Session in Judiciary
<a href="#">HB 1128</a>	Local agencies' responses to public records requ	Support	1/25 - Heard in Local Gov
<a href="#">HB 1147</a>	1st degree unlawful possession of firearms	Support	2/13 - Hearing in Judiciary
<a href="#">HB 1183</a>	Wireless communications	Support	2/5 - Passed to Rules
<a href="#">HB 1187</a>	Grants for community outdoor/indoor athletic facil	Support	2/7 - Referred to Appropriations
<a href="#">HB 1217</a>	Strengthening the integrity, fairness, and equity in Washington's property assessment system.	Support	2/15 - Hearing in Finance
<a href="#">HB 1253</a>	Concerning the lodging tax	Support	1/28 - House Finance Committee
<a href="#">HB 1274</a>	local government practices and procedures	Support	2/7 - Exec action taken
<a href="#">HB 1234</a>	Delaying new storm water requirements for phase I jurisdictions	Support	First read 1/21 in Environment
<a href="#">HB 1235</a>	state investments in storm water control	Support	1/30 Heard in Environment
<a href="#">HB 1237</a>	creation of a storm water compliance project	Support	1/30 Heard in Environment
<a href="#">HB 1268</a>	<b>Regarding local government purchasing</b>	<b>Support</b>	<b>2/5 - Heard in Local Gov</b>
<a href="#">HB 1275</a>	Regarding water discharge fees	Support	1/30 Heard in Environment
<a href="#">HB 1305</a>	Vehicle prowling	Support	2/7 - Exec action taken
<a href="#">HB 1310</a>	Reducing the littering of retail carryout bags	Support	First read 1/23 in Environment
<a href="#">HB 1315</a>	Criminal justice training funding	Support	First read 1/23 in Appropriations
<a href="#">HB 1324</a>	Transferring ferry & FCZD authorities to MKCC	Support	2/5 - Heard in Local Gov
<a href="#">HB 1368</a>	Distribution of state liquor revenues to cities and counties	Support	2/8 - Heard in Local Gov
<a href="#">HB 1388</a>	Penalties for vehicular homicide & assault	Support	2/7 - Heard in Public Safety
<a href="#">HB 1512</a>	Fire suppression water facilities and services provided by municipal & other purveyors	Support	2/8 - Heard in Local Gov
<a href="#">HB 1138</a>	Clean energy jobs thru renewable energy incentives	Support	First read 1/16 in Environment
<a href="#">HB 1237</a>	Creation of a storm water compliance project	Support	1/30 Heard in Environment
<a href="#">HB 1401</a>	Timing of penalties under the GMA	Support	2/7 - Heard in Local Gov
<a href="#">HB 1654</a>	Regional fire protection service authority within the boundaries of a single city	Support	2/14 - Hearing in Local Gov
<b>Neutral</b>			
<a href="#">HB 1214</a>	Property tax relief for active duty military personnel injured in the line of duty.	Neutral	
<a href="#">HB 1254</a>	Addressing prevailing wage filings	Neutral	
<a href="#">HB 1264</a>	Concerning partial fire district mergers	Neutral	
<a href="#">HB 1434</a>	Environmental decisionmaking	Neutral	
<a href="#">HB 1557</a>	Concerning publicly owned industrial wastewater treatment facilities	Neutral	
<a href="#">HB 1604</a>	Frequency of local sales & use tax changes	Neutral	

<b>Oppose</b>			
<a href="#">HB 1019</a>	Regarding identification of requestors of public records (requiring that identification if warranted).	Oppose	Heard 1/23 - Gov Ops & Elections
<a href="#">HB 1026</a>	Requiring use of resident workers on public works. (public works jobs must use at least 75% of state rez)	Oppose	Heard 1/23 - Labor & Workforce Dev
<a href="#">HB 1143</a>	Providing accountability to procurement policy	Oppose	2/5 - Heard in Gov Ops & Elections
<a href="#">HB 1165</a>	Prohibiting adopting & developing enviro and dev policies that infringe private property rights w/o due process	Oppose	First read 1/17 Judiciary
<a href="#">HB 1166</a>	Requiring compensation for government required actions on private property	Oppose	First read 1/17 Judiciary
<a href="#">HB 1167</a>	Repealing growth management planning requirements in chapter 36.70A RCW	Oppose	First read 1/17 Local Gov
<a href="#">HB 1232</a>	rental vouchers to a registered sex offender	Oppose	1/29 - Heard in Public Safety
<a href="#">HB 1239</a>	Concerning the powers of water-sewer districts	Oppose	2/5 - Passed to Rules
<a href="#">HB 1444</a>	Concerning stewardship of household mercury-containing lights	Oppose	2/7 - Heard in Environment
<a href="#">HB 1559</a>	Requiring crisis intervention training for peace officers	Oppose (w/conditions)	First read 1/30 - in Public Safety

Bill	Title	Position	Status
<b>Support</b>			
<a href="#">SB 5005</a>	fiscal relief for cities and counties in times of declining revenues.	Support w/caveat	1/14 - First Read Gov Ops
<a href="#">SB 5020</a>	Modifying indigent defense provisions.	Support	2/8 - Exec Action scheduled Law & Justice
<a href="#">SB 5066</a>	Authorizing certain local authorities to establish maximum speed limits	Support	2/7 - Passed to Rules
<a href="#">SB 5110</a>	<b>Local government purchasing</b>	<b>Support</b>	<b>2/8 - Passed by Senate (48 yeas, 1 excsd)</b>
<a href="#">SB 5053</a>	Modifying vehicle prowling provisions	Support	2/8 - Exec Action taken Law & Justice
<a href="#">SB 5093</a>	Concerning a transportation benefit district vehicle fee	Support	1/30 - Heard Transportation
<a href="#">SB 5096</a>	Trnsfring ferry & FCZD authorities to MKCC	Support	First read 1/18 - in Governmental Ops
<a href="#">SB 5133</a>	Grwth mngmnt hearings board mmbtrs meet land use experience quals	Support	2/5 - Heard in Gov Ops 10a
<a href="#">SB 5113</a>	Concerning the enforcement of speed limits on roads within condominium associations	Support	<b>2/8 - Passed by Senate (49 yeas)</b>
<a href="#">SB 5253</a>	Retail store carryout bags	Support	1/24 - First Read Energy, Enviro & Telecomm
<a href="#">SB 5323</a>	Nuisance abatement assessment	Support	2/4 - Heard in Human Srvc & Correction 10a
<a href="#">SB 5435</a>	Creation of a storm water compliance project	Support	1/30 - First Read Energy, Enviro & Telecomm
<a href="#">SB 5520</a>	Establishing a regional fire protection service authority formation process for cities	Support	2/11 - Hearing in Governmental Ops
<b>Neutral</b>			
<a href="#">SB 5167</a>	Regarding the ability of a local legislative authority to regulate genetically modified organisms	Neutral	
<a href="#">SB 5176</a>	Addressing criminal incompetency and civil commitment	Neutral	
<a href="#">SB 5515</a>	Concerning fees for certain vehicle title, registration, and permitting services	Neutral	
<b>Oppose</b>			
<a href="#">SB 5011</a>	Prohibiting adopting and developing environmental and developmental policies that infringe private property rights without due process	Oppose	First Read 1/15
<a href="#">SB 5013</a>	Requiring a vote of the people before all annexations.	Oppose	2/5 - Placed on second reading in Rules
<a href="#">SB 5014</a>	Limiting the power of eminent domain.	Oppose	2/4 - Exec Session scheduled, no action
<a href="#">SB 5185</a>	Concerning the powers of water-sewer districts	Oppose	2/4 - Heard in Gov Ops
<a href="#">SB 5378</a>	Building code amendments	Oppose	2/4 - Heard in Gov Ops

Bill #	Bill Short Title	Position	Companion	Notes	Follow-up
<a href="#">HB 1138</a>	Creating clean energy jobs in Washington through renewable energy incentives	Support		The bill would be good since the City already has detailed regulations governing cell facilities and SEPA review just adds process, not substance. No advocacy, but general support.	8-Feb
<a href="#">HB 1214</a>	Property tax relief for active duty military personnel injured in the line of duty.	Neutral			8-Feb
<a href="#">HB 1237</a>	Regarding the creation of a storm water compliance project	Support	<a href="#">SB 5435</a>	As an alternative to the prescribed LID approach that DOE is taking, best practices and other alternatives ought to be explored and developed. Having pilot projects makes extremely good approach and this will further that cause.	8-Feb
<a href="#">HB 1254</a>	Addressing prevailing wage filings	Neutral			8-Feb
<a href="#">HB 1264</a>	Concerning partial fire district mergers	Neutral		No impact as we do not any longer have a fire district that we provide service to.	8-Feb
<a href="#">HB 1401</a>	Addressing the timing of penalties under the growth management act.	Support		It appears to correct the problem we had when the city was denied a Public Works Trust Fund loan when the GM hearing board found the Park Place EIS to be insufficient. Bill would hold off penalties to cities while appeals to comprehensive plans and zoning codes are under consideration by the Growth Hearing Boards. Kirkland was affected by just such a situation a few years ago.	8-Feb

2013 Legislative Session  
 Bills Dropped, Assigned Analysis Recommendations

<a href="#">HB 1434</a>	Environmental decisionmaking	Neutral		A long bill that probably wouldn't affect Kirkland, but it does have the potential to add considerable time and procedures to DOE permit issuance. Not sure that Kirkland should oppose, but should at least stay neutral. If City were to oppose, it would be on the basis of adding costs to state agencies at a time of budget tightening.	8-Feb
<a href="#">HB 1444</a>	Concerning stewardship of household mercury-containing lights	Oppose		The bill guts the Mercury Containing Light Product Stewardship Program that was slated to start on January 1, 2013 but was delayed indefinitely due to a	8-Feb
<a href="#">HB 1557</a>	Concerning publicly owned industrial wastewater treatment facilities	Neutral		Does not apply to Kirkland at all. Can't imagine it ever will.	8-Feb
<a href="#">HB 1559</a>	Requiring crisis intervention training for peace officers	Oppose (with conditions)	<a href="#">SB 5532</a>	While a good idea, PD is concerned about the requirements of 8 hours a year of ongoing training, but with no funding attached to it. This would be a significant impact to local PD training budgets. Conflicts with cities legislative principles. Recommend "oppose with conditions" that either funding is attached at state level or language of 'requiring training' be softened.	8-Feb
<a href="#">HB 1604</a>	Reducing the frequency of local sales and use tax changes	Neutral		Bill might have been limiting to us related to the annexation sales tax implementation, but don't believe it matters to city now.	8-Feb
<a href="#">HB 1654</a>	Regional fire protection service authority within the boundaries of a single city	Support		HB 1654 and SB 5520 are companion bills with identical language changes on the same RCW. These bills would allow a City to form an RFA without requiring a consolidation of either two or more cities or fire districts. These bills would have a positive impact on the Kirkland Fire Department allowing a greater latitude of options for funding the cost of services we provide. This compliments the fire service benefit charge legislation that we championed last year.	8-Feb

2013 Legislative Session  
 Bills Dropped, Assigned Analysis Recommendations

<a href="#">SB 5167</a>	Regarding the ability of a local legislative authority to regulate genetically modified organisms	Neutral			8-Feb
<a href="#">SB 5176</a>	Addressing criminal incompetency and civil commitment	Neutral			8-Feb
<a href="#">SB 5378</a>	Building code amendments	Oppose		We're getting complaints from builders and code officials that every 3 years is too much. Every code change requires new books, more training and updating publications. On the other hand, 6 years seems too long. Preference would be for the State to have the option of skipping a cycle when cities thought it was appropriate. We support something like this if there were provisions for emergency type of code changes, however the bill also prevents cities from adopting new codes which we don't agree with.	8-Feb
<a href="#">SB 5515</a>	Concerning fees for certain vehicle title, registration, and permitting services	Neutral		Appears to be a County issue.	8-Feb
<a href="#">SB 5520</a>	Establishing a regional fire protection service authority formation process for cities	Support		HB 1654 and SB 5520 are companion bills with identical language changes on the same RCW. These bills would allow a City to form an RFA without requiring a consolidation of either two or more cities or fire districts. These bills would have a positive impact on the Kirkland Fire Department allowing a greater latitude of options for funding the cost of services we provide. This compliments the fire service benefit charge legislation that we championed last year.	8-Feb

---

**ENGROSSED SUBSTITUTE SENATE BILL 5110**

---

**State of Washington****63rd Legislature****2013 Regular Session**

**By** Senate Governmental Operations (originally sponsored by Senators Tom, Murray, Hill, and McAuliffe)

READ FIRST TIME 02/01/13.

1 AN ACT Relating to local government purchasing of supplies,  
2 materials, or equipment; and amending RCW 39.30.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.30.040 and 1989 c 431 s 58 are each amended to read  
5 as follows:

6 (1) Whenever a unit of local government is required to make  
7 purchases from the lowest bidder or from the supplier offering the  
8 lowest price for the items desired to be purchased, the unit of local  
9 government may, at its option when awarding a purchase contract, take  
10 into consideration tax revenue it would receive from purchasing the  
11 supplies, materials, or equipment from a supplier located within its  
12 boundaries. The unit of local government must award the purchase  
13 contract to the lowest bidder after such tax revenue has been  
14 considered. However, any local government may allow for preferential  
15 purchase of products made from recycled materials or products that may  
16 be recycled or reused. ~~((The tax revenues which units of local  
17 government may consider include sales taxes that the unit of local  
18 government imposes upon the sale of such supplies, materials, or  
19 equipment from the supplier to the unit of local government, and~~

1 ~~business and occupation taxes that the unit of local government imposes~~  
2 ~~upon the supplier that are measured by the gross receipts of the~~  
3 ~~supplier from such sale.))~~ Any unit of local government which  
4 considers tax revenue((§)) it would receive from the imposition of  
5 taxes upon a supplier located within its boundaries(~~(, shall)~~) must  
6 also consider tax revenue((§)) it would receive from taxes it imposes  
7 upon a supplier located outside its boundaries.

8 (2) (~~As used in this section, the term~~) A unit of local  
9 government may award a contract to a bidder submitting the lowest bid  
10 before taxes are applied. The unit of local government must provide  
11 notice of its intent to award a contract based on this method prior to  
12 bids being submitted. For the purposes of this subsection (2), "taxes"  
13 means only those taxes that are included in "tax revenue" as defined in  
14 this section.

15 (3) The definitions in this subsection apply throughout this  
16 section unless the context clearly requires otherwise.

17 (a) "Tax revenue" means sales taxes that units of local government  
18 impose upon the sale of supplies, materials, or equipment from the  
19 supplier to units of local government, and business and occupation  
20 taxes that units of local government impose upon the supplier that are  
21 measured by the gross receipts of the supplier from the sale.

22 (b) "Unit of local government" means any county, city, town,  
23 metropolitan municipal corporation, public transit benefit area, county  
24 transportation authority, or other municipal or quasi-municipal  
25 corporation authorized to impose sales and use taxes or business and  
26 occupation taxes.

--- END ---

**CITY OF KIRKLAND**

City Manager's Office

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

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager

**Date:** February 8, 2013

**Subject:** RESOLUTION STATING COUNCIL'S POSITION THAT CORPORATIONS ARE NOT PERSONS UNDER THE CONSTITUTION FOR PURPOSES OF THE REGULATION OF ELECTIONS, THAT REGULATING POLITICAL CONTRIBUTIONS AND SPENDING IS NOT EQUIVALENT TO LIMITING POLITICAL SPEECH, AND SUPPORTING LIMITS ON CORPORATIONS' ABILITY TO SPEND MONEY DURING LOCAL AND NATIONAL ELECTIONS

**RECOMMENDATION:**

Council considers the attached resolution stating the City Council's position that corporations are not persons under the constitution for purposes of the regulation of elections, that regulating political contributions and spending is not equivalent to limiting political speech and supporting limits on corporations' ability to spend money during local and national elections. This version of the resolution is recommended to the full Council for adoption by the Council's Legislative Committee, which consists of Mayor Joan McBride, Deputy Mayor Doreen Marchione and Councilmember Dave Asher.

**BACKGROUND DISCUSSION:**

At the September 18, 2012 meeting of the City Council, resident members of Kirkland Move to Amend made a presentation requesting the Council pass a resolution stating that "corporations are not people and money is not free speech." The local Move to Amend members also presented the Council with a petition that included 221 signatures of Kirkland residents (Attachment A) in support of such a resolution.

In the November 12, 2012 issue of the Kirkland Reporter, Kirkland Move to Amend member Bill LaMarche contributed an article titled "Money – free speech and politics" (Attachment B). The on-line version of this article included a survey to collect people's opinions on the notion that "corporations are not people and money is not free speech." The survey ran from November 12 through December 17 and in that time 54 individuals participated in taking the survey.

At Council's September 18<sup>th</sup> meeting, Council asked staff to research what municipalities in Washington State have done with regard to passing such a resolution. At that time, staff polled eight cities in King County to determine whether or not those jurisdictions had or had been asked to act on the Citizens United vs. Federal Election Commission decision. The cities staff contacted were Auburn, Bellevue, Federal Way, Kent, Redmond, Renton, Seattle and Shoreline. Of the eight cities polled, only the City of Seattle had taken any action by passing a resolution. None of the other cities were aware of the issue, nor had they been asked.

At this point in time, the cities of Bellingham, Coupeville, La Conner, Langley, Olympia, Port Townsend, Seattle and Walla Walla have all passed resolutions. In addition, Island County, Jefferson County and Snohomish County have each passed resolutions.

According to information provided by Kirkland Move to Amend members, the states of California, Colorado, Connecticut, Hawaii, Montana, Maryland, Massachusetts, New Jersey, New Mexico, Vermont and Rhode Island have passed resolutions.

In June of 2012, the United States Conference of Mayors adopted a resolution (Attachment C) establishing a position that "Corporations should not receive the same legal rights as natural persons do, that money is not speech and that independent expenditures should be regulated."

During the 2011-2012 biennium of the Washington State Legislature, a Joint Memorial was introduced urging Congress to propose an amendment to the United States Constitution for the states' consideration which provides that corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions. However, neither the House (HJM 4005) nor the Senate (SJM 8007) version was passed by Congress. Each were introduced in 2011 and reintroduced in 2012 and reintroduced in all four special sessions throughout the biennium without success.

Supporters of the group Washington Public Campaigns successfully gathered signatures from 60 Washington State legislators on a resolution/letter to the President and Congress (Attachment D). The resolution/letter urges Congress to prepare and send to the states for adoption, a Constitutional amendment that in effect reverses the 2010 Supreme Court's Citizens United decision by clarifying that:

1. Only human beings, not corporations, are persons under the United States Constitution.
2. Money is not speech and the donation of money to a political campaign is not a form of constitutionally protected speech. Therefore regulating political contributions and spending is not equivalent to limiting political speech.

#### Council viewpoints

The Council referred this issue to the Council's Legislative Committee for review and recommendation back to the full Council. Councilmember Nixon offered specific comments to staff to bring to the Committee discussion offering alternative approaches to address this issue. (Attachment E)

Councilmember Nixon communicated that he firmly believes that at least some corporations -- especially non-profit advocacy corporations made up of members who are human beings -- share the collective natural rights of their members, and serve as a way for people who share political viewpoints to pool their resources and amplify their voices in exercising their First Amendment rights.

Councilmember Nixon indicated he could consider a resolution that focused on for-profit corporations, especially multinational corporations whose ownership is not firmly in the USA (the Exxons and GMs of the world), but will strongly oppose any call for squelching the voices of associations of US citizens just because they happen to choose the corporate form of organization. Councilmember Nixon stated that he cannot support a blanket statement saying "corporations are not people" unless it also strongly recognizes that corporations are, in fact, made up of people and that those people do indeed have natural rights that cannot be infringed by government. Councilmember Nixon also commented that he firmly believes that independent expenditures are constitutionally-protected speech and that he agrees with the opinion of the majority in Citizens United in that regard, and would not change it.

Councilmember Nixon wrote that he would also support a resolution calling for improved disclosure of political contributions and independent expenditures such as requiring disclosure of the original source of contributions or independent expenditures, prohibiting the layering of PACs to hide the original source of contributions, requiring all campaign contributions and expenditures to be immediately and fully disclosed online, and eliminating the reporting exemption for contributions under \$200 which is too easily abused to conceal multiple online contributions.

Staff drafted an alternative resolution based on Councilmember Nixon's comments for consideration by the Council's Legislative Committee. The Legislative Committee reviewed and discussed options at their January 18<sup>th</sup> and 25<sup>th</sup> Committee meetings. The Legislative Committee recommended the option that is

presented to the Council today. The alternative draft that was not recommended was provided to Councilmember Nixon.

Attachments: A. Petition to the City of Kirkland requesting a resolution  
B. "Money – free speech and politics" article from November 2012 Kirkland Reporter  
C. June 2012 Resolution adopted by the United States Conference of Mayors  
D. Resolution/Letter to the President and Congress signed by 60 Washington Legislators  
E. Councilmember Feedback  
Draft Resolution

Petition to Kirkland City Council

ATTACHMENT A  
 9-18-12  
 CC mtg  
 6 b (4)

**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot issue.

NAME (Please Print)	Address	Signature
Brad Larssen	1228 90th PL NE Kirkland 98034	<i>Brad Larssen</i>
Ken Allinger	11819 103rd Ave NE Kirkland WA	<i>Ken Allinger</i>
TRENT LATTA	9333 NE 120th ST A 206 KIRKLAND	<i>Trent Latta</i>
LAURA LATTA	9333 NE 120th ST A 206 KIRKLAND	<i>L Latta</i>
JEANNE LARGE	225 4th AVE A-203 KIRKLAND	<i>Jeanne Large</i>
ROGER GOODMAN	338 10th Ave. KIRKLAND 98038	<i>Roger Goodman</i>
<i>Dwight Bales</i>	11627 125th NE, Kirkland	<i>Dwight C. Bales</i>
Robert C. Osrowske	10411 NE 110th St., WA	<i>Robert C. Osrowske</i>

Prepared and circulated by a grassroots movement of residents of Kirkland, Washington

# Petition to Kirkland City Council

## CORPORATIONS ARE NOT PEOPLE

### MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

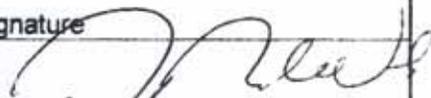
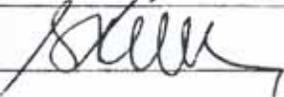
	Name, please print	Address	Signature
1	Joanne Kerr	10930 Forbes Creek Dr Apt S105 Kirkland WA 98033	<i>Joanne Kerr</i>
2	Eric Holtz	716 2nd St Kirkland, WA, 98033	<i>Eric Holtz</i>
3	Kim Convertino	6010 14th Pl Kirkland WA 98033	<i>Kim Convertino</i>
4	Aimee Woolwine	11719 NETS <sup>TH</sup> PL, Kirkland 98033	<i>A Woolwine</i>
5	Charles F Warner	8460 - Hurst Pt, Ls 98004 Hurst Pt, WA	<i>Charles Warner</i>
6	Suzanne M. Washford	10223 NE 50th St. Kirkland 9803	<i>Suzanne M. Washford</i>
7	Dorothy J Guth	716 2nd St Kirkland 98033	<i>Dorothy J Guth</i>
8	Rohini Kamath	323 4th Ave S Kirkland, WA 98033	<i>Rohini Kamath</i>
9	Ajay Kamath	323 4th Ave S Kirkland, WA 98033	<i>Ajay Kamath</i>
10	Loren Unger	350 4 <sup>th</sup> Ave S #4 Kirkland, WA 98033	<i>Loren Unger</i>
11	DOUGLAS KNOWLTON	6717 A-2 110th AVE NE KIRKLAND	<i>Douglas Knowlton</i>
12			
13			
14			
15			

## Petition to Kirkland City Council

# CORPORATIONS ARE NOT PEOPLE

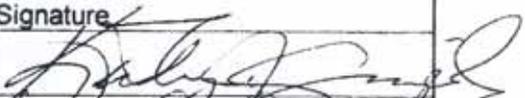
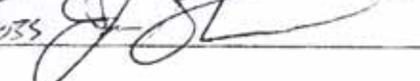
# MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	JOHN C WADE	10251 NE 129 <sup>TH</sup> LANE 98034	
2	SUSAN KELLER	11337 NE 104 <sup>TH</sup> ST 98033	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

# petition to Kirkland City Council CORPORATIONS ARE NOT PEOPLE MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Kathryn Gingrich	6478 NE 135 <sup>th</sup> Pl Kirkland	
2	Virginia Woods	529-8 <sup>th</sup> Ave Kirkland 98034	
3	Jessie Benhaman	10407 NE 52 <sup>nd</sup> St Kirkland 98035	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

8 11 Summerfest

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Nancy Aton	1613 NE 133 <sup>rd</sup> St 98034	Nancy Aton
2	Tina Giffey	220 1st St 98033	Tina
3	Crystal Anderson	10102 NE 135 <sup>th</sup> Ln 98034	Crystal Anderson
4	Peggy Ku	10203 NE 59 <sup>th</sup> St. 98033	Peggy
5	Shirley Thomas	4527 Lake Washington Blvd NE 98034	Shirley
6	Carrie Collins	128 6th Avenue 98033	Carrie Collins
7	Matt Collier	128 6th Ave 98033	Matt
8	Jane Conteras	116 <sup>th</sup> Pl. NE 98033	Jane Conteras
9	Fiona Hunt	9205 126 <sup>th</sup> Ave NE Kirkland 98033	Fiona
10	Patricia Meyer	98033	Patricia R. Meyer
11	Celeste Stuhling	13031 Holmes Pt DR NE	Celeste
12	Shannon Perry	10123 115 <sup>th</sup> Avenue 98033	Shannon Perry
13	Zula	13315 60 <sup>th</sup> Pl NE 98034	Zula
14	Erin	12611 NE 73 <sup>rd</sup> St 98033	Erin Brown
15	Leah Wade	10254 NE 129 <sup>th</sup> Lane 98034	Leah

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	PETER LAZAR	13697 NE 88th St Kirkland 98032	
2	MARY BANDER	219 6th St. S " 98033	
3	JERRY BANDER	" " "	
4	Elena Christensen	12440 68th Ave NE 98034	
5	Annette Jube	6201 Lake Washington Blvd NE #205 Annette Jube	
6	Lera Moore	136 9th Ave 98033	
7	Daniel Bleeker	221 5th Ave So E-205	
8	Ellen Bleeker	221 5th Ave. S E-205	Ellen Bleeker
9	Lizz Konli	10104 ne both st 98033	
10	FRANK COHENOW	140 13th Ave, 98033	
11	Kashne Moreland	209 9th ave 98032	
12	David Penko	12229 NE 67th St 98033	
13	JERRY L. SYKES	13796 N.E. 76th Pl. 98052	
14	Kristy Sackinger	226 18th ave. 98033	
15	Ken Sackinger	226 18th ave 98033	

8.11 Summerfest

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	TINA L. KRATZER	49 Market St	Tina L Kratzer
2	EUZANA BODIK	507 10TH AVE	Euzana Bodik
3	PETER BODIK	507 10th Ave	Peter Bodik
4	Sharon Kroll	410 2nd Ave S #112 98033	Sharon Kroll
5	Leslie Keller	435 7th Ave S 98033	Leslie Keller
6	STEPHEN VARGA	11110 41ST DRIVE KIRKLAND 98033	Stephen Varga
	PATRICIA VARGA	"	Patricia Varga
8	GIOVANNI RANIER	121 8th Ln. KIRKLAND WA 98033	Giovanni Ranieri
9	PATRICIA A. RANIER	121 8th Ln. KIRKLAND, WA 98033	Pat Ranieri
10	PETER L. JOHNSON	410 6th Ave S, Kirkland 98033	<del>Peter L. Johnson</del>
11	RON DOTSON	7610 - 115th PL NE 98033	Ron Dotson
12	Chad Adams	558 Central Way WA 98033	Chad Adams
13	GORDON LUNA	731 3rd St S 98033	Gordon Luna
14	LORRAINE WEEKS	927 20th Pl. W. 98033	L. Weeks
15	Stephanie Graves	13047 NE 88th St. Kirkland, 98033	Stephanie Graves

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

811 Summerfest

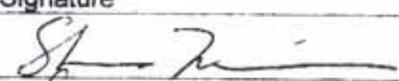
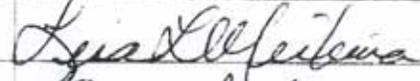
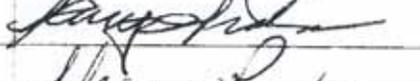
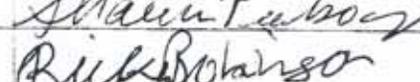
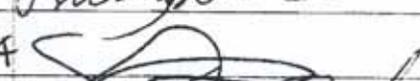
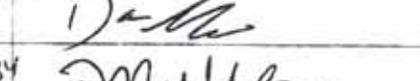
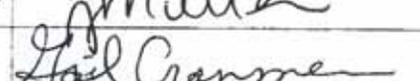
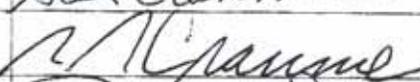
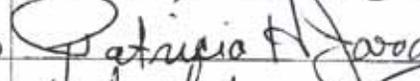
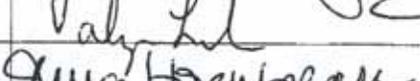
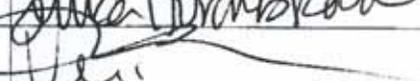
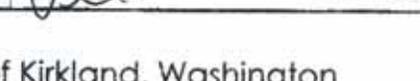
Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	EDWARD BYRNE	10815 115 <sup>th</sup> CT NE, KIRKLAND	Edward Byrne
2	Michelle Reesh	13001 123 <sup>rd</sup> Lane NE #E-303	Michelle Reesh
3	PAUL Rob. CHAU	6705 103 <sup>rd</sup> AVE NE	Paul Chau
4	Krystal Klemmer	131 Kirkland Ave Apt. 208	Krystal Klemmer
5	Lidia Sukhaya	1609 1 <sup>st</sup> St. #10. 98033	Lidia Sukhaya
6	Lisa O'Brian	205 Waverly Way 98033	Lisa O'Brian
7	Nancy Barile	13115 102 <sup>nd</sup> LN NE #198034	Nancy Barile
8	Alex Alisoretou	8252 106th AVE NE # D-304	Alex Alisoretou
9	MICHAEL FITZGERALD	4319 LE WASH BLVD NE #4013	Michael Fitzgerald
10	Peter Loft	12114-6 <sup>th</sup> St. Kirkland 98033	Peter Loft
11	Hae Barber	733 Lake St #204 98033	Hae Barber
12	Katie Medina	5517 113 <sup>th</sup> PI NE #57, 98033	Katie Medina
13	CHUCK KEGLEY	12008 89 PL NE, 98034	Chuck Kegley
14	Michelle Roberts	514 15 <sup>th</sup> Ave 98033	Michelle Roberts
15	Carol White	411 53 Ave S #3 98032	Carol White

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

7-22-2010  
 unworked

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	SHINICHI MISHINA	11636 NE 7th PL. D 98033	
2	LISA MISHINA	" "	
3	LARRY PEARBODY	11707 NE 100th A. 98033	
4	Shaune Pearbody	" " "	
5	Ricky Robinson	12086 104th Ave NE 98033	
6	Sarah Perez	9039 Juanita Dr. 98034	
7	Kris Spisak	12009 NE 67th St Kirk 98033	
8	Darren Muller	13715 91st PL NE Kirk 98034	
9	JESSICA MULLER	13715 91st PL NE Kirk 98034	
10	Gail Cranmer	319 1st St.	
11	ROBERT CRANMER	319 1st St. 98033	
12	Patricia H. Jovag	6414-123rd Ave. NE 98033	
13	Valynn Leach	225 7th Ave W.	
14	Jessica Hornbrook	1248 NE 94th Way 98033	
15	Veronica Mors	419 7th Ave #203 98033	

**Petition to Kirkland City Council  
CORPORATIONS ARE NOT PEOPLE  
MONEY IS NOT FREE SPEECH**

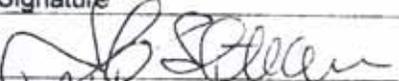
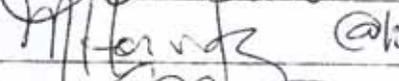
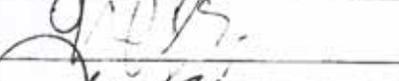
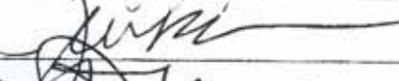
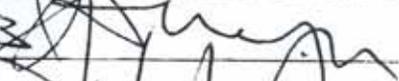
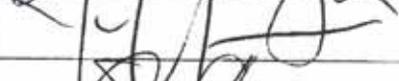
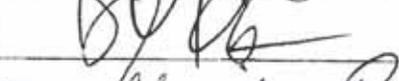
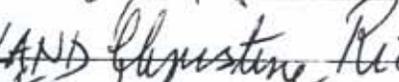
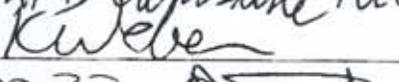
7-22-2010  
Unmarked

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	CAROL C. DOERR	7813 NE 112 <sup>th</sup> ST, Kirkland	
2	Mase Lind	220 1st St, Kirkland	
3	Joy Woodcock	11929 100 <sup>th</sup> AVE NE, Kirkland	
4		9606 NE 120 <sup>th</sup> St 98034	
5	FRED HERZBERG	225-4 <sup>th</sup> AVE KIRKLAND 98033	
6	JEANNE LARGE	225-4 <sup>th</sup> AVE KIRKLAND 98033	
7	George Nunes	11710 NE 101 <sup>st</sup> Pl 98033	
8	Rebecca Nunes	11710 NE 101 <sup>st</sup> Pl. 98033	
9	Barbara Cromwell	12316 NE 149 <sup>th</sup> Ct 98034	
10	Keeley Dun	6401 Lake Wa Blvd 98033	
11		544 13 <sup>th</sup> Ave W 98053	
12		11024 NE 58 <sup>th</sup> Way 98037	
13	Richard Davis	220 1st St STE 306 98033	
14	JEFFREY R. BROWN	12855 NE 104 <sup>th</sup> St Kirk. 98033	
15	Jennifer Pollard	6032 11142 Pl NE, Kirkland 98035	

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

Name, please print	Address	Signature
1 JEFF STEVENSON	10403 NE 52 <sup>nd</sup> St, KIRKLAND 98033	
2 MARY HORVITZ	330 Waverly Way Kirkland	 @hotmail.com
3 Nancy Peterson	1444 NE 103rd St Kirkland	
4 Lori Taylor	10507 NE 48 <sup>th</sup> 98033	
5 Ashley Funches	12065 104 <sup>th</sup> Ave NE Kirkland	
6 Roguish Bill	12617 NE 130 <sup>th</sup> Way 98034	
7 Jason Scott	6545 106 <sup>th</sup> Ave NE, #3 98033	
8 MIKE ERIS	11818 NE 48 <sup>th</sup> Pl 98033	
9 Jeri Wohlma	11320 NE 103 St. 98033	
10 V.E. FAHL	703 4th ave #204 98033	
11 Tom Neir	308 Waverly Way 98033	
12 Sally Otter	"	
13 CHRISTINE RICHKOFF	10921 NE 40th, KIRKLAND	 Christine Richkoff
14 Kathy Weber	1026 4th St Kirkland	 Kweber
15 Abdul Ichan	8609 NE 135 <sup>th</sup> St Kirkland 98033	

# Petition to Kirkland City Council

## CORPORATIONS ARE NOT PEOPLE

### MONEY IS NOT FREE SPEECH

*Ellen.Hanley@tronic.com*

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Linda Jean Davis	12528 NE 129th Ct C3 Kirkland, WA 98034	Linda Jean Davis
2	Sally MacFie	4500 Lake Wash. Blvd 98033	Sally MacFie
3	SUSAN HILL	13212 125th Ave NE KIRKLAND 98034	Susan Hill
4	Samantha St John	7422 NE 120th Pl Kirkland 98034	Samantha St John
5	Hudson LYMAN	14166-107th Ave NE, Kirkland 98034	H. Lyman
6	Jay SWAFFIELD	10223 NE 50th Kirkland 98033	Jay Swaffield
7	Allena Basset	13101 NE 129th St Kirk 98034 98034	Allena Basset
8	MARION STEWART	13212 125th AVE. NE, KIRKLAND	Marion Stewart
9	Duane Wentz	10255 NE 118th Pl, 98034	Duane Wentz
10	Linda Lee Andersson	2424 79th Ave NE 98039	Linda L Andersson
11	Adele Woessberg	3832 134th Ave NE	Adele M Woessberg
12	Ellen E. Hanley	9205-122nd Ct NE Unit A3, Kirkland 98033	Ellen E. Hanley
13	Jane Nipp	14115 121 Ave NE Kirkland 98028	Jane Nipp
14	Nancy Graham	602 5th St #3002 Kirkland 98033	Nancy Graham
15	Nick Renshaw	11212 Ne 59th Pl Kirkland WA 98033	Nick Renshaw

## Petition to Kirkland City Council

# CORPORATIONS ARE NOT PEOPLE

# MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Steven Rosen	102 State St. S. Kirkland #206 98033	<i>Steven Rosen</i>
2	Glenn Peterson	319 Lake St. S., Kirkland 98033	<i>Glenn Peterson</i>
3	Cardyn Hayek	102 State St S. #206 Kirkland 98033	<i>Cardyn Hayek</i>
4	Janet Kuller	12714 NE 86 <sup>th</sup> Kirkland 98033	<i>Janet Kuller</i>
5	Jean Wallace	12109-86 <sup>th</sup> Ave NE Kirkland 98034	<i>Jean Wallace</i>
6	Jo Goodwin	215-17 <sup>th</sup> Street Kirkland	<i>Jo Goodwin</i>
7	JANET HALL	6101 129 <sup>th</sup> PL NE, Kirkland 98033	<i>Janet Hall</i>
8	Arthur Kuller	12714 NE 86 <sup>th</sup> ST. Kirkland 98033	<i>Arthur Kuller</i>
9	Patricia Tuten	1936 4 <sup>th</sup> St. Kirkland 98033	<i>Patricia Tuten</i>
10	Nancy Lawrence	9308 NE 135 <sup>th</sup> St Kirk. 98034	<i>Nancy Lawrence</i>
11	Cary Lawrence	9308 NE 135 <sup>th</sup> ST Kirkland 98034	<i>Cary Lawrence</i>
12	Patricia Knowlton	6717 110 <sup>th</sup> Ave NE Kirkland 98033	<i>Patricia Knowlton</i>
13			
14			
15			

## Petition to Kirkland City Council

# CORPORATIONS ARE NOT PEOPLE

# MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Carol Soukup	430 Laka St. #45, Kirkland	Carol Soukup
2	Susan J. Hall	830-20th Ave W, Kirkland	Susan J. Hall
3	Susan Abbott	303 FIFTH AVE, 10; KIRKLAND	Susan Abbott
4	Carol M. White	411 5th Ave. S. #5, Kirkland	Carol M. White
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

# Petition to Kirkland City Council

## CORPORATIONS ARE NOT PEOPLE

### MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
	Lawrence Fennema	26-20th Ave Kirkland WA	<i>[Signature]</i>
2	Charles Meares	11615 91st Lake NE #7 Kirkland 98034	<i>[Signature]</i>
3	Sally Mcke	4300 LUR 98033	<i>[Signature]</i>
4	Patricia Tuton	1936 4th St. Kirkland, 98033	<i>[Signature]</i>
5	Hudson LYMAN	14166-107th Ave NE, Kirkland 98034	<i>[Signature]</i>
6	Ellen Hanly	9205-132nd Ct. NE #3 Kirkland 98033	<i>[Signature]</i>
7	Maivan Stewart	13212 125th Ave NE, Kirkland 98034	<i>[Signature]</i>
8	Virginia Merrill	619-9th Ave Kirkland 98033	<i>[Signature]</i>
9			
10			
11			
12			
13			
14			
15			

## Petition to Kirkland City Council

# CORPORATIONS ARE NOT PEOPLE

# MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	LINDA JARBOE	8405 NE 144 <sup>th</sup> Pl, Kirkland <sup>98034</sup>	<i>[Signature]</i>
2	Joy Arianashira	12813 102 Ave NE, Kirkland <sup>98034</sup>	<i>[Signature]</i>
3	JEANETTE MERKI	10425 NE 130 <sup>th</sup> St KIRKLAND <sup>98034</sup>	<i>[Signature]</i>
4	Raise Watson	12433 83rd Pl NE Kirkland <sup>98034</sup>	<i>[Signature]</i>
5	Terry Stervenberg	8011 118 <sup>th</sup> Ave NE, Kirkland <sup>98033</sup>	<i>[Signature]</i>
6	Laurie Simons	8011 - 118 <sup>th</sup> Ave NE Kirkland	<i>[Signature]</i>
7			
8			
9			
10			
11			
12			
13			
14			
15			

*Pre  
can  
1st*

**Petition to Kirkland City Council**  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	KRISSE ANN ARTHUR	10627 129TH PL NE KIRKLAND	Krisse Ann Arthur
2	DONALD L. ARTHUR	10627 129TH PL NE KIRKLAND	Donald L. Arthur
3	Penny Carey	10615 - 129TH PL NE, Kirkland	Penny Carey
4	Dragos Manolescu	10612 128th PL NE, Kirkland	D. Manolescu
5	Lou Lucarelli	10621 129TH PL NE Kirkland	Lou Lucarelli
6	Sicky Juandeli	"	Rebecca Lucarelli
7	Chris Gerschwiler	10600 129TH PL NE Kirkland	Chris Gerschwiler
8	Richard Gerschwiler	10600 129TH PL NE Kirkland	Richard Gerschwiler
9	THOMAS A. STURGEON	12836 NE 106 PL, KIRKLAND	Thomas A. Sturgeon
10	WAYNE ALEXANDER	12846 NE 106TH PL KIRKLAND	Wayne Alexander
11	Twila Alexander	12846 NE 106TH PL	Twila J. Alexander
12	Sacki Ahlgvist	10624 129 PL NE	Sacki Ahlgvist
13	Paul C. Nelson	12853 NE 106TH PL Kirkland	Paul C. Nelson
14	Mary Rumpf	12720 NE 72 <sup>nd</sup> ST, Kirkland	Mary Rumpf
15			

END CORPORATE RULE. LEGALIZE DEMOCRACY

# MOVE TO AMEND



1

We, the People of the United States of America, reject the U.S. Supreme Court's ruling in Citizens United, and MOVE TO AMEND our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

(PLEASE PRINT LEGIBLY)

Full Name William L. (Bill) LAMARCHE	Email bill@LAMARCHEgroup.com	Volunteer Interests
Street Address, City, State, Zip 10606 129th PL NE Kirkland, WA 98033	Phone(s) 425 803 2002	
Full Name ANDREA MCBETH	Email jgsagin@frontier.com	Volunteer Interests
Street Address, City, State, Zip 10403 NE 52nd ST KIRKLAND 98033	Phone(s) 425-803-1870	
Full Name JAMES GEOFFREY STEVENSON	Email JGSAGM@frontier.com	Volunteer Interests
Street Address, City, State, Zip 10403 NE 52nd ST KIRKLAND WA 98033	Phone(s) 425 803 1870	
Full Name GENE SPENCER LEONARDSON	Email gene.leonardson@frontier.com	Volunteer Interests
Street Address, City, State, Zip 7008 NE 163rd St, Kenmore, WA 98028	Phone(s) 425-488-9151	
Full Name Nancy W. Leonardson	Email nancy.leonardson@frontier.com	Volunteer Interests
Street Address, City, State, Zip 7008 NE 163rd St, Kenmore WA 98028	Phone(s) 425-488-9151	
Full Name Mary J Smith - Clusters	Email maryj@clusters.com	Volunteer Interests
Street Address, City, State, Zip 12871 NE 106th, Kirkland WA 98033	Phone(s) 425 298 0378	
Full Name Robert Lee Budnek	Email	Volunteer Interests
Street Address, City, State, Zip 15443 NE 64th St. Bellevue WA 98007	Phone(s) 425 503-7500	
Full Name Teresa J. Andrade	Email tandrade@gmail.com	Volunteer Interests
Street Address, City, State, Zip 709 191st ST SW Lynnwood WA 98033	Phone(s) 425-672-0827	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	

To submit completed petitions see: <http://MoveToAmend.org/petition>

www.MoveToAmend.org • (707) 269-0984

**END CORPORATE RULE. LEGALIZE DEMOCRACY.**  
**MOVE TO AMEND**



We, the People of the United States of America, reject the U.S. Supreme Court's ruling in Citizens United, and MOVE TO AMEND our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

(PLEASE PRINT LEGIBLY)

Full Name <i>HATHLEEN A. BOYER</i>	Email <i>k48boyer@gmail.com</i>	Volunteer Interests
Street Address, City, State, Zip <i>12826 NE 106th PL KIRKLAND, WA 98033</i>	Phone(s) <i>425-822-8324 425-941-4821</i>	
Full Name <i>KENNETH M. LARSON</i>	Email	Volunteer Interests
Street Address, City, State, Zip <i>11018-NE 131 ST KIRKLAND-WA-98034</i>	Phone(s) <i>425-821-4407</i>	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	
Full Name	Email	Volunteer Interests
Street Address, City, State, Zip	Phone(s)	

To submit completed petitions see: <http://MoveToAmend.org/petition>

[www.MoveToAmend.org](http://www.MoveToAmend.org) • (707) 269-0984

petition to Kirkland City Council  
**CORPORATIONS ARE NOT PEOPLE**  
**MONEY IS NOT FREE SPEECH**

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	JOHN POULSEN	9713 112 <sup>th</sup> AVE Kirkland WA 98033	[Signature]
2	Mitchell Lem	11604 NE 135 <sup>th</sup> St Kirkland 98034	[Signature]
3	Erika Ebbesen	602 Kirkland Av. Kirk 98033	[Signature]
4	Mike Slota	11001 NE 145 <sup>th</sup> St Kirkland 98034	[Signature]
5	JAMES MASON	15706 25 <sup>th</sup> AVE SW, BURIEN 98166	[Signature]
6	PEGGY PETERSEN	8040 161 <sup>st</sup> AVE NE Redmond 98053	[Signature]
7	Nancy Biery	15027 78 <sup>th</sup> Ave NE Kenmore 98028	[Signature]
8	Judy Jesiolaski	9000 NE 31 <sup>st</sup> Pl Bellevue WA 98004	[Signature]
9	Sandy Petersen	319 Lake St S. Kirkland	[Signature]
10	Vesna Lindheimer	10212 NE 68 <sup>th</sup> St #B204	[Signature]
11	DOUGLAS CHICKERING	349-10th Ave, Kirkland 98033	[Signature]
12	Tatyana Avital	223 6th St. S KIRKLAND, 98053	[Signature]
13	Kristin D'boch	11815 NE 141 <sup>st</sup> St. Kirkland 98034	[Signature]
14	Felicia Larson	14317 113 <sup>th</sup> Ave NE Kirkland 98034	[Signature]
15	Emily Fouquette	8426 NE 137 <sup>th</sup> St Kirkland 98034	[Signature]

Prepared and circulated by a grassroots movement of residents of Kirkland, Washington

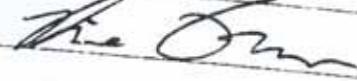
## petition to Kirkland City Council CORPORATIONS ARE NOT PEOPLE MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	James O. Lea	555 Kirkland Way #402 Kirkland WA	<i>James O. Lea</i>
2	Kidney Shortridge	P.O. Box 622 Kirkland WA	<i>Kidney Shortridge</i>
3	Jacqueline Spuehler	6567-116 Pl NE Kirkland WA	<i>Jacqueline Spuehler</i>
4	Kathleen Morell	10418 NE 110th St Kirkland	<i>Kathleen Morell</i>
5	Kendra Petkau	11342 NE 67th St, Kirkland	<i>K. Petkau</i>
6	Wendy Wolf	PO Box 1295 North Bend	<i>Wendy Wolf</i>
7			
8			
9			
10			
11			
12			
13			
14			
15			

# CORPORATIONS ARE NOT PEOPLE MONEY IS NOT FREE SPEECH

Following the January 2010 Supreme Court ruling in Citizens United vs. FEC, we are seeing a huge influx of large sums and often anonymous donations to our political campaigns. We agree that only natural born persons have constitutionally protected rights, and that money is not free speech and can be regulated in its use in influencing the election of any candidate or ballot initiative.

	Name, please print	Address	Signature
1	Annie Poulson	973 112 <sup>th</sup> AVE NE Kirkland, WA 98033	
2	Rick Duncan	12847 NE 107 <sup>th</sup> Pl, Kirkland WA 98033	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Prepared and circulated by a grassroots movement of residents of Kirkland, Washington

First Name	Last Name	City	State	Zip
Jeanne	Acutanza	Kirkland	WA	98033
Kenneth	Albinger	Kirkland	WA	98034
Jenelle	Anderson	Kirkland	WA	98034
Brent	Anderson	Kirkland	WA	98034
Laef	Anderson	Kirkland	WA	98033
Megan	Ayrault	Kirkland	WA	98034
Edward	Barker	Kirkland	WA	98033
L.	Bassett	Kirkland	WA	98034
Daniel	Bennett	Kirkland	WA	98033
Louis	Berner	Kirkland	WA	98034
Dana	Briggs	Kirkland	WA	98033
Bob	Brooks	Kirkland	WA	98034
Emily	Brooks	Kirkland	WA	98033
Allen	Brown	Kirkland	WA	98034
Wendell	Brown	Kirkland	WA	98033
Eydie	Carlson	Kirkland	WA	98034
Alfredo	Carrington	Kirkland	WA	98033
theresa	chambers	Kirkland	WA	98034
Bradley	Clem	Kirkland	WA	98033
G	Climer	Kirkland	WA	98033
ian	Coletti	Kirkland	WA	98034
Liz	Colson	Kirkland	WA	98034
Neicole	Crepeau	Kirkland	WA	98033
Steven	Dahl	Kirkland	WA	98034
Jacob	Danner	Kirkland	WA	98034
	Davidek-			
Carol	Waller	Kirkland	WA	98033
Eeic	Debolt	Kirkland	WA	98034
Emilie	Doyle	Kirkland	WA	98034
David	Echols	Kirkland	WA	98034
Robert	Edwards	Kirkland	WA	98033
Sher	Emerick	Kirkland	WA	98034
Benjamin	Estacio	Kirkland	WA	98034
Jeffrey	Felbeck	Kirkland	WA	98033
Ann	Fiser	Kirkland	WA	98034
Michael	Fite	Kirkland	WA	98034
James	Fletcher	Kirkland	WA	98033
Matthew	Ford	Kirkland	WA	98033
Deborah	Gervasi	Kirkland	WA	98033
Aydin	Ghajar	Kirkland	WA	98034
Barbara	Gordon	Kirkland	WA	98033
Heather	Greear	Kirkland	WA	98033
David	Gregg	Kirkland	WA	98033
Ann	Grismore	Kirkland	WA	98034
Doug	Grismore	Kirkland	WA	98034
Jerry	Guenser	Kirkland	WA	98033
Corwin	Haeck	Kirkland	WA	98034
Michael	Hagar	Kirkland	WA	98034

120+

Elizabeth	Hatfield	Kirkland	WA	98034
Geraldine	Haynes	Kirkland	WA	98033
Robert	Haynes	Kirkland	WA	98033
James	Herbold	Kirkland	WA	98034
Nita	Hildenbrand	Kirkland	WA	98034
Steven	Hodge	Kirkland	WA	98033
Paul	Hoefling	Kirkland	WA	98033
Jeff	Hoerth	Kirkland	WA	98034
michael	huffman	Kirkland	WA	98034
Julia	Hungerford	Kirkland	WA	98033
Lee	Hunt	Kirkland	WA	98034
Timothy	Johnson	Kirkland	WA	98033
Lynda	Johnson-Pearl	Kirkland	WA	98034
James	Jordan	Kirkland	WA	98033
Bill	Kellogg	Kirkland	WA	98034
John	Kolbo	Kirkland	WA	98034
Bill	LaMarche	Kirkland	WA	98033
Richard	Laursen	Kirkland	WA	98034
Elaine	Laursen	Kirkland	WA	98034
Loren	Lavinthal	Kirkland	WA	98033
Lionel	Lenoir	Kirkland	WA	98034
Eldon	Leuning	Kirkland	WA	98033
Goergia L	Lockwood	Kirkland	WA	98034
Steven	Mansfield	Kirkland	WA	98034
Curtis	Maslen	Kirkland	WA	98034
Loyceta	Maslen	Kirkland	WA	98034
Andrea	McBeth	Kirkland	WA	98033
John	McCaslin	Kirkland	WA	98033
Phauly	Meas	Kirkland	WA	98034
Harold	Mehrer	Kirkland	WA	98034
Maxwell	Mooney	Kirkland	WA	98033
Mathew	Mooty	Kirkland	WA	98034
patricia	morneau	Kirkland	WA	98033
Stephen	Morrissey	Kirkland	WA	98034
Christian	Morse	Kirkland	WA	98033
Adrienne	Nova	Kirkland	WA	98033
Robert	Osrowske	Kirkland	WA	98033
James	Parzino	Kirkland	WA	98033
Sandra	Patterson	Kirkland	WA	98034
Bradley	Pfau	Kirkland	WA	98034
Warren	Raven	Kirkland	WA	98034
Lucas	Ritting	Kirkland	WA	98034
Elizabeth	Roberts	Kirkland	WA	98034
Paul	Scarpa	Kirkland	WA	98033
Donna	Schill	Kirkland	WA	98034
Sarah	Scott	Kirkland	WA	98034
Robert	Seaborn	Kirkland	WA	98034
pamela	seiffert	Kirkland	WA	98034

Sara	Sfe	Kirkland	WA	98034
Dafna	Shalev	Kirkland	WA	98034
Paul	Sharpe	Kirkland	WA	98034
Steven	Shults	Kirkland	WA	98034
Mike	Silva	Kirkland	WA	98034
Douglas R.	Sloan	Kirkland	WA	98034
Laure	Smith	Kirkland	WA	98033
Daniel	Sullivan	Kirkland	WA	98033
Joey	Sutliff	Kirkland	WA	98033
David	Taruski	Kirkland	WA	98033
Chris	Tchou	Kirkland	WA	98033
KAREN	Tennyson	Kirkland	WA	98033
Anastasia	Tietje	Kirkland	WA	98034
James	Truhan	Kirkland	WA	98034
tyler	udy	Kirkland	WA	98034
Karlie	Valdez	Kirkland	WA	98033
David	Vicklund	Kirkland	WA	98034
Andrew	Vort	Kirkland	WA	98034
Mark	Vossler	Kirkland	WA	98034
brandy	westmore	Kirkland	WA	98033
Nancy	Wiley	Kirkland	WA	98034
Daniel	Wilson	Kirkland	WA	98034
Lisa	Winters	Kirkland	WA	98034
Steve	Wise	Kirkland	WA	98034

# KIRKLAND REPORTER.com

By **BILL LAMARCHE**

**Kirkland Reporter Contributor**

**NOVEMBER 12, 2012 · 3:13 PM**

Undisclosed donors giving enormous amounts to political campaigns under the cover of “free speech” have effectively destroyed the concept of “one person, one vote” in today’s political arena.

More than 80 percent of Americans want limits to the amount of money that individuals, corporations and membership organizations can give to political campaigns, and more than two-thirds want to do away with Super PACs altogether.

Candidates, initiatives and referendums that traditionally enjoyed “grassroots” support from their constituencies are now completely overwhelmed by cash infusions from “big money” entities, such as wealthy individuals, corporations, membership organizations, PACs and Super PACs.

By far the biggest abuse has been created by the 501(c)(4) “Social Welfare” entities that are charged, in order to maintain their tax exempt status, with spending the majority of their collected funds on “charitable, educational and recreational” endeavors. Individuals, corporations, membership entities, etc. can avoid the legal “donor’s rules” by contributing unlimited amounts to the 501(c)(4) who in turn can spend unlimited amounts on political campaigns as long as they are not “coordinated” with the campaign process.

Rules governing this process are weak at best and violations of “intent” are obvious. Donors going through this SuperPAC 501(c)(4) “tunnel” do not have to have their names disclosed, so voters have little or no knowledge of who is promoting a candidate, initiative or referendum, or of their agendas.

SuperPACs allow special interests and a small, privileged minority to quiet the voices of the majority of voters with dramatic amounts of cash and thereby dominate our political process. Did you know that:

- 93 percent of funds raised by SuperPACs in 2011 came from contributions of more than \$10,000 – and from just 23 out of every 10 million people in the US population!
- More than half of SuperPAC money came from just 37 people giving over \$500,000 each!
- Spending by outside groups has quadrupled with 72 percent of political advertising spending coming from sources previously prohibited!
- Wealthy donors generally do not want their names, companies or organizations identified because they fear political, economic, member or shareholder reprisals regarding their contributions, thus utilizing the SuperPAC tunnel where no disclosure is required!

Undisclosed and largely out of state donations of significant size are evident in Washington State in the races for governor, senator, house, attorney general – and on the key initiatives and referendums.

This is a national and local Kirkland issue. Our voting power is diminished. Presentations, with more than 350 Kirkland resident petition signatures, have been made to the Kirkland City Council (a group known for good ethics) requesting passage of a municipal resolution stating that (1) “Corporations are not People”, and (2) “Money is not an expression of Free Speech.” The request is under study and a decision is expected within the next two months – a decision surely to test political capital within the council. A decision favoring the resolution would join Kirkland with Bellingham, Seattle, Olympia, Port Townsend, Port Angeles, Auburn, Friday Harbor, Southworth and act in concert with other resolutions being pursued in Tacoma, San Juan County, Clallam County and at the Washington State level itself.

Kirkland and Washington state would join more than 300 similar efforts across the country at both municipal and state levels. A favorable resolution is endorsed by the Washington state Democrats.

So, do we (Kirkland) want our local, state and national politics to be controlled by a very, very small minority of wealthy individuals, corporations, membership organizations and PACs/SuperPACs (many from out of state), whose only real goal is to influence political campaign outcomes? I think and hope not!

Here are some things you can do to make the citizen's voice count!

Call and write letters to each of the Kirkland City Council members to encourage them to pass the resolution and speak out as a municipality that corporations are not people and money is not an expression of free speech – and to require full disclosure of donor names and amounts donated.

Write letters to the editor of the Kirkland Reporter encouraging them to endorse the resolution that corporations are not people and money is not an expression of free speech – and to require full disclosure of donor names and amounts donated.

Go to the Kirkland Reporter website at [www.kirklandreporter.com](http://www.kirklandreporter.com) and participate in the survey on “Money in Politics,” the results of which will be published in a later issue and delivered to our city council.

Should we let a small minority of undisclosed wealthy entities determine who wins elections? Do we doubt that fact that “winning” candidates in these circumstances owe allegiance to their hidden donors rather than to their constituencies? The answers are simply “no.”

*Bill LaMarche is a Kirkland resident.*



**ESTABLISH AS A POSITION OF THE UNITED STATES CONFERENCE OF MAYORS THAT CORPORATIONS SHOULD NOT RECEIVE THE SAME LEGAL RIGHTS AS NATURAL PERSONS DO, THAT MONEY IS NOT SPEECH AND THAT INDEPENDENT EXPENDITURES SHOULD BE REGULATED**

**WHEREAS**, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings also known as "natural persons"; and

**WHEREAS**, corporations can and do make important contributions to our society, but the United States Conference of Mayors does not consider them natural persons; and

**WHEREAS**, the right to free speech is a fundamental freedom and unalienable right and free and fair elections are essential to democracy and effective self-governance; and

**WHEREAS**, United States Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

**WHEREAS**, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contribution to candidates, but rejected other fundamental interests that the United States Conference of Mayors finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

**WHEREAS**, the United States Supreme Court in *Buckley* overturned limits on independent expenditures because it found that the corruption or perception of corruption rationale was only applicable to direct contributions to candidates; and,

**WHEREAS**, United States Supreme Court Justice John Paul Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech,"; and

**WHEREAS**, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas" and upheld limits on independent expenditures by corporations; and

**WHEREAS**, the United States Supreme Court in *Citizens United v. The Federal Election Commission* (2010) reversed the decision in *Austin*, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

**WHEREAS**, prior to *Citizens United* decision unlimited independent campaign expenditures could be made by individuals and associations, though such committees operated under federal contribution limits; and,

**WHEREAS**, given that the *Citizens United* decision "rejected the argument that political speech of corporations or other associations should be treated differently" because the First Amendment "generally prohibits the suppression of political speech based on the speaker's identity," there is a need to broaden the corruption rationale for campaign finance reform to facilitate regulation of independent expenditures regardless of the source of the money for this spending, for or against a candidate; and

**WHEREAS**, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and,

**WHEREAS**, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets; and

**WHEREAS**, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self-interest and broader public interest when making political decisions; and

**WHEREAS**, addressing both the *Citizens United* decision, and corporate personhood is necessary; and

**WHEREAS**, the City Councils of Missoula, Montana; Boulder, Colorado; and Madison, Wisconsin have referred the issue of corporate personhood to their communities for advisory vote.

**NOW, THEREFORE, BE IT RESOLVED** that it is the position of the United States Conference of Mayors that corporations should not receive the same legal rights as individual human beings (also known as "natural persons") do; and

**BE IT FURTHER RESOLVED** that the United States Conference of Mayors also determines that the most urgent action needed is to reverse the impacts of United States Supreme Court *Citizens United* (2010) decision and the door it opens for unlimited independent campaign expenditures by corporations that contributes to the undermining impacts that "corporate personhood" has on free and fair elections and effective self-governance; and

**BE IT FURTHER RESOLVED** that the United States Conference of Mayors calls on other communities and jurisdictions and organizations like National League of Cities to join with us in this action by passing similar Resolutions.

RESOLUTION ADOPTED JUNE 2012

*The following is excerpted from a post on the [Washington Liberals](#) website*

## **The Salins Resolution to overturn Citizens United makes headway**

by Don Smith on November 2nd, 2012 at 10:23 am

Posted In: Elections, Citizens United, Economics, Corporations, Justice, Courts, Justice, Politics, Politics, Washington State Politics

Below is the text of a resolution signed by 60 Washington State legislators, plus 8 candidates. The letter calls on the US Congress to end corporate personhood and to overturn Citizens United.

At the end of this article is the list of signers of the resolution... Please thank the legislators who have signed and please contact the ones who haven't signed and ask them to sign.

This initiative is largely the work of Washington Public Campaigns, whose director, Craig Salins, recently passed away unexpectedly. (The resolution is called "The Salins Resolution" in his honor).

TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND TO  
MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN  
CONGRESS ASSEMBLED:

As members of the Washington State Legislature, we seek to nurture and expand democracy in our state and in our nation. Free and fair elections are essential to American democracy and effective self-governance. The granting of constitutional protections to non-natural corporate 'persons' threatens the rights of living, breathing persons to have their voices heard. Corporations should not have a constitutionally protected right to donate unregulated amounts of money to campaigns.

Corporations are legal entities separate and apart from human beings. They can and should be given specific legal rights by Federal, State, and local law, but not the rights of natural, living, breathing persons which are enumerated in the Constitution.

In light of these facts, we, the undersigned members of the Senate and House of Representatives of the State of Washington, respectfully urge Congress to prepare and send to the states for adoption, a Constitutional amendment that in effect reverses the 2010 Supreme Court's Citizens United decision by clarifying that:

1. Only human beings, not corporations, are persons under the United States Constitution.
2. Money is not speech and the donation of money to a political campaign is not a form of constitutionally protected speech. Therefore regulating political contributions and spending is not equivalent to limiting political speech.

Yours Respectfully,

\_\_\_\_\_  
Signature

Legislative District \_\_\_\_\_, State of Washington

Date Signed \_\_\_\_\_

\_\_\_\_\_  
Print name

# Washington State Legislative Resolution Calling on U.S. Congress to pass a constitutional amendment to overturn Citizens United & end corporate personhood

**UPDATE BY LEGISLATIVE DISTRICTS: November 1, 2012**

Legis. District	Signed Letter to U.S. Congress	Candidate Statement Signed
11	Rep. Zack Hudgins Rep. Bob Hasegawa	
33	Sen. Karen Keiser Rep. Dave Upthegrove Rep. Tina Orwall	
34	Sen. Sharon Nelson Rep. Eileen Cody Rep. Joe Fitzgibbon	
36	Sen. Jeanne Kohl-Welles Rep. Mary Lou Dickerson Rep. Reuven Carlyle	Gael Tarleton
37	Sen. Adam Kline Rep. Eric Pettigrew Rep. Sharon Tomiko Santos	
43	Sen. Ed Murray Rep. Frank Chopp	
46	Sen. David Frockt Rep. Gerry Pollet Phyllis Gutierrez-Kenney	Jessyn Farrell Sarajane Siegfriedt Sylvester Cann
	<b>LEGISLATIVE DISTRICTS OUTSIDE OF SEATTLE</b>	
1	Rep. Luis Moscoso Rep. Derek Stanford	
3	Rep. Andy Billig Rep. Timm Ormsby	
10	Sen. Mary Margaret Haugen	
17	Rep. Tim Probst	
21	Sen. Paul Shin Rep. Mary Helen Roberts Rep. Marko Liias	
22	Sen. Karen Fraser Rep. Sam Hunt Rep. Chris Reykdal	
23	Sen. Christine Rolfes Rep. Sherry Appleton Rep. Drew Hansen	
24	Sen. James Hargrove Rep. Steve Tharinger Rep. Kevin Van De Wege	
25	Sen. Jim Kastama	Bill Hilton (Rep)
27	Rep. Laurie Jinkins Rep. Jeannie Darneille	
28	Tami Green	Yoshie Wong (Sen) Eric Choiniere (Rep)
30	Rep. Mark Miloscia	
32	Sen. Maralyn Chase Rep. Cindy Ryu Rep. Ruth Kagi	
38	Sen. Nick Harper Rep. Mike Sells Rep. John McCoy	
40	Sen. Kevin Ranker Rep. Jeff Morris Rep. Kristine Lytton	Howard Pellett
41	Rep. Marcie Maxwell Rep. Judy Clibborn	
44	Sen. Steve Hobbs Rep. Hans Dunshee	
45	Rep. Roger Goodman Rep. Larry Springer	
48	Sen. Rodney Tom	
49	Sen. Craig Pridemore Rep. Jim Moeller	

**From:** [Toby Nixon](#)  
**To:** [City Council](#)  
**Cc:** [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Lorrie McKay](#)  
**Subject:** RE: Move to Amend Kirkland  
**Date:** Sunday, December 30, 2012 8:32:43 PM

---

Nobody should assume from the email below that I support the proposal of the Move To Amend group or any of the various texts they've provided. In my opinion, what they propose is a huge over-reaction. There is nothing in the *Citizens United* decision that grants to corporations all the natural rights of human beings. Corporations are creatures of government, not natural persons, and are given only the enumerated rights and powers granted to them by statute.

The law must, however, recognize that corporations are made up of human beings -- members, stockholders, directors, officers, employees. The constitutionally-guaranteed right of freedom of assembly allows groups of individuals to join together and pool their resources, thereby amplifying their constitutionally-guaranteed rights of free speech and to petition their government, and to seek to more effectively influence elections and legislation. This includes membership corporations, such as labor unions and groups focused on particular topics such as the NRA. It is the *people* who make up a corporation who are doing their rights, not the corporation as some detached amorphous entity. Corporations are not inherently evil or to be feared by virtue of their being incorporated, any more so than any other group of people. The broad, sweeping constitutional amendment sought by Move To Amend could interfere with the very real rights of individual citizens to join their voices together and take political action. Because of this, I have told Move To Amend that I cannot and will not support most of what they're asking for, and will in fact oppose it if it comes before the council.

What I could support as a resolution of the council would be a call for improved disclosure of political contributions, including independent expenditures. I would support calling on Congress to amend federal election laws to require that the *original source* of contributions be disclosed for any campaign contributions or independent expenditures, as we recently enacted in Washington state (SB 5021 (2011), sponsored by Sen. Pridemore in response to the actions of Moxie Media in the campaign against Sen. Jean Berkey in 2010, prohibiting the layering of PACs to hide the original source of contributions). I would support calling on Congress to require all campaign contributions and expenditures to be immediately and fully disclosed online, without the up-to-three-months delay that currently exists due to FEC reporting schedules, and eliminating the reporting exemption for contributions under \$200 which is too easily abused to conceal multiple online contributions.

I did not ask the Move To Amend folks to send us more examples of the "corporations are not people" resolution, because I don't support that. I asked them to find examples of resolutions calling on Congress to increase campaign disclosure, and send us those. They appear to have misunderstood what I asked for, as none of what they've sent has to do with improved disclosure. Perhaps our staff could write or find examples of a resolution such as I suggest above, asking Congress to improve disclosure in federal elections and catch up with what we do in Washington state. Before they do that, though, we probably need to have further council discussion and see if we have consensus to give specific direction.

Best regards,

-- Toby

P.S. I should add that I do not support the notion that "there's too much money in politics". On the contrary, we spend more every year in the USA on *potato chips* than we do on political campaigns *at all levels*, from dog catcher to president. Which is more important? If one dislikes certain speech, the proper response is to encourage more speech, not try to suppress the unpopular speech. This will sound controversial, but my preference would be to eliminate limits on contributions to political candidates, and somehow prohibit the separate unlimited "independent expenditures" by requiring all spending on a campaign to go through the official campaign committees. That way, the official

campaign committees and the candidates themselves could be held accountable for the content of their advertising, instead of being able to disclaim responsibility for "independent" expenditures that they "don't control" (which is largely a fiction anyway). Making candidates responsible for how money is spent to support them or attack their opponent, coupled with full and immediate online disclosure of the original source of campaign contributions, would do a lot more to clean up campaigns than any of the Move To Amend proposals.

P.P.S. Of course, we could always just decline to take any action at all.

Toby Nixon | Council Member | City of Kirkland, Washington  
[tnixon@kirklandwa.gov](mailto:tnixon@kirklandwa.gov) | [www.kirklandwa.gov](http://www.kirklandwa.gov) | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

---

**From:** MTA Kirkland [mtakirkland@gmail.com]

**Sent:** Sunday, December 30, 2012 7:27 PM

**To:** Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher

**Subject:** Move to Amend Kirkland

Dear Council Members,

First we would like to thank all of you for your time and consideration over the past several months. We have found each of you to be helpful and receptive to us as your constituents.

We have recently met with some of you and have appointments with others in the near future. When we met with Councilman Nixon, he expressed concern regarding the wording in the some of the resolutions being passed throughout the country in opposition to the Citizens United decision. We offered to send him some of the various documents, and he suggested that we send them to each of you.

We have selected several different resolutions, the initiative that was passed by statewide ballot in Montana last November, and the measure as it appeared on the ballot in Colorado, also last November. The ballot measures each passed with an overwhelming majority of 75% and 74% respectively.

We hope this will supply some helpful information to move the City of Kirkland forward in on this very important issue.

Again, thank you for your time and commitment to our community, and we wish you all a very happy, healthy, and prosperous New Year.

Sincerely,

Bill LaMarche  
Geoffrey Stevenson  
Andrea McBeth  
Move to Amend Kirkland

RESOLUTION R-4967

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND STATING THE CITY COUNCIL'S POSITION THAT CORPORATIONS ARE NOT PERSONS UNDER THE CONSTITUTION FOR PURPOSES OF THE REGULATION OF ELECTIONS, THAT REGULATING POLITICAL CONTRIBUTIONS AND SPENDING IS NOT EQUIVALENT TO LIMITING POLITICAL SPEECH, AND SUPPORTING LIMITS ON CORPORATIONS' ABILITY TO SPEND MONEY DURING LOCAL AND NATIONAL ELECTIONS.

WHEREAS, allowing corporations the same political speech protections as those afforded to individuals results in unlimited corporate spending to influence campaigns and elections;

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

Section 1. Only human beings, not corporations, are persons under the United States Constitution for the purposes of the regulation of elections.

Section 2. Money is not speech, and the donation of money to a political campaign is not a form of constitutionally protected speech; therefore, regulating political contributions and spending is not equivalent to limiting political speech.

Section 3. The U.S. Congress and Washington State Legislature are urged to take action to correct the current unbridled ability of corporations to spend money during local and national elections.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of February, 2013.

Signed in authentication thereof this \_\_\_\_ day of February, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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



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

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Pam Bissonnette, Interim Public Works Director

**Date:** February 14, 2013

**Subject:** NE KING COUNTY REGIONAL RECYCLING DECANT FACILITY

### **RECOMMENDATION:**

It is recommended that the City Council:

1. Suspends the Regional Recycling Decant Project,
2. Allows the Purchase and Sale Agreement for the proposed new decant facility property to lapse, and
3. Directs staff to request the Department of Ecology to allow repurposing and extension of the grant to address the problem of New Zealand Mud Snail contamination or decline the grant.

### **BACKGROUND DISCUSSION:**

Kirkland has an existing decant facility at the Maintenance Center to process waste solids and liquids that are produced from cleaning our storm systems and street sweeping. Added waste loads from the newly annexed area and requirements for improvements in processing these wastes from the Department of Ecology (DOE) through Kirkland's stormwater National Pollutant Discharge Elimination Permit (NPDES permit) require the current decant facility to be expanded and upgraded in the future. In anticipation, Kirkland applied for and obtained a grant for \$2.25 million from DOE (with a requirement for \$750,000 in matching funds) for the purpose of siting and constructing a new facility that would recycle these waste streams. Inasmuch as similar issues for processing stormwater decant wastes is experienced by neighboring communities, the grant anticipated that the new facility would be sized for the NE region of King County and developed in partnership with neighboring agencies.

Kirkland, along with a number of other neighboring agencies, has been working collaboratively since March, 2011 to examine the needs and options available. At the June 5, 2012 study session, the City Council received a presentation by Public Works staff on an alternative approach to disposal involving recycling these waste streams. The prospect of the facility being able to recycle water for use in truck washing and in the Eductor trucks and the ability to

reuse the solids for street maintenance projects, has the added benefits of beneficially reusing waste products and reducing Kirkland's costs for sand, gravel and wash water.

On December 20, 2012 the City Manager signed a non-binding letter of intent for the acquisition of a commercial property in the Totem Lake area that would serve as the site for the decant facility. On January 15, 2013 City Council approved a Purchase and Sale Agreement (PSA), which provides a 60-day period to inspect the property, secure Interlocal Agreements from the partners, and accept the DOE grant. If at any point prior to the 60-day due diligence expiration the acquisition of the property by the City is not feasible, the City may terminate the PSA without financial impact.

Since January 15, staff has been negotiating an Interlocal Agreement with the cities of Bellevue and Redmond and the Washington State Department of Transportation. Other partners that showed initial interest, such as the Northshore Utility District and King County, have dropped out as partners due to lack of need and cost respectively.

Unfortunately, last week we were informed that New Zealand Mud Snails (NZMS), an invasive species, have been discovered in our region. NZMA were first found in the US in the Snake River in Idaho in 1987, and have spread widely since. Locally they were found in Thornton Creek in 2011 and in Kelsey Creek in Bellevue just last summer. NZMS reproduce asexually, meaning that it takes only one snail to start an infestation that spreads quickly. It is likely NZMS spread through equipment or through other vectors such as pets or wildlife. In New Zealand has several parasites that keep NZMS in check. It is not clear what the control mechanism ultimately will be in the US. The main current mechanism is to stop the spread by decontaminating equipment and materials that move between watersheds.

NZMS crowd out and out-compete with native creatures typically eaten by salmon. If eaten, the snails can pass through the digestive system of the fish and the fish get no nutrition. This could have serious impacts on fish populations and undo many years of investment in our stream systems for salmon recovery.

The design of the recycling decant facility will likely not kill the NZMS. We do not have time prior to action on the PSA to determine whether the facility could be redesigned cost effectively to do so. We do not want the recycling decant products (water, solids) to become a pathway for spreading NZMS, nor will the State allow this facility to become a pathway for proliferation of NZMS. The current purpose of the regional recycling decant facility, i.e. reuse of the products, cannot be achieved. Therefore, we are recommending that the current PSA be allowed to lapse at no cost to the City.

Nevertheless we still have the problem of a decant facility that needs expansion to handle Kirkland's additional tonnages, with the added problem of the NZMS. We are in discussions with DOE to determine whether the grant can be repurposed and extended to allow Kirkland and its regional partners to design a facility that will either treat for the NZMS or eliminate the recycling component and dispose of the waste products as we do currently (i.e. liquids to the

Metro sewer solids to the landfill). We understand that the treatment processes and disposal from these systems will not result in the proliferation of the NZMS.

We are also testing our own systems to determine whether and to what degree they are contaminated already. We are reviewing our own operations procedure, including the actions of contractors, to determine how we can control to the extent possible the contamination of new areas through equipment decontamination.

Despite this barrier to the project, Public Works staff should be recognized for the tremendous effort, hard work and ingenuity put into this project. They recognized this opportunity to further Council goals for environmental improvement and sustainability and regional cooperation. We also appreciate the partnerships with Bellevue, Redmond and WSDOT in moving it forward, as well as DOE who has assisted and provided the grant to make the project possible. Once more is known about the City's options and opportunities, we will prepare an updated recommendation for Council consideration.



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

**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Public Safety Building Executive Steering Committee  
**Date:** February 8, 2013  
**Subject:** PUBLIC SAFETY BUILDING – AUTHORIZATION TO BID

**RECOMMENDATION:**

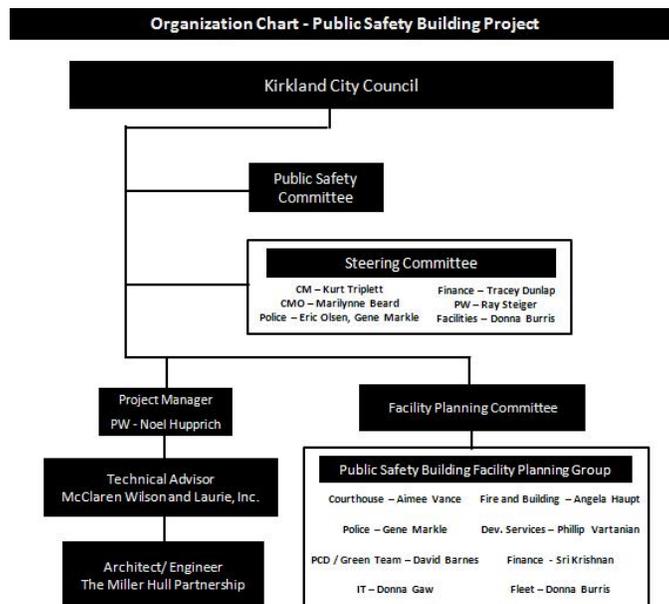
It is recommended that City Council receives an update on the Public Safety Building (PSB) and authorizes staff to proceed with the bid process.

**BACKGROUND DISCUSSION:**

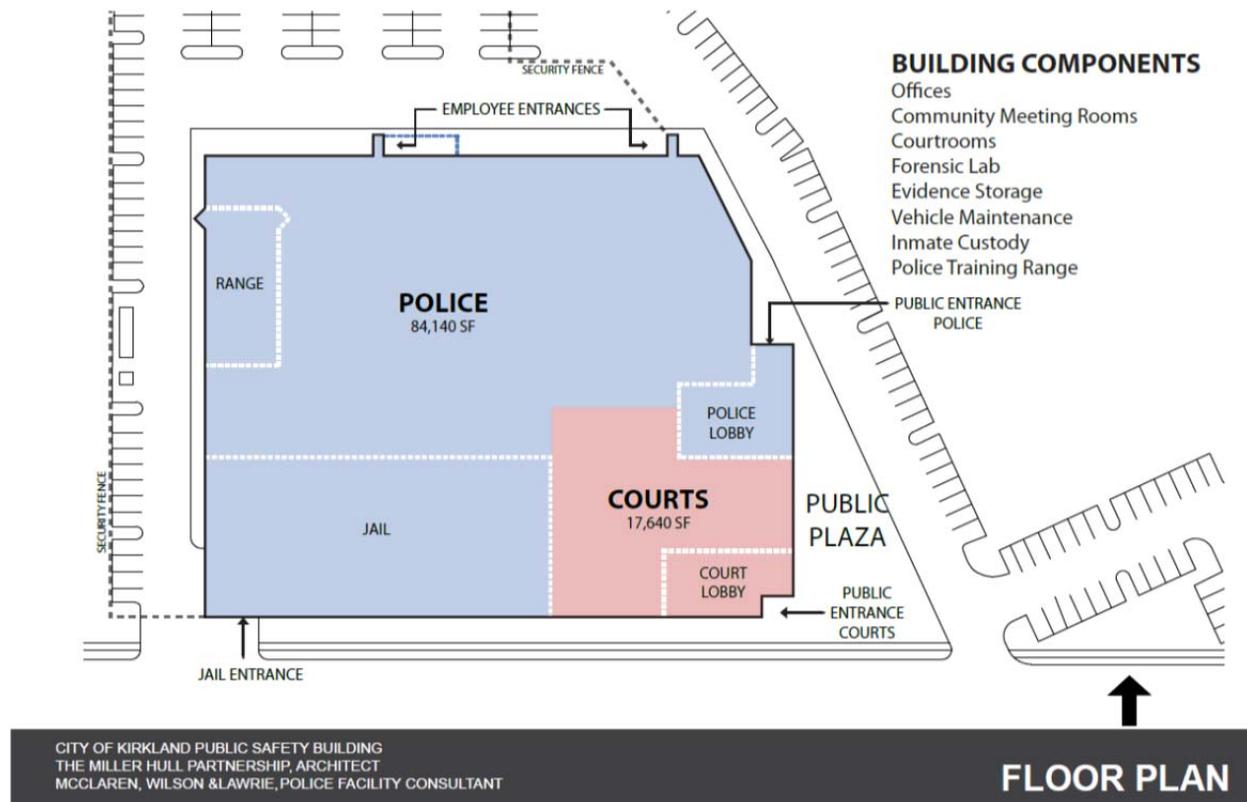
The PSB is in its final design stage, and building permitting is now well underway; staff is currently on track to proceed to bid in early March as anticipated with previous presentations to the City Council and the community. Since the last presentation to the City Council in March, 2012, significant progress has been made on the facility design with a number of key operational decisions having been resolved. This memo summarizes various components of the PSB, provides an update on the schedule and budget, and identifies key milestones yet to be accomplished on the Project.

*Development Process*

The PSB development was organized around the following structure:



The Steering Committee met monthly, while continual coordination between users, the Facility Planning Group, the architect, sub consultants, and the technical advisor developed a facility that meets both the operational and financial objectives that were established. In general, the new facility is as shown below; the public entrance to the facility has been shifted from the north side of the building (where it was under its previous use as a furniture warehouse) to the east side of the building.



### *Look and feel*

Key decisions regarding color and materials remain to be made. The architect has presented a number of themes to varying degrees of user acceptance. The public nature of the facility and the specific clientele along with the surrounding community suggest a palate that is somewhat conservative and yet easy to maintain. The opportunity for a significant reorientation of the building from its current northern entrance to one of an eastern entrance also allows ample green space and places to sit not currently available at the existing court and police facilities.

Use of low impact development techniques in planting, repurposing of materials, and rain gardens are being incorporated into the public spaces both for the LEED components of the building, but also to showcase and demonstrate the techniques to a larger community.



Proposed main entrances and public plaza



Existing loading dock to be remodeled

CITY OF KIRKLAND PUBLIC SAFETY BUILDING  
THE MILLER HULL PARTNERSHIP, ARCHITECT  
MCCLAREN, WILSON & LAWRIE, POLICE FACILITY CONSULTANT

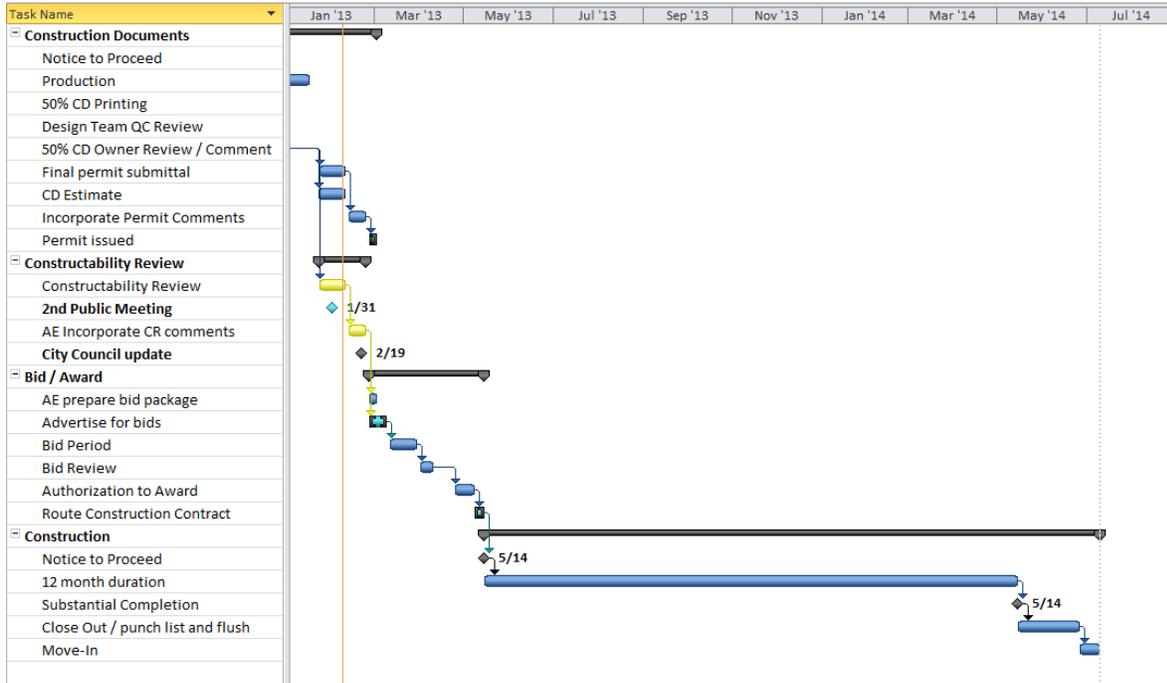
## PERSPECTIVE AT PUBLIC ENTRIES



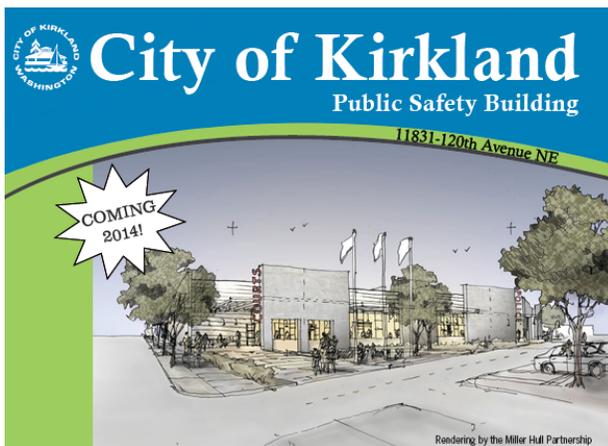
PROPOSED ENTRANCE PLAZA

*Schedule and outreach*

The current schedule (below) calls for the Project to be advertised for Contractor bids in March 2013; a notice to proceed on construction is anticipated in May.



Besides the continual dialog and involvement by the principal users of the new facility, namely: police, the court, and facilities maintenance, an expert panel conducted an "eco-charette" on the facility to incorporate best practices of building sustainability. The project is targeted to achieve LEED silver certification. To date, in addition to the City Website describing the Project, two public open houses have been held to inform the community about the design evolution and to solicit concerns or suggestions that would enable the facility to integrate with the neighborhood. The development of a strong outdoor community space, improved pedestrian facilities, and better perimeter lighting were in part an outcome of the community feedback.



*Budget*

Including property acquisition, the total budget for the PSB is just over \$41.5 Million and is segregated into various components; the amount is the same as that approved by the Council on 3/6/12.

The current estimate has had some elements with projected cost increases above the 3/6/12 Council such as construction costs determined through design and user input. But these have been offset by decreases including reductions in permitting fees, construction management, and escalation. Additionally, a Puget Sound Energy grant of \$50,000 has been secured to offset some of the HVAC commissioning costs, and added costs for surface water demonstration techniques incorporated into the PSB are offset by surface water CIP funding of \$150,000 that was approved in the 2013-2018 CIP.

In summary, the following components make up the current estimate:

Property acquisition:	\$10,500,000
Engineering	\$3,801,880
Construction	\$22,690,830
Construction Contingency	\$1,045,700
FF&E	\$2,913,052
Art	\$307,448
<hr/>	
Total Estimate	\$41,258,909

As such the project is currently \$293,000 below the approved budget. Outstanding items that could change this estimate before receiving bids include the final results of a constructability review of the project and the results of an evaluation of moisture treatment alternatives for the cement floor of the building. Final information on these two items was not available in time to include in the memo but is expected within the next two weeks.

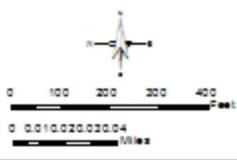
Based on Council direction provided in March, 2012, the base construction bid will provide for a 55-bed jail, vehicle mechanic bay, and other amenities. The base bid is currently estimated at \$22,691,000; desired PSB features that are over and above the base construction are being incorporated into the bid documents as additive alternates. In the anticipated likely event of a competitive bidding climate, bid alternates have been established to allow the City Council to include additional features to the PSB. Bid alternates and sales tax include:

Alternate 1: Increased jail capacity by 30 additional beds	\$487,000
Alternate 2: Firing range (tenant improvements)	\$1,094,000
Alternate 3: Painted interior roof structure (lighting impact)	\$101,000
Alternate 4: Sole source for building HVAC controls	\$85,000

Currently, the PSB is in the final permitting process. Final documentation will incorporate requirements and comments that will come as a part of the final permitting, the constructability review that has been done on the building, and final floor treatment decisions. The steering committee is scheduled to meet on February 26<sup>th</sup> to discuss final recommendations and any input received from City Council. Staff anticipates returning to the City Council at their first May meeting with the results of the bid and a recommendation for the award of the contract.

# Public Safety Building

-  Parks
-  City Limits
-  Lakes



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

Author:  
Name: serial of PSB  
Date Saved: 2/6/2012 6:22:55 PM





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

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields AICP, Planning Director  
**Date:** February 1, 2013  
**Subject:** Ratification of Countywide Planning Policies; File No.PLN13-00150

**RECOMMENDATION**

Adopt the attached resolution ratifying new Countywide Planning Policies adopted by the Metropolitan King County Council.

**BACKGROUND DISCUSSION**

On December 3, 2012, the Metropolitan King County Council adopted Ordinance 17486 approving new King County Countywide Planning Policies (CPP's) and ratifying the CPP's on behalf of unincorporated King County. Pursuant to an interlocal agreement, the amendments will become effective if and when they are ratified by at least 30 percent of city and county governments representing at least 70 percent of the population of King County. A city will be counted as ratifying the amendments unless it formally disapproves them within 90 days of adoption – in this case by March 4, 2012. At this point in the process, cities do not have the option of proposing changes to the CPPs, only to ratify or not ratify.

If the policies are ratified, all cities will need to assure compliance when comprehensive plans and development regulations are updated.

The City Council may recall that relatively minor amendments to the CPP's are typically adopted once or twice per year. In this case, however, the amendments are virtually a complete rewrite of the CPPs. Only the housing and employment growth targets, which were last updated in 2009, remain unchanged (although targets for unincorporated areas which have since been annexed to cities were consolidated with city targets).

The rewrite was undertaken for several reasons, including:

- Amendments to the Growth Management Act (GMA) and adoption of the PSRC Vision 2040 multicounty planning policies required substantial changes;
- The existing CPP's were clearly out of date, having been written initially in 1992;
- Many of the existing policies lacked clarity;
- The existing policies were unnecessarily long and detailed.

The new CPP's were written over a period of more than two years under the guidance of the Growth Management Planning Council (GMPC), an interjurisdictional body composed of elected representatives from the Metropolitan King County, Seattle, Bellevue and Sound Cities. Kirkland

Council member Bob Sternoff was a member of the GMPC throughout the process and chaired the Sound Cities caucus.

The GMPC approved the main body of the amendments on September 21, 2011. However, at that time, policies concerning affordable housing and siting of schools in rural areas remained unresolved. Processes were put in place to resolve those issues which resulted in further amendments approved by the GMPC on June 6, 2012. Two other amendments, involving minor changes to the Seattle and Black Diamond Potential Annexation Areas, were also approved by the GMPC during this time and have been incorporated into the new CPP's. Consideration of the CPP's by the King County Council was deferred until amendments to the King County Comprehensive Plan were completed in late 2012.

In the new CPP's, policies have been reorganized into six sections, with a preceding vision statement. A summary of the amendments from the SEPA Addendum for the CPP's is included in attachment 5. The Kirkland staff summary of the CPP's is as follows:

- Vision: In 2030, King County is characterized by:
  - Preservation of critical areas;
  - Permanent protection of rural areas;
  - Bountiful agricultural areas and productive forest lands; and
  - Vibrant, diverse and compact urban areas.
- Environment: The CPP's continue to address protection of critical areas, habitat and water resources and flood prone areas. However, there is somewhat less detail on these issues because they are covered by other laws and programs. More emphasis is placed on climate change, with policies calling for a countywide greenhouse gas emission target and a strategy for climate change adaptation.
- Development Patterns: This section replaces three sections in the existing CPP's: Land Use, Contiguous and Orderly Development, and Community Character and Open Space.

Policies continue to designate land throughout the county into three categories: urban, rural and resource; and there continues to be an emphasis on preserving resource lands, minimizing development in rural areas and focusing new development in the urban growth area (UGA). There are no changes proposed to the urban growth boundary. However, in a separate action, the GMPC recommended and the King County Council adopted minor UGA adjustments, most moving the UGA from the centerline to the edge of several rights of way.

The policies incorporate previously adopted growth targets for cities and unincorporated areas. A stringent process and criteria for amending the UGA are provided; growth monitoring is directed and potential annexation areas are addressed.

Policies also establish a hierarchy of centers that is intended to provide the framework for a regional transit system. Urban Centers, including Totem Lake, are mapped. The definition of Urban Center continues to be an area up to one and half square miles with:

- 15,000 jobs within one half mile of a high-capacity transit center,
- a minimum density of 50 employees per gross acre, and
- a minimum of 15 housing units per gross acre.

Other policies address urban design, historic preservation, rural areas and resource lands.

- Housing: Due to concerns of south county cities that affordable housing is inequitably distributed, new policies no longer include specific annual affordable housing targets for each jurisdiction. However, the following countywide needs for low and moderate income housing are included in the CPP's:
  - Housing for households at 50-80% of AMI: 16% of total supply
  - Housing for households at 30-50% of AMI: 12% of total supply
  - Housing for households at or below 30% of AMI: 12% of total supply  
(AMI=area median income)

Cities are directed to conduct housing inventories and needs analyses based on local conditions. Policies direct cities to establish local housing targets, provide sufficient zoning capacity and implement a variety of housing strategies to assure a range of housing types and densities.

- Economy: Policies in this section speak to implementing strategies that help achieve job targets and support important employment clusters. The importance of business creation, retention, expansion and recruitment is discussed, as is the value of providing for an educated and well trained workforce. Other policies support employment growth in Urban Centers, convenient access to goods and services and maintaining an adequate supply of industrial land.
- Transportation: Transportation policies are organized around three themes:
  - Supporting planned growth;
  - Providing mobility in a range of travel modes; and
  - Designing and managing transportation systems to be safe, efficient and sustainable.
- Public Facilities: The fundamental ideas in this section are that urban areas should be provided with higher levels of service than rural areas and that certain facilities are inappropriate in rural areas, in particular sewer systems and schools serving urban populations.

Representatives of several school districts which have purchased land for future school sites spoke to the GMPC objecting to policies that would limit development of new schools on rural land. At the suggestion of Council member Sternoff, a School Siting Task Force was created to resolve this issue. The Task Force identified rural sites owned by school districts and grouped them into four categories based on whether the districts had identified specific needs for the sites, whether there is an existing sewer connection to the sites, or whether the sites border the UGA. The final adopted school siting policies incorporate the Task Force's recommendation to allow two sites in the rural area (one of which is in the Lake Washington School District) to be developed and served by a sewer. Another two sites (one of which is also in the Lake Washington School District) could be developed and served if no alternative urban sites are found.

Finally, there are a number of new policies located throughout most of the above sections that relate to public health. For example DP-6 supports a pattern of land use that provides opportunities for safe and convenient daily physical activity, social connectivity and protection from harmful substances and environments. T-21 supports a transportation system that minimizes health impacts, including exposure to toxins and emissions.



RECEIVED

DEC 2 2012

PLANNING DEPARTMENT

December 22, 2012

The Honorable Joan McBride  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033-6189

Dear Mayor McBride:

We are pleased to forward for your consideration and ratification the enclosed amendments to the King County Countywide Planning Policies (CPP).

On December 3, 2012, the Metropolitan King County Council approved and ratified the amendments on behalf of unincorporated King County. The two ordinances will become effective December 23, 2012. Copies of the King County Council staff reports, ordinances and Growth Management Planning Council motion are enclosed to assist you in your review of these amendments.

In accordance with the Countywide Planning Policies, FW-1, Step 9, amendments become effective when ratified by ordinance or resolution by at least 30 percent of the city and county governments representing 70 percent of the population of King County according to the interlocal agreement. A city will be deemed to have ratified the CPP and amendments unless, within 90 days of adoption by King County, the city takes legislative action to disapprove the amendments. **Please note that the 90-day deadline for this amendment is Monday, March 4, 2013.**

If you adopt any legislation concerning this action, please send a copy of the legislation by the close of business, Monday, March 4, 2013, to Anne Noris, Clerk of the Council, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, WA 98104.



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**December 4, 2012**

**Ordinance 17486**

**Proposed No. 2012-0282.3**

**Sponsors Phillips**

1 AN ORDINANCE relating to adoption and ratification of  
 2 the King County Countywide Planning Policies; adding a  
 3 new section to K.C.C. chapter 20.10, decodifying K.C.C.  
 4 20.10.010, K.C.C. 20.10.020, K.C.C. 20.10.030, K.C.C.  
 5 20.10.040, K.C.C. 20.10.050, K.C.C. 20.10.065, K.C.C.  
 6 20.10.075 and K.C.C. 20.10.076 and repealing Ordinance  
 7 10450, Section 6, as amended, and K.C.C. 20.10.060.

**STATEMENT OF FACTS:**

- 8
- 9 1. The Countywide Planning Policies ("CPPs") are adopted in accordance  
 10 with the state Growth Management Act, under 36.70A.210 RCW.
- 11 2. The Growth Management Planning Council ("GMPC") was formed in  
 12 1992 to guide the development of the CPPs. The GMPC is a  
 13 representative body of elected officials from King County, the city of  
 14 Seattle, the city of Bellevue and the Suburban Cities Association.  
 15 Representatives of the special districts serve as ex officio members.
- 16 3. The CPPs establish a framework for guiding development in all King  
 17 County jurisdictions.

18 4. The CPPs are deemed adopted when ratified by King County and the  
19 requisite number of cities and satisfying the required population  
20 percentage.

21 5. The GMPC recommends CPP amendments to the King County council  
22 for consideration, possible revision and ratification.

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 **SECTION 1. Findings:**

25 A. On September 21, 2011, the Growth Management Planning Council adopted  
26 Motion 11-1 approving the 2011 King County Countywide Planning Policies.

27 B. On March 31, 2012, the school siting task force issued a final report.

28 C. On April 4, 2012, the Growth Management Planning Council adopted Motion  
29 12-1 adding land on the west bank of the Duwamish river to the city of Seattle Potential  
30 Annexation Area.

31 D. On June 6, 2012, the Growth Management Planning Council adopted Motion  
32 12-2 implementing the recommendations of the school siting task force by adding new  
33 policies and the Report of the School Siting Task Force as Appendix 5 to the Countywide  
34 Planning Policies.

35 E. On June 6, 2012, the Growth Management Planning Council adopted Motion  
36 12-3 adding a new housing chapter and revised housing appendix to the Countywide  
37 Planning Policies.

38 F. On June 6, 2012, the Growth Management Planning Council adopted Motion  
39 12-4 adding land on the west side of 216th Ave SE to the city of Black Diamond  
40 Potential Annexation Area.

41 G. Attachment A to this ordinance incorporates Motions 11-1, 12-1, 12-2, 12-3  
42 and 12-4 into the 2012 King County Countywide Planning Policies.

43 SECTION 2. The amendments to the King County Countywide Planning  
44 Policies, and renamed the 2012 King County Planning Policies, as shown in Attachment  
45 A to this ordinance, are hereby adopted and ratified on behalf of the population of  
46 unincorporated King County.

47 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 20.10 a  
48 new section to read as follows:

49 A. After the Growth Management Planning Council approves or amends the  
50 Countywide Planning Policies, the executive, as its chair, shall timely transmit to the  
51 King County council an ordinance adopting the Countywide Planning Policies or  
52 amendments thereto.

53 B. The King County council shall refer the proposed ordinance transmitted by the  
54 executive under subsection A. of this section to the committee on transportation,  
55 economy and environment or its successor for review and consideration. If the King  
56 County council recommends substantive revisions to the Countywide Planning Policies  
57 or amendments approved by the Growth Management Planning Council, the King County  
58 council may refer the proposed revisions to the Growth Management Planning Council  
59 for its consideration and response.

60 C. Within ten days after the ordinance transmitted by the executive under  
61 subsection A. of this section, as amended by the council, is effective, the clerk of the  
62 King County council shall send the notice of enactment and the Countywide Planning  
63 Policies and amendments to each city and town in King County for ratification as

64 provided for in the Countywide Planning Policies. Each city and town must take action  
65 to ratify or reject the proposed Countywide Planning Policies or amendments as approved  
66 by the King County council within ninety days after the date the ordinance approving the  
67 Countywide Planning Policies or amendments was enacted. Failure of a city or town to  
68 take action and notify the clerk of the King County council within ninety days shall be  
69 deemed to be approval by that city or town. The notice shall include the date by which  
70 each city or town must respond with its response to ratify or reject the proposed  
71 Countywide Planning Policies or amendments and where the response should be directed.

72 D. Countywide Planning Policies or amendments are ratified if approved by the  
73 county, cities and towns representing at least seventy percent of the county's population  
74 and thirty percent of the jurisdictions. For ratification purposes, King County is the  
75 jurisdiction representing the population in the unincorporated areas of the county.

76 E. Within ten days after the date for response established by the clerk of the King  
77 County council under subsection C. of this section, the clerk of the King County council  
78 shall notify the executive, as chair of the Growth Management Planning Council, of the  
79 decision to ratify or not to ratify the Countywide Planning Policies or amendments.

80 SECTION 4. K.C.C. 20.10.010, K.C.C. 20.10.020, K.C.C. 20.10.030, K.C.C.  
81 20.10.040, K.C.C. 20.10.050, K.C.C. 20.10.065, K.C.C. 20.10.075 and K.C.C. 20.10.076  
82 are each hereby decodified.

Ordinance 17486

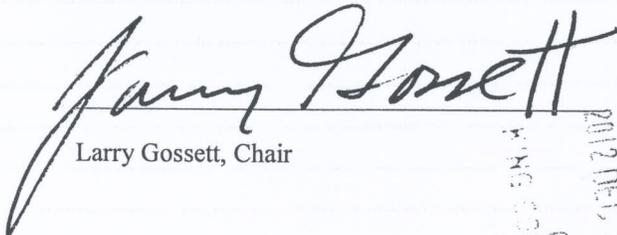
83 SECTION 5. Ordinance 10450, Section 6, as amended, and K.C.C. 20.10.060 are  
84 each hereby repealed.

85

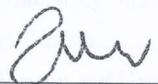
Ordinance 17486 was introduced on 8/20/2012 and passed as amended by the Metropolitan King County Council on 12/3/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

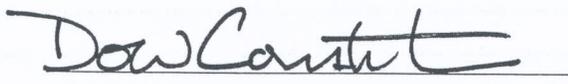
  
Larry Gossett, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

RECEIVED  
2012 DEC 13 PM 3:30  
KING COUNTY COUNCIL  
CLERK

APPROVED this 13 day of DECEMBER, 2012.

  
\_\_\_\_\_  
Dow Constantine, County Executive

Attachments: A. 2012 King County Countywide Planning Policies, dated December 3, 2012

# **2012 King County Countywide Planning Policies**

---

November, 2012

Amended December 3, 2012

CONTENTS .....	2
VISION 2040 STATEMENT .....	4
VISION & FRAMEWORK.....	5
Vision for King County 2030 .....	5
Framework.....	7
Framework Policies .....	9
ENVIRONMENT.....	11
Environmental Sustainability.....	11
Earth and Habitat .....	12
Flood Hazards.....	13
Water Resources .....	13
Air Quality and Climate Change .....	14
DEVELOPMENT PATTERNS.....	16
Urban Growth Area .....	16
Urban Lands .....	17
Growth Targets .....	18
Amendments to the Urban Growth Area .....	21
Review and Evaluation Program .....	22
Joint Planning and Annexation .....	23
Centers.....	24
Urban Centers .....	24
Manufacturing/ Industrial Centers .....	25
Local Centers.....	26
Urban Design and Historic Preservation .....	27
Rural Area and Resource Lands .....	27
Rural Area .....	28
Resource Lands.....	29
HOUSING .....	31
Housing Inventory and Needs Analysis.....	32
Strategies to Meet Housing Needs .....	32
Regional Cooperation .....	34
Measuring Results .....	34
ECONOMY .....	36
Business Development .....	37
People .....	38
Places.....	38

TRANSPORTATION .....40

    Supporting Growth .....40

    Mobility .....42

    System Operations .....43

PUBLIC FACILITIES AND SERVICES .....45

    Urban and Rural Levels of Service .....45

    Collaboration Among Jurisdictions .....45

    Utilities .....46

        Water Supply .....46

        Sewage Treatment and Disposal .....47

        Solid Waste .....47

        Energy .....48

        Telecommunications .....48

    Human and Community Services .....48

    Siting Public Capital Facilities .....49

APPENDIX 1: LAND USE MAP .....50

APPENDIX 2: POTENTIAL ANNEXATION AREAS MAP .....51

APPENDIX 3: URBAN SEPARATORS MAPS .....52

APPENDIX 4: HOUSING TECHNICAL APPENDIX .....55

APPENDIX 5: KING COUNTY SCHOOL SITING TASK FORCE REPORT .....59

GLOSSARY .....61

## **VISION 2040 STATEMENT**

The 2012 King County Countywide Planning Policies were prepared to address changes to the Growth Management Act, take into account the passage of 20 years since their initial adoption, and to specifically reflect the regional direction established in VISION 2040.

Vision 2040 is the product of the Puget Sound Regional Council (PSRC), an association of cities, towns, counties, ports, tribes, and state agencies that serves as a forum for developing policies and making decisions about regional growth management, environmental, economic, and transportation issues in the four-county central Puget Sound region of Washington state (King, Kitsap, Pierce and Snohomish counties). Vision 2040's Regional Growth Strategy outlines how the four-county Puget Sound region should plan for additional population and employment growth.

As made clear in the Regional Growth Strategy, all jurisdictions in King County have a role in accommodating growth, using sustainable and environmentally responsible development practices. The 2012 King County Countywide Planning Policies support this strategy and provide direction at the county and jurisdiction level with appropriate specificity and detail needed to guide consistent and useable local comprehensive plans and regulations.

While VISION 2040 is consistent with the overall growth management strategy of the 1992 King County Countywide Planning Policies, restructuring the Countywide Planning Policies—into the six chapters of Environment, Development Patterns, Housing, Economy, Transportation, and Public Facilities and Services—was done to match the structure of VISION 2040.

## VISION & FRAMEWORK

### *Vision for King County 2030*

It is the year 2030 and our county has changed significantly in the roughly 40 years that have elapsed since the first Countywide Planning Policies were adopted in 1992. In many ways this is a result of the successful public-private partnership that has supported a diversified, sustainable regional economy and has managed and accommodated growth while maintaining the quality of life and the natural environment throughout King County.

**King County in 2030 is characterized by:**

- **Protected Critical Areas. Effective stewardship of the environment has preserved and protected the critical areas in the County, including wetlands, aquifer recharge areas, and fish and wildlife conservation areas.**  
These critical areas continue to provide beneficial functions and values for reducing flooding, protecting water quality, supporting biodiversity, and enriching our quality of life for future generations as the as the region's population continues to grow.
- **Viable Rural Area. The Rural Area, established in 1992, is permanently protected with a clear boundary between Rural and Urban Areas.**  
The successful protection of these lands is due in large part to continued innovation within the Urban Growth Area to create new ways to use land efficiently and sustainably. In this way, there is minimal pressure to convert rural lands. The Rural Area is a viable option for those seeking a lifestyle contrast to the Urban Growth Area. The pressure to urbanize the Rural Area has also been lessened by market pressures to use the land for agriculture.
- **Bountiful Agricultural Areas and Productive Forest Lands.**  
More people are farming and a greater number of residents are benefiting from King County agricultural products, which can be purchased through a network of farmers markets and farm stands throughout the county. Since 2010, the increase in productive farming in the Agricultural Production District and in the Rural Area has accelerated as more residents seek locally grown food. Thriving markets now exist throughout the county for these products. The forests of the Pacific Northwest remain as some of the most productive in the world with large scale commercial forestry prevalent in the eastern half of the county.
- **Vibrant, diverse and compact urban communities.**  
Within the Urban Growth Area little undeveloped land now exists and urban infrastructure has been extended to fully serve the entire Urban Growth Area.

Development activity is focused on redevelopment to create vibrant neighborhoods where residents can walk, bicycle or use public transit for most of their needs. Improvements to the infrastructure now focus on maintaining existing capacity as opposed to extending the infrastructure into previously unserved areas. Because of the innovations developed in public and private partnerships, there is still ample capacity to accommodate the planned population and employment growth targets within the Urban Growth Area.

Much of the growth in employment and new housing occurs in the Urban Centers. These centers successfully provide a mixture of living, working, cultural, and recreational activities for all members of the community. All the centers are linked together by a high-capacity transit system, including light rail and high capacity bus transit. Transit stations and hubs are within walking distance to all parts of the center and the high capacity transit system facilitates people moving easily from one center to another. Within the collection of Urban Centers there is balance between jobs and housing. Each center has developed its own successful urban character and all are noted for their livability, vibrancy, healthy environment, design, and pedestrian focus.

Smaller concentrations of businesses are distributed throughout the Urban Growth Area to provide goods and services to surrounding residential areas. Most residents are within walking distance of commercial areas, fostering a healthy community through physical exercise and a sense of neighborhood. Local transit systems provide convenient connections to the Urban Centers and elsewhere within the Urban Growth Area.

Manufacturing/ Industrial Centers continue to thrive and function as important hubs of the regional economy. These areas too are well served by transportation systems that emphasize the efficient movement of people, goods and information to and within Manufacturing/ Industrial Centers as well as connecting to other regions.

The entire Urban Growth Area is characterized by superior urban design with an open space network that defines and separates, yet links, the various jurisdictions and central places. Countywide and regional facilities have been equitably dispersed—located where needed, sited unobtrusively—and have provided appropriate incentives and amenities to the surrounding neighborhoods.

Rural Cities have created unique urban environments within the Rural Area and provide commercial services and employment opportunities for their residents. These include retail, business, educational and social services for residents both of cities and the surrounding Rural Area while protecting and supporting the surrounding Rural Area and Resource Lands.

Federal, state and regional funds have been used to further this land use plan and to fund needed regional facilities while local resources focus on funding local and neighborhood facilities. The sharing of resources to accomplish common goals is done so that the regional plan can succeed and all can benefit.

The economy is vibrant, vital, and sustainable, and emphasizes diversity in the range of goods and information produced and the services provided. Regional cooperation has focused on economic development activities that have retained and expanded key industries such as aerospace, software, and biotechnology while using the resources of the region to attract new business clusters such as in renewable energy. Businesses continue to locate in our county because of the high quality of life; the preservation of the natural environment; the emphasis on providing a superior education; the predictability brought about by the management of growth and the effectiveness of public-private partnerships supporting these attributes.

Housing opportunities for all incomes and lifestyles exist throughout the county and with the balanced transportation system access to employment is convenient and reliable. Innovation in the development of a diverse range of housing types has been fundamental in accommodating population growth. The diversity of housing types has allowed residents to stay within their community as their housing needs change.

King County communities are extraordinarily diverse culturally and this has been embraced and celebrated by the residents of King County. The needs of residents are attended to by a social service system that emphasizes prevention but stands ready to respond to direct needs as well. There is a sense of social equity within our communities and all share equitably in the distribution of and access to parks, open space, and vibrant neighborhood centers.

The Urban Growth Area is completely located within cities, which are the primary providers of urban services. Where appropriate, sub-regional consortia have been created for certain services, and King County government is recognized as a significant provider of regional services as well as the coordinator of local services to the Rural Area and Resource Lands.

Residents and businesses have recognized that, over time, through clear and reasonable timelines and financing commitments, issues will be addressed. Residents and businesses trust in their local governments because the plans and promises made to manage growth starting in 1992 have been followed. Change is accepted and proceeds in an orderly fashion based on the locally adopted and embraced growth management plans.

## ***Framework***

The year 1991 was one of tremendous change for the management of growth in King County and this environment of change gave rise to the distinctive character of the 1992 Countywide Planning Policies. While the Countywide Planning Policies have been amended periodically to address specific issues or revisions required by the Growth Management Act, the first thorough update of the Countywide Planning Policies was completed in 2012 to ensure that the Countywide Planning Policies are consistent with VISION 2040, the Growth Management Act and changes that had occurred in the previous twenty years within King County. In addition for the 2012 update, the Growth Management Planning Council directed that the revised policies

include countywide direction on three new policy areas: climate change, healthy communities and social equity. Understanding the history of the 1992 policies is important in order to establish the context for the revised policies.

In 1991 five major conditions gave rise to the first Countywide Planning Policies and the process used in their development and adoption:

- 1. In 1985, the King County Council adopted a Comprehensive Plan that for the first time established a clear boundary between Urban and Rural Areas and set forth standards to delineate a clear development character for each.**
- 2. In 1991, the adoption of the Growth Management Act transformed the way that local jurisdictions looked at land use planning as well as how they interacted with neighboring jurisdictions.**

A fundamental requirement of the Growth Management Act was coordination between a shared countywide vision on how growth would be planned for and accommodated and how this would be implemented by local jurisdictions. In 1991, the Growth Management Act was amended to include the requirement that Countywide Planning Policies be adopted to describe this vision and how these relationships would be created. These provisions gave rise to the creation of the Growth Management Planning Council – an advisory group of elected officials from jurisdictions throughout the county charged with overseeing the preparation of the Countywide Planning Policies. Since the Growth Management Act was new and many jurisdictions had not created a comprehensive plan before, the Countywide Planning Policies became a guide for jurisdictions to follow in complying with the Growth Management Act in areas as diverse as critical area regulation to local growth targets.

- 3. In 1991, the Puget Sound Council of Governments was dissolved and replaced with the Puget Sound Regional Council that initially had significantly reduced responsibilities for regional land use planning and coordination.**

Without an effective regional body for land use planning, it was necessary for the Puget Sound counties to identify their own process and organization for developing the Countywide Planning Policies. In the case of King County, this was the Growth Management Planning Council. Subsequently, as its responsibilities were expanded over time, the Puget Sound Regional Council developed VISION 2040, the multi-county vision and planning policies that set the structure for these revised Countywide Planning Policies.

- 4. By 1991, the Suburban Cities Association had changed from a loose coalition of cities outside of Seattle to a formal organization with the ability to represent constituent jurisdictions in regional forums.**

**5. Prior to the development of the Countywide Planning Policies, King County and METRO attempted and failed to win electoral support for merger.**

This defeat left jurisdictions with concerns about the relationship between city and county governments, and further confusion about the roles of governments in the Urban Growth Area.

Because of these conditions and the environment they fostered, jurisdictions in King County decided to go further than just meeting the specific statutory requirements for such policies. The 1992 King County Countywide Planning Policies provided direction for many issues related to growth management and established a policy structure for subsequent issue resolution.

Since their adoption, many of the initial Countywide Planning Policies have been codified into local regulations or carried out in regional or statewide arenas and no longer need to be included in them. Through amendments to the King County Charter and interlocal agreements, the relationship between county and city governments has been clearly defined and annexations and incorporations have brought most of the unincorporated urban area into the cities.

Other key actions that were required by the 1992 Countywide Planning Policies along with their current status are described below:

- Complete a fiscal and environmental review of the 1992 Countywide Planning Policies – completed and adopted in 1994;
- Establish housing and employment targets for each jurisdiction – completed in 1994 and periodically updated pursuant to the Countywide Planning Policies;
- Adopt local comprehensive plans pursuant to the Growth Management Act and Countywide Planning Policies – each jurisdiction within King County has an adopted plan that is periodically updated;
- Develop land use capacity and urban density evaluation program – developed and then superseded by the King County Buildable Lands Program as required by the Growth Management Act;
- Develop a growth management monitoring program – King County Benchmarks program established in 1994 and annually updated as described in policy G-2; and
- Evaluate the need to change the Urban Growth Boundary and work to maintain a permanent Rural Area – established in 1994 and periodically reviewed as described in the Development Patterns chapter.

---

**General Policies**

Unless otherwise noted, the Countywide Planning Policies apply to the Growth Management Planning Council, King County, and all of the cities within King County.

---

Amendments. While much has been accomplished, the Countywide Planning Policies were never intended to be static and will require amendment over time to reflect changed conditions. While the formal policy development is done by the Growth Management Planning Council, ideas for new policies begin in a variety of areas including individual jurisdictions. Policy G-1 below describes the process for amending the Countywide Planning Policies:

**G--1** Maintain the currency of the Countywide Planning Policies through periodic review and amendment. Initiate and review all amendments at the Growth Management Planning Council through the process described below:

- a) Only the Growth Management Planning Council may propose amendments to the Countywide Planning Policies except for amendments to the Urban Growth Area that may also be proposed by King County in accordance with policies DP-15 and DP-16;
- b) Growth Management Planning Council recommends amendments to the King County Council for consideration, possible revision, and approval; proposed revisions by the King County Council that are of a substantive nature may be sent to the Growth Management Planning Council for their consideration and revised recommendation based on the proposed revision;
- c) A majority vote of the King County Council both constitutes approval of the amendments and ratification on behalf of the residents of Unincorporated King County.;
- d) After approval and ratification by the King County Council, amendments are forwarded to each city and town for ratification. Amendments cannot be modified during the city ratification process; and
- e) Amendments must be ratified within 90 days of King County approval and require affirmation by the county and cities and towns representing at least 70 percent of the county population and 30 percent of those jurisdictions. Ratification is either by an affirmative vote of the city's or town's council or by no action being taken within the ratification period.

---

Monitoring. Periodically evaluating the effectiveness of the Countywide Planning Policies is key to continuing their value to the region and local jurisdictions. In 1994 King County and cities established the current Benchmarks program to monitor and evaluate key regional indicators.

**G-2** Monitor and benchmark the progress of the Countywide Planning Policies towards achieving the Regional Growth Strategy inclusive of the environment, development patterns, housing, the economy, transportation and the provision of public services. Identify corrective actions to be taken if progress toward benchmarks is not being achieved.

---

Investment. Key to ensuring the success of the Countywide Planning Policies is investment in regional infrastructure and programs. Balancing the use of limited available funds between regional and local needs is extremely complex.

**G-3** Work collaboratively to identify and seek regional, state, and federal funding sources to invest in infrastructure, strategies, and programs to enable the full implementation of the Countywide Planning Policies. Balance needed regional investments with local needs when making funding determinations.

Consistency. The Countywide Planning Policies provide a common framework for local planning and each jurisdiction is required to update its comprehensive plans to be consistent with the Countywide Planning Policies. The full body of the Countywide Planning Policies is to be considered for decision-making.

**G-4** Adopt comprehensive plans that are consistent with the Countywide Planning Policies as required by the Growth Management Act.

## ENVIRONMENT

***Overarching Goal:*** *The quality of the natural environment in King County is restored and protected for future generations.*

### ***Environmental Sustainability***

Local governments have a key role in shaping sustainable communities by integrating sustainable development and business practices with ecological, social, and economic concerns. Local governments also play a pivotal role in ensuring environmental justice by addressing environmental impacts on minority and low-income populations and by pursuing fairness in the application of policies and regulations.

**EN-1** Incorporate environmental protection and restoration efforts into local comprehensive plans to ensure that the quality of the natural environment and its contributions to human health and vitality are sustained now and for future generations.

**EN-2** Encourage low impact development approaches for managing stormwater, protecting water quality, minimizing flooding and erosion, protecting habitat, and reducing greenhouse gas emissions.

**EN-3** Encourage the transition to a sustainable energy future by reducing demand through planning for efficiency and conservation and by meeting reduced needs from sustainable sources.

**EN-4** Identify and preserve regionally significant open space networks in both Urban and Rural Areas. Develop strategies and funding to protect lands that provide the following valuable functions:

- Physical or visual separation delineating growth boundaries or providing buffers between incompatible uses;
- Active and passive outdoor recreation opportunities;
- Wildlife habitat and migration corridors that preserve and enhance ecosystem resiliency in the face of urbanization and climate change;
- Preservation of ecologically sensitive, scenic or cultural resources;
- Urban green space, habitats, and ecosystems;
- Forest resources; and
- Food production potential.

**EN-5** Identify and mitigate unavoidable negative impacts of public actions that disproportionately affect people of color and low-income populations.

### ***Earth and Habitat***

Healthy ecosystems and environments are vital to the sustainability of all plant and animal life, including humans. Protection of biodiversity in all its forms and across all landscapes is critical to continued prosperity and high quality of life in King County. The value of biodiversity to sustaining long-term productivity and both economic and ecological benefits is evident in fisheries, forestry, and agriculture. For ecosystems to be healthy and provide healthful benefits to people, local governments must prevent negative human impacts and work to ensure that this ecosystem remain diverse and productive over time. With the impending effects of climate change, maintaining biodiversity becomes even more critical to the preservation and resilience of resource-based activities and to many social and ecological systems. Protection of individual species, including Chinook salmon, also plays an important role in sustaining biodiversity and quality of life within the county. Since 2000, local governments, citizens, tribes, conservation districts, non-profit groups, and federal and state fisheries managers have cooperated to develop and implement watershed-based salmon conservation plans, known as Water Resource Inventory Area plans, to conserve and restore habitat for Chinook salmon today and for future generations.

**EN-6** Coordinate approaches and standards for defining and protecting critical areas especially where such areas and impacts to them cross jurisdictional boundaries.

**EN-7** Encourage basin-wide approaches to wetland protection, emphasizing preservation and enhancement of the highest quality wetlands and wetland systems.

**EN-8** Develop an integrated and comprehensive approach to managing fish and wildlife habitat conservation, especially protecting endangered, threatened, and sensitive species.

**EN-9** Implement salmon habitat protection and restoration priorities in approved Water Resource Inventory Area plans.

## ***Flood Hazards***

Flooding is a natural process that affects human communities and natural environments in King County. Managing floodplain development and conserving aquatic habitats are the main challenges for areas affected by flooding. The King County Flood Control District exists to protect public health and safety, regional economic centers, public and private property and transportation corridors. Local governments also have responsibility for flood control within their boundaries.

**EN-10** Coordinate and fund flood hazard management efforts through the King County Flood Control District.

**EN-11** Work cooperatively to meet regulatory standards for floodplain development as these standards are updated for consistency with relevant federal requirements including those related to the Endangered Species Act.

**EN-12** Work cooperatively with the federal, state, and regional agencies and forums to develop regional levee maintenance standards that ensure public safety and protect habitat.

## ***Water Resources***

The flow and quality of water is impacted by water withdrawals, land development, stormwater management, and climate change. Since surface and ground waters do not respect political boundaries, cross-jurisdictional coordination of water is required to ensure its functions and uses are protected and sustained. The Puget Sound Partnership was created by the Washington State Legislature as the state agency with the responsibility for assuring the preservation and recovery of Puget Sound and the freshwater systems flowing into the Sound. King County plays a key role in these efforts because of its large population and its location in Central Puget Sound.

**EN-13** Collaborate with the Puget Sound Partnership to implement the Puget Sound Action Agenda and to coordinate land use and transportation plans and actions for the benefit of Puget Sound and its watersheds.

**EN-14** Manage natural drainage systems to improve water quality and habitat functions, minimize erosion and sedimentation, protect public health, reduce flood risks, and moderate peak storm water runoff rates. Work cooperatively among local, regional, state, national and tribal jurisdictions to establish, monitor and enforce consistent standards for managing streams and wetlands throughout drainage basins.

**EN-15** Establish a multi-jurisdictional approach for funding and monitoring water quality, quantity, biological conditions, and outcome measures and for improving the efficiency and effectiveness of monitoring efforts.

### ***Air Quality and Climate Change***

Greenhouse gas emissions are resulting in a changing and increasingly variable climate. King County's snow-fed water supply is especially vulnerable to a changing climate. Additionally, the patterns of storm events and river and stream flow patterns are changing and our shorelines are susceptible to rising sea levels. Carbon dioxide reacts with seawater and reduces the water's pH, threatening the food web in Puget Sound. While local governments can individually work to reduce greenhouse gas emissions, more significant emission reductions can only be accomplished through countywide coordination of land use patterns and promotion of transportation systems that provide practical alternatives to single occupancy vehicles. Efficient energy consumption is both a mitigation and an adaptation strategy. Local governments can improve energy efficiency through the development of new infrastructure as well as the maintenance and updating of existing infrastructure.

**EN-16** Plan for land use patterns and transportation systems that minimize air pollution and greenhouse gas emissions, including:

- Maintaining or exceeding existing standards for carbon monoxide, ozone, and particulates;
- Directing growth to Urban Centers and other mixed use/ high density locations that support mass transit, encourage non-motorized modes of travel and reduce trip lengths;
- Facilitating modes of travel other than single occupancy vehicles including transit, walking, bicycling, and carpooling;
- Incorporating energy-saving strategies in infrastructure planning and design;
- Encouraging new development to use low emission construction practices, low or zero net lifetime energy requirements and "green" building techniques; and
- Increasing the use of low emission vehicles, such as efficient electric-powered vehicles.

**EN-17** Establish a countywide greenhouse gas reduction target that meets or exceeds the statewide reduction requirement that is stated as the 2050 goal of a 50 percent reduction below 1990 levels.

**EN-18** Establish a greenhouse gas emissions inventory and measurement framework for use by all King County jurisdictions to efficiently and effectively measure progress toward countywide targets established pursuant to policy EN-17.

**EN-19** Promote energy efficiency, conservation methods and sustainable energy sources to support climate change reduction goals.

**EN-20** Plan and implement land use, transportation, and building practices that will greatly reduce consumption of fossil fuels.

**EN-21** Formulate and implement climate change adaptation strategies that address the impacts of climate change to public health and safety, the economy, public and private infrastructure, water resources, and habitat.

## DEVELOPMENT PATTERNS

The policies in this chapter address the location, types, design and intensity of land uses that are desired in King County and its cities. They guide implementation of the vision for physical development within the county. The policies also provide a framework for how to focus improvements to transportation, public services, the environment, and affordable housing, as well as how to incorporate concerns about climate change and public health into planning for new growth. Development patterns policies are at the core of growth management efforts in King County; they further the goals of VISION 2040, and recognize the variety of local communities that will be taking action to achieve those goals.

***Overarching Goal:*** *Growth in King County occurs in a compact, centers-focused pattern that uses land and infrastructure efficiently and that protects Rural and Resource Lands.*

The Countywide Planning Policies designate land as Urban, Rural, or Resource. The Land Use Map in Appendix 1 shows the Urban Growth Area boundary and Urban, Rural, and Resource Lands within King County. Further sections of this chapter provide more detailed descriptions and guidance for planning within each of the three designations.

**DP-1** All lands within King County are designated as:

- Urban land within the Urban Growth Area, where new growth is focused and accommodated;
- Rural land, where farming, forestry, and other resource uses are protected, and very low-density residential uses, and small-scale non-residential uses are allowed; or
- Resource land, where permanent regionally significant agricultural, forestry, and mining lands are preserved.

### ***Urban Growth Area***

The Urban Growth Area encompasses all of the urban designated lands within King County. These lands include all cities as well as a portion of unincorporated King County. Consistent with the Growth Management Act and VISION 2040, urban lands are intended to be the focus of future growth that is compact, includes a mix of uses, and is well-served by public infrastructure. Urban lands also include a network of open space where ongoing maintenance is a local as well as a regional concern.

The pattern of growth within the Urban Growth Area implements the Regional Growth Strategy through allocation of targets to local jurisdictions. The targets create an obligation to plan and provide zoning for future potential growth, but do not obligate a jurisdiction to guarantee that a given number of housing units will be built or jobs added during the planning period.

Several additional elements in the Development Patterns chapter reinforce the vision and targeted growth pattern for the Urban Growth Area. Procedures and criteria for amending the Urban Growth Area boundary address a range of objectives and ensure that changes balance the needs for land to accommodate growth with the overarching goal of preventing sprawl within the county. A review and evaluation program provides feedback for the county and cities on the effectiveness of their efforts to accommodate and achieve the desired land use pattern. Joint planning facilitates the transition of governance of the Urban Growth Area from the county to cities, consistent with the Growth Management Act.

Urban form and development within the Urban Growth Area are important settings to provide people with choices to engage in more physical activity, eat healthy food, and minimize exposure to harmful environments and substances. In particular, the quality and safety of walking and biking routes children use to reach school is known to affect their health.

**Goal Statement:** *The Urban Growth Area accommodates growth consistent with the Regional Growth Strategy and growth targets through land use patterns and practices that create vibrant, healthy, and sustainable communities.*

---

## Urban Lands

**DP-2** Promote a pattern of compact development within the Urban Growth Area that includes housing at a range of urban densities, commercial and industrial development, and other urban facilities, including medical, governmental, institutional, and educational uses and parks and open space. The Urban Growth Area will include a mix of uses that are convenient to and support public transportation in order to reduce reliance on single occupancy vehicle travel for most daily activities.

**DP-3** Efficiently develop and use residential, commercial, and manufacturing land in the Urban Growth Area to create healthy and vibrant urban communities with a full range of urban services, and to protect the long-term viability of the Rural Area and Resource Lands. Promote the efficient use of land within the Urban Growth Area by using methods such as:

- Directing concentrations of housing and employment growth to designated centers;
- Encouraging compact development with a mix of compatible residential, commercial, and community activities;
- Maximizing the use of the existing capacity for housing and employment; and
- Coordinating plans for land use, transportation, capital facilities and services.

**DP-4** Concentrate housing and employment growth within the designated Urban Growth Area. Focus housing growth within countywide designated Urban Centers and locally designated local centers. Focus employment growth within countywide designated Urban and Manufacturing/Industrial Centers and within locally designated local centers.

**DP-5** Decrease greenhouse gas emissions through land use strategies that promote a mix of housing, employment, and services at densities sufficient to promote walking, bicycling, transit, and other alternatives to auto travel.

**DP-6** Plan for development patterns that promote public health by providing all residents with opportunities for safe and convenient daily physical activity, social connectivity, and protection from exposure to harmful substances and environments.

**DP-7** Plan for development patterns that promote safe and healthy routes to and from public schools.

**DP-8** Increase access to healthy food in communities throughout the Urban Growth Area by encouraging the location of healthy food purveyors, such as grocery stores and farmers markets, and community food gardens in proximity to residential uses and transit facilities.

**DP-9** Designate Urban Separators as permanent low-density incorporated and unincorporated areas within the Urban Growth Area. Urban Separators are intended to protect Resource Lands, the Rural Area, and environmentally sensitive areas, and create open space and wildlife corridors within and between communities while also providing public health, environmental, visual, and recreational benefits. Changes to Urban Separators are made pursuant to the Countywide Planning Policies amendment process described in policy G-1. Designated Urban Separators within cities and unincorporated areas are shown in the Urban Separators Map in Appendix 3.

**DP 10** Discourage incompatible land uses from locating adjacent to general aviation airports throughout the county.

---

## **Growth Targets**

**DP-11** GMPC shall allocate residential and employment growth to each city and unincorporated urban area in the county. This allocation is predicated on:

- Accommodating the most recent 20-year population projection from the state Office of Financial Management and the most recent 20-year regional employment forecast from the Puget Sound Regional Council;
- Planning for a pattern of growth that is consistent with the Regional Growth Strategy including focused growth within cities with countywide designated centers and within other larger cities, limited development in the Rural Area, and protection of designated Resource Lands;
- Efficiently using existing zoned and future planned development capacity as well as the capacity of existing and planned infrastructure, including sewer and water systems;

- Promoting a land use pattern that can be served by a connected network of public transportation services and facilities and pedestrian and bicycle infrastructure and amenities;
- Improving the jobs/housing balance within the region and the county;
- Promoting sufficient opportunities for housing and employment development throughout the Urban Growth Area;
- Allocating growth to individual Potential Annexation Areas within the urban unincorporated area proportionate to its share of unincorporated capacity for housing and employment growth.

**DP-12** GMPC shall:

- Update housing and employment targets periodically to provide jurisdictions with up-to-date growth allocations to be incorporated in state-mandated comprehensive plan updates;
- Adopt housing and employment growth targets in the Countywide Planning Policies pursuant to the procedure described in policy G-1; and
- Adjust targets administratively upon annexation of unincorporated Potential Annexation Areas by cities. Growth targets for the 2006-2031 planning period are shown in table DP-1.

**DP-13** All jurisdictions shall plan to accommodate housing and employment targets. This includes:

- Adopting comprehensive plans and zoning regulations that provide capacity for residential, commercial, and industrial uses that is sufficient to meet 20-year growth needs and is consistent with the desired growth pattern described in VISION 2040;
- Coordinating water, sewer, transportation and other infrastructure plans and investments among agencies, including special purpose districts; and
- Transferring and accommodating unincorporated area housing and employment targets as annexations occur.

Table DP-1: King County Jurisdiction Growth Targets 2006-2031					
		Net New Units 2006-2031		Net New Jobs 2006-2031	
		Housing Target	Potential Annexation Area Housing Target	Employment Target	Potential Annexation Area Emp Target
Metropolitan Cities	Bellevue	17,000	290	53,000	
	Seattle	86,000		146,700	
	<b>Metropolitan Cities Subtotal</b>	<b>103,000</b>		<b>199,700</b>	
	Auburn	9,620		19,350	
	Bothell	3,000	810	4,800	200
	Burien	4,440		4,960	
	Federal Way	8,100	2,390	12,300	290
	Kent	9,270	90	13,280	210
	Kirkland	8,570		20,850	
	Redmond	10,200	640	23,000	
Renton	14,835	3,895	29,000	470	
SeaTac	5,800		25,300		
Core Cities	Tukwila	4,800	50	15,500	2,050
	<b>Core Cities Subtotal</b>	<b>78,638</b>		<b>168,340</b>	
	Des Moines	3,000		5,000	
	Issaquah	5,750	290	20,000	
	Kenmore	3,500		3,000	
	Maple Valley	1,800	1,060	2,000	
	Mercer Island	2,000		1,000	
	Sammamish	4,000	350	1,800	
	Shoreline	5,000		5,000	
	Woodinville	3,000		5,000	
Larger Cities	<b>Larger Cities Subtotal</b>	<b>28,050</b>		<b>42,800</b>	
	Algona	190		210	
	Beaux Arts	3		3	
	Black Diamond	1,900		1,050	
	Carnation	330		370	
	Clyde Hill	10		0	
	Covington	1,470		1,320	
	Duvall	1,140		840	
	Enumclaw	1,425		735	
	Hunts Point	1		0	
Small Cities	Lake Forest Park	475		210	
	Medina	19		0	
	Milton	50	90	160	
	Newcastle	1,200		735	
	Normandy Park	120		65	
	North Bend	665		1,050	
	Pacific	285	135	370	
	Skykomish	10		0	
	Snoqualmie	1,615		1,050	
	Yarrow Point	14		0	
Urban Unincorp	<b>Small Cities Subtotal</b>	<b>10,922</b>		<b>8,168</b>	
	Potential Annexation Areas	10,090		3,220	
	North Highline	820		2,170	
	Bear Creek UPD	910		3,580	
Unclaimed Urban Uninc.	650		90		
<b>Urban Incorporated Subtotal</b>		<b>12,470</b>		<b>9,060</b>	
<b>Urban Growth Area Total</b>		<b>233,077</b>		<b>428,068</b>	

Chapter: DEVELOPMENT PATTERNS

---

## **Amendments to the Urban Growth Area**

The following policies guide the decision-making process by both the GMPC and King County regarding proposals to expand the Urban Growth Area.

**DP-14** Review the Urban Growth Area at least every ten years. In this review consider monitoring reports and other available data. As a result of this review, and based on the criteria established in policies DP-15 and DP-16, King County may propose and then the Growth Management Planning Council may recommend amendments to the Countywide Planning Policies and King County Comprehensive Plan that make changes to the Urban Growth Area boundary.

**DP-15** Allow amendment of the Urban Growth Area only when the following steps have been satisfied:

- a) The proposed expansion is under review by the County as part of an amendment process of the King County Comprehensive Plan;
- b) King County submits the proposal to the Growth Management Planning Council for the purposes of review and recommendation to the King County Council on the proposed amendment to the Urban Growth Area;
- c) The King County Council approves or denies the proposed amendment; and
- d) If approved by the King County Council, the proposed amendment is ratified by the cities following the procedures set forth in policy G-1.

**DP-16** Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

- a) A countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non-residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area; or
- b) A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space
  - 1) is at least four times the acreage of the land added to the Urban Growth Area;
  - 2) is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area expansion; and
  - 3) Preserves high quality habitat, critical areas, or unique features that contribute to the band of permanent open space along the edge of the Urban Growth Area; or
- c) The area is currently a King County park being transferred to a city to be maintained as a park in perpetuity or is park land that has been owned by a city since 1994 and is less than thirty acres in size.

**DP-17** If expansion of the Urban Growth Area is warranted based on the criteria in DP-16(a) or DP-16(b), add land to the Urban Growth Area only if it meets all of the following criteria:

- a) Is adjacent to the existing Urban Growth Area and is no larger than necessary to promote compact development that accommodates anticipated growth needs;
- b) Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area;
- c) Follows topographical features that form natural boundaries, such as rivers and ridge lines and does not extend beyond natural boundaries, such as watersheds, that impede the provision of urban services;
- d) Is not currently designated as Resource Land;
- e) Is sufficiently free of environmental constraints to be able to support urban development without significant adverse environmental impacts, unless the area is designated as an Urban Separator by interlocal agreement between King County and the annexing city; and
- f) Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city's Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area change.

**DP-18** Allow redesignation of Urban land currently within the Urban Growth Area to Rural land outside of the Urban Growth Area if the land is not needed to accommodate projected urban growth, is not served by public sewers, is contiguous with the Rural Area, and:

- a) Is not characterized by urban development;
- b) Is currently developed with a low density lot pattern that cannot be realistically redeveloped at an urban density; or
- c) Is characterized by environmentally sensitive areas making it inappropriate for higher density development.

---

### **Review and Evaluation Program**

The following policies guide the decision-buildable lands program conducted by the GMPC and King County.

**DP-19** Conduct a buildable lands program that meets or exceeds the review and evaluation requirements of the Growth Management Act. The purposes of the buildable lands program are:

- To collect and analyze data on development activity, land supply, and capacity for residential, commercial, and industrial land uses;
- To evaluate the consistency of actual development densities with current comprehensive plans; and
- To evaluate the sufficiency of land capacity to accommodate growth for the remainder of the planning period.

**DP-20** If necessary based on the findings of a periodic buildable lands evaluation report, adopt reasonable measures, other than expansion of the Urban Growth Area, to increase land capacity for housing and employment growth within the Urban Growth Area by making more efficient use of urban land consistent with current plans and targets.

---

### **Joint Planning and Annexation**

**DP-21** Coordinate the preparation of comprehensive plans among adjacent and other affected jurisdictions as a means to avoid or mitigate the potential cross-border impacts of urban development.

**DP-22** Designate Potential Annexation Areas in city comprehensive plans and adopt them in the Countywide Planning Policies. Ensure that Potential Annexation Areas do not overlap or leave unincorporated urban islands between cities.

**DP-23** Facilitate the annexation of unincorporated areas within the Urban Growth Area that are already urbanized and are within a city's Potential Annexation Area in order to provide urban services to those areas. Annexation is preferred over incorporation.

**DP-24** Allow cities to annex territory only within their designated Potential Annexation Area as shown in the Potential Annexation Areas Map in Appendix 2. Phase annexations to coincide with the ability of cities to coordinate the provision of a full range of urban services to areas to be annexed.

**DP-25** Within the North Highline unincorporated area, where Potential Annexation Areas overlapped prior to January 1, 2009, strive to establish alternative non-overlapping Potential Annexation Area boundaries through a process of negotiation. Absent a negotiated resolution, a city may file a Notice of Intent to Annex with the Boundary Review Board for King County for territory within its designated portion of a Potential Annexation Area overlap as shown in the Potential Annexation Areas Map in Appendix 2 and detailed in the city's comprehensive plan after the following steps have been taken:

- a) The city proposing annexation has, at least 30 days prior to filing a Notice of Intent to annex with the Boundary Review Board, contacted in writing the cities with the PAA overlap and the county to provide notification of the city's intent to annex and to request a meeting or formal mediation to discuss boundary alternatives, and;
- b) The cities with the Potential Annexation Area overlap and the county have either:
  - i) Agreed to meet but failed to develop a negotiated settlement to the overlap within 60 days of receipt of the notice, or
  - ii) Declined to meet or failed to respond in writing within 30 days of receipt of the notice.

**DP-26** Develop agreements between King County and cities with Potential Annexation Areas to apply city-compatible development standards that will guide land development prior to annexation.

**DP-27** Evaluate proposals to annex or incorporate unincorporated land based on the following criteria:

- a) Conformance with Countywide Planning Policies including the Urban Growth Area boundary;
- b) The ability of the annexing or incorporating jurisdiction to provide urban services at standards equal to or better than the current service providers; and
- c) Annexation or incorporation in a manner that will avoid creating unincorporated islands of development.

**DP-28** Resolve the issue of unincorporated road islands within or between cities. Roadways and shared streets within or between cities, but still under King County jurisdiction, should be annexed by adjacent cities.

## ***Centers***

A centers strategy is the linchpin for King County to achieve the Regional Growth Strategy as well as a range of other objectives, particularly providing a land use framework for an efficient and effective regional transit system. Countywide designation of Urban Centers and local designation of local centers provide for locations of mixed-use zoning, infrastructure, and concentrations of services and amenities to accommodate both housing and employment growth. Manufacturing/Industrial Centers preserve lands for family-wage jobs in basic industries and trade and provide areas where that employment may grow in the future.

***Goal Statement:*** *King County grows in a manner that reinforces and expands upon a system of existing and planned central places within which concentrated residential communities and economic activities can flourish.*

---

### **Urban Centers**

**DP-29** Concentrate housing and employment growth within designated Urban Centers.

**DP-30** Designate Urban Centers in the Countywide Planning Policies where city-nominated locations meet the criteria in policies DP-31 and DP-32 and where the city's commitments will help ensure the success of the center. Urban Centers will be limited in number and located on existing or planned high capacity transit corridors to provide a framework for targeted private and public investments that support regional land use and transportation goals. The Land Use Map in Appendix 1 shows the locations of the designated Urban Centers.

**DP-31** Allow designation of new Urban Centers where the proposed Center:

- a) Encompasses an area up to one and a half square miles; and
- b) Has adopted zoning regulations and infrastructure plans that are adequate to accommodate:
  - i) A minimum of 15,000 jobs within one-half mile of an existing or planned high-capacity transit station;
  - ii) At a minimum, an average of 50 employees per gross acre within the Urban Center; and
  - iii) At a minimum, an average of 15 housing units per gross acre within the Urban Center.

**DP-32** Adopt a map and housing and employment growth targets in city comprehensive plans for each Urban Center, and adopt policies to promote and maintain quality of life in the Center through:

- A broad mix of land uses that foster both daytime and nighttime activities and opportunities for social interaction;
- A range of affordable and healthy housing choices;
- Historic preservation and adaptive reuse of historic places;
- Parks and public open spaces that are accessible and beneficial to all residents in the Urban Center;
- Strategies to increase tree canopy within the Urban Center and incorporate low-impact development measures to minimize stormwater runoff;
- Facilities to meet human service needs;
- Superior urban design which reflects the local community vision for compact urban development;
- Pedestrian and bicycle mobility, transit use, and linkages between these modes;
- Planning for complete streets to provide safe and inviting access to multiple travel modes, especially bicycle and pedestrian travel; and
- Parking management and other strategies that minimize trips made by single-occupant vehicle, especially during peak commute periods.

**DP-33** Form the land use foundation for a regional high-capacity transit system through the designation of a system of Urban Centers. Urban Centers should receive high priority for the location of transit service.

---

### **Manufacturing/ Industrial Centers**

**DP-34** Concentrate manufacturing and industrial employment within countywide designated Manufacturing/ Industrial Centers. The Land Use Map in Appendix 1 shows the locations of the designated Manufacturing/Industrial Centers.

**DP-35** Adopt in city comprehensive plans a map and employment growth targets for each Manufacturing/ Industrial Center and adopt policies and regulations for the Center to:

- Provide zoning and infrastructure adequate to accommodate a minimum of 10,000 jobs;
- Preserve and enhance sites that are appropriate for manufacturing or other industrial uses;
- Strictly limit residential uses and discourage land uses that are not compatible with manufacturing and industrial uses, such as by imposing low maximum size limits on offices and retail uses that are not accessory to an industrial use;
- Facilitate the mobility of employees by transit and the movement of goods by truck, rail, air or waterway, as appropriate;
- Provide for capital facility improvement projects which support the movement of goods and manufacturing/industrial operations;
- Ensure that utilities are available to serve the center;
- Avoid conflicts with adjacent land uses to ensure the continued viability of the land in the Manufacturing/ Industrial Center for manufacturing and industrial activities; and
- Attract and retain the types of businesses that will ensure economic growth and stability.

**DP-36** Minimize or mitigate potential health impacts of the activities in Manufacturing/ Industrial Centers on residential communities, schools, open space, and other public facilities.

**DP-37** Designate additional Manufacturing/ Industrial Centers in the Countywide Planning Policies pursuant to the procedures described in policy G-1 based on nominations from cities and after determining that:

- a) the nominated locations meet the criteria set forth in policy DP-35 and the criteria established by the Puget Sound Regional Council for Regional Manufacturing/ Industrial Centers;
- b) the proposed center's location will promote a countywide system of Manufacturing/ Industrial Centers with the total number of centers representing a realistic growth strategy for the county; and
- c) the city's commitments will help ensure the success of the center.

---

### **Local Centers**

**DP-38** Identify in comprehensive plans local centers, such as city or neighborhood centers, transit station areas, or other activity nodes, where housing, employment, and services are accommodated in a compact form and at sufficient densities to support transit service and to make efficient use of urban land.

## ***Urban Design and Historic Preservation***

The countywide vision includes elements of urban design and form intended to integrate urban development into existing built and natural environments in ways that enhance both the urban and natural settings. These elements include high quality design, context sensitive infill and redevelopment, historic preservation, and the interdependence of urban and rural and agricultural lands and uses.

**Goal statement:** *The built environment in both urban and rural settings achieves a high degree of high quality design that recognizes and enhances, where appropriate, existing natural and urban settings.*

**DP-39** Develop neighborhood planning and design processes that encourage infill development, redevelopment, and reuse of existing buildings and that, where appropriate based on local plans, enhance the existing community character and mix of uses.

**DP-40** Promote a high quality of design and site planning in publicly-funded and private development throughout the Urban Growth Area.

**DP-41** Preserve significant historic, archeological, cultural, architectural, artistic, and environmental features, especially where growth could place these resources at risk. Where appropriate, designate individual features or areas for protection or restoration. Encourage land use patterns and adopt regulations that protect historic resources and sustain historic community character.

**DP-42** Design new development to create and protect systems of green infrastructure, such as urban forests, parks, green roofs, and natural drainage systems, in order to reduce climate-altering pollution and increase resilience of communities to climate change impacts.

**DP-43** Design communities, neighborhoods, and individual developments using techniques that reduce heat absorption, particularly in Urban Centers.

**DP-44** Adopt design standards or guidelines that foster infill development that is compatible with the existing or desired urban character.

## ***Rural Area and Resource Lands***

The Rural Area and Resource Lands encompass all areas outside of the Urban Growth Area and include Vashon Island in Puget Sound and the area just east of the Urban Growth Area all the way to the crest of the Cascade Mountains. The Rural Area is characterized by low density development with a focus on activities that are dependent on the land such as small scale farming and forestry. The Rural Area also provides important environmental and habitat

functions and is critical for salmon recovery. The location of the Rural Area, between the Urban Growth Area and designated Resource Lands, helps to protect commercial agriculture and timber from incompatible uses. The Rural Area, outside of the Rural Cities, is to remain in unincorporated King County and is to be provided with a rural level of service.

---

## Rural Area

**Goal Statement:** *The Rural Area provides a variety of landscapes, maintains diverse low density communities, and supports rural economic activities based on sustainable stewardship of the land.*

**DP-45** Limit growth in the Rural Area to prevent sprawl and the overburdening of rural services, reduce the need for new rural infrastructure, maintain rural character, and protect the natural environment.

**DP-46** Limit residential development in the Rural Area to housing at low densities that are compatible with rural character and comply with the following density guidelines:

- a) One home per 20 acres where a pattern of large lots exists and to buffer Forest Protection Districts and Agricultural Districts;
- b) One home per 10 acres where the predominant lot size is less than 20 acres; or
- c) One home per five acres where the predominant lot size is less than 10 acres.
- d) Allow limited clustering within development sites to avoid development on environmentally critical lands or on productive forest or agricultural lands, but not to exceed the density guidelines cited in (a) through (c).

**DP-47** Limit the extension of urban infrastructure improvements through the Rural Area to only cases where it is necessary to serve the Urban Growth Area and where there are no other feasible alignments. Such limited extensions may be considered only if land use controls are in place to restrict uses appropriate for the Rural Area and only if access management controls are in place to prohibit tie-ins to the extended facilities.

**DP-48** Establish rural development standards to protect the natural environment by using seasonal and maximum clearing limits for vegetation, limits on the amount of impervious surface, surface water management standards that preserve natural drainage systems, water quality and groundwater recharge, and best management practices for resource-based activities.

**DP-49** Prevent or, if necessary, mitigate negative impacts of urban development to the adjacent Rural Area.

**DP-50** Except as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report), limit new nonresidential uses located in the Rural Area to those that are demonstrated to serve the

Rural Area, unless the use is dependent upon a rural location. Such uses shall be of a size, scale, and nature that is consistent with rural character.

**DP-51** Allow cities that own property in the Rural Area to enter into interlocal agreements with King County to allow the cities to provide services to the properties they own as long as the cities agree to not annex the property or serve it with sewers or any infrastructure at an urban level of service. The use of the property must be consistent with the rural land use policies in the Countywide Planning Policies and the King County Comprehensive Plan.

---

## Resource Lands

The Resource Lands are designated areas with long term commercial significance for agriculture, forestry, and mining, and are depicted in the Land Use Map in Appendix 1 as Forest Product Districts, Agricultural Production Districts, and Mineral Resource Lands. The use and designation of these lands are to be permanent, in accordance with the Growth Management Act. King County has maintained this base of agriculture and forest lands despite the rapid growth of the previous decades. The Resource Lands are to remain in unincorporated King County but their benefit and significance is felt throughout the county into the cities. Within cities, farmers markets are becoming important and sought after neighborhood amenities.

The forests of the Pacific Northwest are some of the most productive in the world and King County has retained two-thirds of the county in forest cover. Large scale forestry is a traditional land use in the eastern half of King County and remains a significant contributor to the rural economy. In addition, forests provide exceptional recreational opportunities, including downhill and cross-country skiing, mountain biking, hiking, and backpacking.

**Goal Statement:** *Resource Lands are valuable assets of King County and are renowned for their productivity and sustainable management.*

**DP-52** Promote and support forestry, agriculture, mining and other resource-based industries outside of the Urban Growth Area as part of a diverse and sustainable regional economy.

**DP-53** Conserve commercial agricultural and forestry resource lands primarily for their long-term productive resource value and for the open space, scenic views, wildlife habitat, and critical area protection they provide. Limit the subdivision of land so that parcels remain large enough for commercial resource production.

**DP-54** Encourage best practices in agriculture and forestry operations for long-term protection of the natural resources.

**DP-55** Prohibit annexation of lands within designated Agricultural Production Districts or within Forest Production Districts by cities.

**DP-56** Retain the Lower Green River Agricultural Production District as a regionally designated resource that is to remain in unincorporated King County.

**DP-57** Discourage incompatible land uses adjacent to designated Resource Lands to prevent interference with their continued use for the production of agricultural, mining, or forest products.

**DP-58** Support local production and processing of food to reduce the need for long distance transport and to increase the reliability and security of local food. Promote activities and infrastructure, such as farmers markets, farm worker housing and agricultural processing facilities, that benefit both cities and farms by improving access to locally grown agricultural products.

**DP-59** Support institutional procurement policies that encourage purchases of locally grown food products.

**DP-60** Ensure that extractive industries maintain environmental quality and minimize negative impacts on adjacent lands.

**DP-61** Use a range of tools, including land use designations, development regulations, level-of-service standards, and transfer or purchase of development rights to preserve Rural and Resource Lands and focus urban development within the Urban Growth Area.

**DP-62** Use transfer of development rights to shift potential development from the Rural Area and Resource Lands into the Urban Growth Area, especially cities. Implement transfer of development rights within King County through a partnership between the county and cities that is designed to:

- Identify rural and resource sending sites that satisfy countywide conservation goals and are consistent with regionally coordinated transfer of development rights efforts;
- Preserve rural and resource lands of compelling interest countywide and to participating cities;
- Identify appropriate transfer of development rights receiving areas within cities;
- Identify incentives for city participation in regional transfer of development rights (i.e. county-to-city transfer of development rights);
- Develop interlocal agreements that allow rural and resource land development rights to be used in city receiving areas;
- Identify and secure opportunities to fund or finance infrastructure within city transfer of development rights receiving areas; and.
- Be compatible with existing within-city transfer of development rights programs.

## HOUSING

The Countywide Planning Policies provide a framework for all jurisdictions to plan for and promote a range of affordable, accessible, and healthy housing choices for current and future residents. Within King County, there is an unmet need for housing that is affordable for households earning less than 80 percent of area median income (AMI). Households within this category include low-wage workers in services and other industries; persons on fixed incomes including many disabled and elderly residents; and homeless individuals and families. A high proportion of these households spend a greater percentage of their income on housing than is typically considered appropriate. This is especially true for low and very low income households earning 50 percent or less (low) and 30 percent or less (very-low) of area median income. The county and all cities share in the responsibility to increase the supply of housing that is affordable to these households.

While neither the county nor the cities can guarantee that a given number of units at a given price level will exist, be preserved, or be produced during the planning period, establishing the countywide need clarifies the scope of the effort for each jurisdiction. The type of policies and strategies that are appropriate for a jurisdiction to consider will vary and will be based on its analysis of housing. Some jurisdictions where the overall supply of affordable housing is significantly less than their proportional share of the countywide need may need to undertake a range of strategies addressing needs at multiple income levels, including strategies to create new affordable housing. Other jurisdictions that currently have housing stock that is already generally affordable may focus their efforts on preserving existing affordable housing through efforts such as maintenance and repair, and ensuring long-term affordability. It may also be appropriate to focus efforts on the needs of specific demographic segments of the population.

The policies below recognize the significant countywide need for affordable housing to focus on the strategies that can be taken both individually and in collaboration to meet the countywide need. These policies envision cities and the county following a four step process

1. Conduct an inventory and analysis of housing needs and conditions;
2. Implement policies and strategies to address unmet needs;
3. Measure results; and
4. Respond to measurement with reassessment and adjustment of strategies.

The provision of housing affordable to very-low income households, those earning less than 30% of AMI, is the most challenging problem and one faced by all communities in the county. Housing for these very-low income households cannot be met solely through the private market. Meeting this need will require interjurisdictional cooperation and support from public agencies, including the cities and the county.

**Overarching Goal:** *The housing needs of all economic and demographic groups are met within all jurisdictions.*

**H-1** Address the countywide need for housing affordable to households with moderate, low and very-low incomes, including those with special needs. The countywide need for housing by percentage of Area Median Income (AMI) is:

50-80% of AMI (moderate)	16% of total housing supply
30-50% of AMI (low)	12% of total housing supply
30% and below AMI (very-low)	12% of total housing supply

**H-2** Address the need for housing affordable to households at less than 30% AMI (very low income), recognizing that this is where the greatest need exists, and addressing this need will require funding, policies and collaborative actions by all jurisdictions working individually and collectively.

### ***Housing Inventory and Needs Analysis***

The Growth Management Act requires an inventory and analysis of existing and projected housing needs as part of each jurisdiction's comprehensive plan housing element. Assessing local housing needs provides jurisdictions with information about the local housing supply, the cost of housing, and the demographic and income levels of the community's households. This information on current and future housing conditions provides the basis for the development of effective housing policies and programs. While some cities may find that they meet the current need for housing for some populations groups, the inventory and needs analysis will help identify those income levels and demographic segments of the population where there is the greatest need. Further guidance on conducting a housing inventory and analysis is provided in Appendix 4.

**H-3** Conduct an inventory and analysis of existing and projected housing needs of all economic and demographic segments of the population in each jurisdiction. The analysis and inventory shall include:

- a. Characteristics of the existing housing stock, including supply, affordability and diversity of housing types;
- b. Characteristics of populations, including projected growth and demographic change;
- c. The housing needs of very-low, low, and moderate-income households; and
- d. The housing needs of special needs populations.

### ***Strategies to Meet Housing Needs***

VISION 2040 encourages local jurisdictions to adopt best housing practices and innovative techniques to advance the provision of affordable, healthy, sustainable, and safe housing for all residents. Meeting the county's affordable housing needs will require actions by a wide range of private for profit, non-profit and government entities, including substantial resources from federal, state, and local levels. No single tool will be sufficient to meet the full range of needs in a given jurisdiction. The county and cities are encouraged to employ a range of housing tools to

ensure the countywide need is addressed and to respond to local conditions. Further detail on the range of strategies for promoting housing supply and affordability is contained in Appendix 4.

Jobs-housing balance, addressed in H-9, is a concept that advocates an appropriate match between the number of existing jobs and available housing supply within a geographic area. Improving balance means adding more housing to job-rich areas and more jobs to housing-rich areas.

**H-4** Provide zoning capacity within each jurisdiction in the Urban Growth Area for a range of housing types and densities, sufficient to accommodate each jurisdiction's overall housing targets and, where applicable, housing growth targets in designated Urban Centers.

**H-5** Adopt policies, strategies, actions and regulations at the local and countywide levels that promote housing supply, affordability, and diversity, including those that address a significant share of the countywide need for housing affordable to very-low, low, and moderate income households. These strategies should address the following:

- a. Overall supply and diversity of housing, including both rental and ownership;
- b. Housing suitable for a range of household types and sizes;
- c. Affordability to very-low, low, and moderate income households;
- d. Housing suitable and affordable for households with special needs;
- e. Universal design and sustainable development of housing; and
- f. Housing supply, including affordable housing and special needs housing, within Urban Centers and in other areas planned for concentrations of mixed land uses.

**H-6** Preserve existing affordable housing units, where appropriate, including acquisition and rehabilitation of housing for long-term affordability.

**H-7** Identify barriers to housing affordability and implement strategies to overcome them.

**H-8** Tailor housing policies and strategies to local needs, conditions and opportunities, recognizing the unique strengths and challenges of different cities and sub-regions.

**H-9** Plan for housing that is accessible to major employment centers and affordable to the workforce in them so people of all incomes can live near or within reasonable commuting distance of their places of work. Encourage housing production at a level that improves the balance of housing to employment throughout the county.

**H-10** Promote housing affordability in coordination with transit, bicycle, and pedestrian plans and investments and in proximity to transit hubs and corridors, such as through transit oriented development and planning for mixed uses in transit station areas.

**H-11** Encourage the maintenance of existing housing stock in order to ensure that the condition and quality of the housing is safe and livable.

**H-12** Plan for residential neighborhoods that protect and promote the health and well-being of residents by supporting active living and healthy eating and by reducing exposure to harmful environments.

**H-13** Promote fair housing and plan for communities that include residents with a range of abilities, ages, races, incomes, and other diverse characteristics of the population of the county.

***Regional Cooperation***

Housing affordability is important to regional economic vitality and sustainability. Housing markets do not respect jurisdictional boundaries. For these reasons, multijurisdictional efforts for planning and adopting strategies to meet regional housing needs are an additional tool for identifying and meeting the housing needs of households with moderate, low, and very-low incomes. Collaborative efforts, supported by the work of Puget Sound Regional Council and other agencies, contribute to producing and preserving affordable housing and coordinating equitable, sustainable development in the county and region. Where individual cities lack sufficient resources, collective efforts to fund or provide technical assistance for affordable housing development and preservation, and for the creation of strategies and programs, can help to meet the housing needs identified in comprehensive plans. Cities with similar housing characteristics tend to be clustered geographically. Therefore, there are opportunities for efficiencies and greater impact through interjurisdictional cooperation. Such efforts are encouraged and can be a way to meet a jurisdiction's share of the countywide affordable housing need.

**H-14** Work cooperatively among jurisdictions to provide mutual support in meeting countywide housing growth targets and affordable housing needs.

**H-15** Collaborate in developing sub-regional and countywide housing resources and programs, including funding, to provide affordable housing for very-low, low-, and moderate-income households.

**H-16** Work cooperatively with the Puget Sound Regional Council and other agencies to identify ways to expand technical assistance to local jurisdictions in developing, implementing and monitoring the success of strategies that promote affordable housing that meets changing demographic needs. Collaborate in developing and implementing a housing strategy for the four-county central Puget Sound region.

***Measuring Results***

Maintaining timely and relevant data on housing markets and residential development allows the county and cities to evaluate the effectiveness of their housing strategies and to make appropriate changes to those strategies when and where needed. In assessing efforts to meet their share of the countywide need for affordable housing, jurisdictions need to consider public actions taken to encourage development and preservation of housing affordable to households with very low-, low- and moderate-incomes, such as local funding, development code changes,

and creation of new programs, as well as market and other factors that are beyond local government control. Further detail on monitoring procedures is contained in Appendix 4.

**H-17** Monitor housing supply, affordability, and diversity, including progress toward meeting a significant share of the countywide need for affordable housing for very-low, low, and moderate income households. Monitoring should encompass:

- a. Number and type of new housing units;
- b. Number of units lost to demolition, redevelopment, or conversion to non-residential use;
- c. Number of new units that are affordable to very-low, low-, and moderate-income households;
- d. Number of affordable units newly preserved and units acquired and rehabilitated with a regulatory agreement for long-term affordability for very-low, low-, and moderate-income households;
- e. Housing market trends including affordability of overall housing stock;
- f. Changes in zoned capacity for housing, including housing densities and types;
- g. The number and nature of fair housing complaints and violations; and
- h. Housing development and market trends in Urban Centers.

**H-18** Review and amend, a minimum every five years, the countywide and local housing policies and strategies, especially where monitoring indicates that adopted strategies are not resulting in adequate affordable housing to meet the jurisdiction's share of the countywide need.

## ECONOMY

***Overarching Goal:*** *People throughout King County have opportunities to prosper and enjoy a high quality of life through economic growth and job creation.*

The Countywide Planning Policies in the Economy Chapter support the economic growth and sustainability of King County's economy. A strong and healthy economy results in business development, job creation, and investment in our communities. The Economy Chapter reflects and supports the Regional Economic Strategy and VISION 2040's economic policies, which emphasize the economic value of business, people, and place.

The Regional Economic Strategy is the region's comprehensive economic development strategy and serves as the VISION 2040 economic functional plan. VISION 2040 integrates the Regional Economic Strategy with growth management, transportation, and environmental objectives to:

- support critical economic foundations, such as education, infrastructure, technology, and quality of life; and
- promote the region's specific industry clusters: aerospace, clean technology, information technology, life sciences, logistics and international trade, military, and tourism.

Each local community will have an individual focus on economic development, while the region's prosperity will benefit from coordination between local plans and the regional vision that take into account the county's and the region's overall plan for growth.

**EC-1** Coordinate local and countywide economic policies and strategies with VISION 2040 and the Regional Economic Strategy.

**EC-2** Support economic growth that accommodates employment growth targets (see table DP-1) through local land use plans, infrastructure development, and implementation of economic development strategies.

**EC-3** Identify and support industry clusters and subclusters within King County that are components of the Regional Economic Strategy or that may otherwise emerge as having significance to King County's economy.

**EC-4** Evaluate the performance of economic development policies and strategies in business development and job creation. Identify and track key economic metrics to help jurisdictions and the county as a whole evaluate the effectiveness of local and regional economic strategies.

## ***Business Development***

Business creation, retention, expansion, and recruitment are the foundations of a strong economy. The success of the economy in the county depends on opportunities for business growth. Our communities play a significant role through local government actions, such as by making regulations more predictable, by engaging in public-private partnerships, and by nurturing a business-supportive culture.

These policies also seek to integrate the concept of healthy communities as part of the county's economic objectives, by calling for support of the regional food economy, including production, processing, wholesaling and distribution of the region's agricultural food and food products.

**EC-5** Help businesses thrive through:

- Transparency, efficiency, and predictability of local regulations and policies;
- Communication and partnerships between businesses, government, schools, and research institutions; and
- Government contracts with local businesses.

**EC-6** Foster the retention and development of those businesses and industries that export their goods and services outside the region.

**EC-7** Promote an economic climate that is supportive of business formation, expansion, and retention and emphasizes the importance of small businesses in creating jobs.

**EC-8** Foster a broad range of public-private partnerships to implement economic development policies, programs and projects.

**EC-9** Identify and support the retention of key regional and local assets to the economy, such as major educational facilities, research institutions, health care facilities, manufacturing facilities, and port facilities.

**EC-10** Support the regional food economy including the production, processing, wholesaling, and distribution of the region's agricultural food and food products to all King County communities. Emphasize increasing access to those communities with limited presence of healthy food options.

## ***People***

People, through their training, knowledge, skills, and cultural background, add value to the region's economy. Additionally, creating an economy that provides opportunities for all helps alleviate problems of poverty and income disparity.

**EC-11** Work with schools and other institutions to increase graduation rates and sustain a highly-educated and skilled local workforce. This includes aligning job training and education offerings that are consistent with the skill needs of the region's industry clusters. Identify partnership and funding opportunities where appropriate.

**EC-12** Celebrate the cultural diversity of local communities as a means to enhance the county's global relationships.

**EC-13** Address the historic disparity in income and employment opportunities for economically disadvantaged populations, including minorities and women, by committing resources to human services; community development; housing; economic development; and public infrastructure.

## ***Places***

Economic activity in the county predominantly occurs within the Urban Growth Area, including Urban Centers and Manufacturing/ Industrial Centers. Continuing to guide local investments to these centers will help provide the support needed to sustain the economy and provide greater predictability to businesses about where capital improvements will be located. In addition to making productive use of urban land, economic activity adds to the culture and vitality of our local communities. Businesses create active, attractive places to live and visit, and make significant contributions to the arts. The Rural Area and Resource Lands are important for their contribution to the regional food network, mining, timber and craft industries, while Rural Cities are important for providing services to and being the economic centers for the surrounding Rural Area.

**EC-14** Foster economic and employment growth in designated Urban Centers and Manufacturing/ Industrial Centers through local investments, planning, and financial policies.

**EC-15** Make local investments to maintain and expand infrastructure and services that support local and regional economic development strategies. Focus investment where it encourages growth in designated centers and helps achieve employment targets.

**EC-16** Add to the vibrancy and sustainability of our communities and the health and well-being of all people through safe and convenient access to local services, neighborhood-oriented retail, purveyors of healthy food (e.g. grocery stores and farmers markets), and transportation choices.

**EC-17** Promote the natural environment as a key economic asset. Work cooperatively with local businesses to protect and restore the natural environment in a manner that is efficient and predictable and minimizes impacts on businesses.

**EC-18** Maintain an adequate supply of land within the Urban Growth Area to support economic development. Inventory, plan for, and monitor the land supply and development capacity for, manufacturing/ industrial, commercial and other employment uses that can accommodate the amount and types of economic activity anticipated during the planning period.

**EC-19** Support Manufacturing/ Industrial Centers by adopting industrial siting policies that limit the loss of industrial lands, maintain the region's economic diversity, and support family-wage jobs. Prohibit or strictly limit non-supporting or incompatible activities that can interfere with the retention or operation of industrial businesses, especially in Manufacturing/ Industrial Centers.

**EC-20** Facilitate redevelopment of contaminated sites through local, county and state financing and other strategies that assist with funding environmental remediation.

**EC-21** Encourage economic activity within Rural Cities that does not create adverse impacts to the surrounding Rural Area and Resource Lands and will not create the need to provide urban services and facilities to those areas.

## TRANSPORTATION

The Regional Growth Strategy identifies a network of walkable, compact, and transit-oriented communities that are the focus of urban development, as well as industrial areas with major employment concentrations. In the Countywide Planning Policies, these communities include countywide designated Urban Centers and Manufacturing/ Industrial Centers, and locally designated local centers. An essential component of the Regional Growth Strategy is an efficient transportation system that provides multiple options for moving people and goods into and among the various centers. Transportation system, in the context of this chapter, is defined as a comprehensive, integrated network of travel modes (e.g. airplanes, automobiles, bicycles, buses, feet, ferries, freighters, trains, trucks) and infrastructure (e.g. sidewalks, trails, streets, arterials, highways, waterways, railways, airports) for the movement of people and goods on a local, regional, national and global scale.

Goals and policies in this chapter build on the 1992 King County Countywide Planning Policies and the Multicounty Planning Policies in VISION 2040. Policies are organized into three sections:

- Supporting Growth – focusing on serving the region with a transportation system that furthers the Regional Growth Strategy;
- Mobility – addressing the full range of travel modes necessary to move people and goods efficiently within the region and beyond; and
- System Operations – encompassing the design, maintenance and operation of the transportation system to provide for safety, efficiency, and sustainability.

***Overarching Goal:*** *The region is well served by an integrated, multi-modal transportation system that supports the regional vision for growth, efficiently moves people and goods, and is environmentally and functionally sustainable over the long term.*

### ***Supporting Growth***

An effective transportation system is critical to achieving the Regional Growth Strategy and ensuring that centers are functional and appealing to the residents and businesses they are designed to attract. The policies in this section reinforce the critical relationship between development patterns and transportation and they are intended to guide transportation investments from all levels of government that effectively support local, county and regional plans to accommodate growth. Policies in this section take a multi-modal approach to serving growth, with additional emphasis on transit and non-motorized modes to support planned development in centers.

**Goal Statement:** *Local and regional development of the transportation system is consistent with and furthers realization of the Regional Growth Strategy.*

**T-1** Work cooperatively with the Puget Sound Regional Council, the state, and other relevant agencies to finance and develop a multi-modal transportation system that enhances regional mobility and reinforces the countywide vision for managing growth. Use VISION 2040 and *Transportation 2040* as the policy and funding framework for creating a system of Urban Centers and Manufacturing/ Industrial Centers linked by high-capacity transit, bus transit and an interconnected system of freeways and high-occupancy vehicle lanes.

**T-2** Avoid construction of major roads and capacity expansion on existing roads in the Rural Area and Resource Lands. Where increased roadway capacity is warranted to support safe and efficient travel through the Rural Area, appropriate rural development regulations and effective access management should be in place prior to authorizing such capacity expansion in order to make more efficient use of existing roadway capacity and prevent unplanned growth in the Rural Area.

**T-3** Increase the share of trips made countywide by modes other than driving alone through coordinated land use planning, public and private investment, and programs focused on centers and connecting corridors, consistent with locally adopted mode split goals.

**T-4** Develop station area plans for high capacity transit stations and transit hubs. Plans should reflect the unique characteristics and local vision for each station area including transit supportive land uses, transit rights-of-way, stations and related facilities, multi-modal linkages, and place-making elements.

**T-5** Support countywide growth management objectives by prioritizing transit service to areas where existing housing and employment densities support transit ridership and to Urban Centers and other areas planned for housing and employment densities that will support transit ridership. Address the mobility needs of transit-dependent populations in allocating transit service and provide at least a basic level of service throughout the Urban Growth Area.

**T-6** Foster transit ridership by designing transit facilities and services as well as non-motorized infrastructure so that they are integrated with public spaces and private developments to create an inviting public realm.

**T-7** Ensure state capital improvement policies and actions are consistent with the Regional Growth Strategy and support VISION 2040 and the Countywide Planning Policies.

**T-8** Prioritize regional and local funding to transportation investments that support adopted growth targets.

## **Mobility**

Mobility is necessary to sustain personal quality of life and the regional economy. For individuals, mobility requires an effective transportation system that provides safe, reliable, and affordable travel options for people of all ages, incomes and abilities. While the majority of people continue to travel by personal automobile, there are growing segments of the population (e.g. urban, elderly, teens, low income, minorities, and persons with disabilities) that rely on other modes of travel such as walking, bicycling, and public transportation to access employment, education and training, goods and services. According to the *2009 American Community Survey*, about 8.7 percent of all households in King County had no vehicle available. For many minority populations, more than 20 percent had no vehicle available to them.

The movement of goods is also of vital importance to the local and regional economy. International trade is a significant source of employment and economic activity in terms of transporting freight, local consumption, and exporting of goods. The policies in this section are intended to address use and integration of the multiple modes necessary to move people and goods within and beyond the region. The importance of the roadway network, implicit in the policies of this section, is addressed more specifically in the System Operations section of this chapter.

**Goal Statement:** *A well-integrated, multi-modal transportation system transports people and goods effectively and efficiently to destinations within the region and beyond.*

**T-9** Promote the mobility of people and goods through a multi-modal transportation system based on regional priorities consistent with VISION 2040 and local comprehensive plans.

**T-10** Support effective management of existing air, marine and rail transportation capacity and address future capacity needs in cooperation with responsible agencies, affected communities, and users.

**T-11** Develop and implement freight mobility strategies that strengthen King County's role as a major regional freight distribution hub, an international trade gateway, and a manufacturing area.

**T-12** Address the needs of non-driving populations in the development and management of local and regional transportation systems.

**T-13** Site and design transit stations and transit hubs to promote connectivity and access for pedestrian and bicycle patrons.

## **System Operations**

The design, management and operation of the transportation system are major factors that influence the region's growth and mobility. Policies in this section stress the need to make efficient use of the existing infrastructure, serve the broad needs of the users, address safety and public health issues, and design facilities that are a good fit for the surroundings. Implementation of the policies will require the use of a wide range of tools including, but not limited to:

- technologies such as intelligent transportation systems and alternative fuels;
- demand management programs for parking, commute trip reduction and congestion; and
- incentives, pricing systems and other strategies to encourage choices that increase mobility while improving public health and environmental sustainability.

**Goal Statement:** *The regional transportation system is well-designed and managed to protect public investments, promote public health and safety, and achieve optimum efficiency.*

**T-14** Prioritize essential maintenance, preservation, and safety improvements of the existing transportation system to protect mobility and avoid more costly replacement projects.

**T-15** Design and operate transportation facilities in a manner that is compatible with and integrated into the natural and built environments in which they are located. Incorporate features such as natural drainage, native plantings, and local design themes that facilitate integration and compatibility.

**T-16** Protect the transportation system (e.g. roadway, rail, transit, air, and marine) against major disruptions by developing prevention and recovery strategies and by coordinating disaster response plans.

**T-17** Promote the use of tolling and other pricing strategies to effectively manage the transportation system, provide a stable and sustainable transportation funding source, and improve mobility.

**T-18** Develop a countywide monitoring system to determine how transportation investments are performing over time consistent with *Transportation 2040* recommendations.

**T-19** Design roads and streets, including retrofit projects, to accommodate a range of motorized and non-motorized travel modes in order to reduce injuries and fatalities and to encourage non-motorized travel. The design should include well-defined, safe and appealing spaces for pedestrians and bicyclists.

**T-20** Develop a transportation system that minimizes negative impacts to human health, including exposure to environmental toxins generated by vehicle emissions.

**T-21** Provide opportunities for an active, healthy lifestyle by integrating the needs of pedestrians and bicyclists in the local and regional transportation plans and systems.

**T-22** Plan and develop a countywide transportation system that reduces greenhouse gas emissions by advancing strategies that shorten trip length or replace vehicle trips to decrease vehicle miles traveled.

**T-23** Apply technologies, programs and other strategies that optimize the use of existing infrastructure in order to improve mobility, reduce congestion, increase energy-efficiency, and reduce the need for new infrastructure.

**T-24** Promote the expanded use of alternative fuel vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and providing for electric vehicle charging stations throughout the Urban Growth Area.

## **PUBLIC FACILITIES AND SERVICES**

**Overarching Goal:** *County residents in both Urban and Rural Areas have access to the public services needed in order to advance public health and safety, protect the environment, and carry out the Regional Growth Strategy.*

### ***Urban and Rural Levels of Service***

The Growth Management Act directs jurisdictions and special purpose districts to provide public facilities and services to support development. The Growth Management Act distinguishes between urban and rural services and states that land within the Urban Growth Area should be provided with a full range of services necessary to sustain urban communities while land within the Rural Area should receive services to support a rural lifestyle. Certain services, such as sanitary sewers, are allowed only in the Urban Growth Area, except as otherwise authorized. The Growth Management Act also requires jurisdictions to determine which facilities are necessary to serve the desired growth pattern and how they will be financed, in order to ensure timely provision of adequate services and facilities.

**PF-1** Provide a full range of urban services in the Urban Growth Area to support the Regional Growth Strategy and adopted growth targets and limit the availability of services in the Rural Area consistent with VISION 2040.

### ***Collaboration Among Jurisdictions***

More than 100 special purpose districts, including water, sewer, flood control, stormwater, fire, school and other districts, provide essential services to the residents of King County. While cities are the primary providers of services in the Urban Growth Area, in many parts of the county special purpose districts also provide essential services. Coordination and collaboration among all of these districts, the cities, King County, the tribes, and neighboring counties is key to providing efficient, high-quality and reliable services to support the Regional Growth Strategy.

**PF-2** Coordinate among jurisdictions and service providers to provide reliable and cost-effective services to the public.

**PF-3** Cities are the appropriate providers of services to the Urban Growth Area, either directly or by contract. Extend urban services through the use of special districts only where there are agreements with the city in whose Potential Annexation Area the extension is proposed. Within the Urban Growth Area, as time and conditions warrant, cities will assume local urban services provided by special service districts.

## **Utilities**

Utilities include infrastructure and services that provide water supply, sewage treatment and disposal, solid waste disposal, energy, and telecommunications. Providing these utilities in a cost-effective way is essential to maintaining the health and safety of King County residents and to implementing the Regional Growth Strategy.

---

### **Water Supply**

Conservation and efficient use of water resources are vital to ensuring the reliability of the region's water supply, the availability of sufficient water supplies for future generations, and the environmental sustainability of the water supply system.

**PF-4** Develop plans for long-term water provision to support growth and to address the potential impacts of climate change on regional water resources.

**PF-5** Support efforts to ensure that all consumers have access to a safe, reliably maintained, and sustainable drinking water source that meets present and future needs.

**PF-6** Coordinate water supply among local jurisdictions, tribal governments, and water purveyors to provide reliable and cost-effective sources of water for all users, including residents, businesses, fire districts, and aquatic species.

**PF-7** Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area.

**PF-8** Recognize and support agreements with water purveyors in adjacent cities and counties to promote effective conveyance of water supplies and to secure adequate supplies for emergencies.

**PF-9** Implement water conservation and efficiency efforts to protect natural resources, reduce environmental impacts, and support a sustainable long-term water supply to serve the growing population.

**PF-10** Encourage water reuse and reclamation, especially for high-volume non-potable water users such as parks, schools, and golf courses.

---

## **Sewage Treatment and Disposal**

Within the Urban Growth Area, connection to sanitary sewers is necessary to support the Regional Growth Strategy and to accommodate urban densities. Alternatives to the sanitary sewer system and the typical septic system are becoming more cost effective and therefore, more available. Alternative technology may be appropriate when it can perform as well or better than sewers in the Urban Growth Area. Septic systems are not considered to be alternative technology within the Urban Growth Area.

In the Rural Area and Resource Lands, which are characterized by low-density development, sewer service is not typically provided. In cases where public health is threatened, sewers can be provided in the Rural Area but only if connections are strictly limited. Alternative technology may be necessary to substitute for septic systems in the Rural Area.

**PF-11** Require all development in the Urban Growth Area to be served by a public sewer system except:

- a) single-family residences on existing individual lots that have no feasible access to sewers may utilize individual septic systems on an interim basis; or
- b) development served by alternative technology other than septic systems that:
  - provide equivalent performance to sewers;
  - provide the capacity to achieve planned densities; and
  - will not create a barrier to the extension of sewer service within the Urban Growth Area.

#

**PF-12** Prohibit sewer service in the Rural Area and on Resource Lands except:

- a) where needed to address specific health and safety problems threatening existing structures; or
- b) as allowed by Countywide Planning Policy DP-47; or
- c) as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report).

Sewer service authorized consistent with this policy shall be provided in a manner that does not increase development potential in the Rural Area.

---

## **Solid Waste**

King County and the entire Puget Sound region are recognized for successful efforts to collect recyclable waste. Continuing to reduce and reuse waste will require concerted and coordinated efforts well into the future. It is important to reduce the waste stream going into area landfills to extend the usable life of existing facilities and reduce the need for additional capacity.

**PF-13** Reduce the solid waste stream and encourage reuse and recycling.

---

## Energy

While King County consumers have access to electrical energy derived from hydropower, there are challenges for securing long-term reliable energy and for becoming more energy efficient.

**PF-14** Reduce the rate of energy consumption through efficiency and conservation as a means to lower energy costs and mitigate environmental impacts associated with traditional energy supplies.

**PF-15** Promote the use of renewable and alternative energy resources to help meet the county's long-term energy needs, reduce environmental impacts associated with traditional energy supplies, and increase community sustainability.

---

## Telecommunications

A telecommunications network throughout King County is essential to fostering broad economic vitality and equitable access to information, goods and services, and opportunities for social connection.

**PF-16** Plan for the provision of telecommunication infrastructure to serve growth and development in a manner consistent with the regional and countywide vision.

---

## Human and Community Services

Public services beyond physical infrastructure are also necessary to sustain the health and quality of life of all King County residents. In addition, these services play a role in distinguishing urban communities from rural communities and supporting the Regional Growth Strategy.

**PF-17** Provide human and community services to meet the needs of current and future residents in King County communities through coordinated planning, funding, and delivery of services by the county, cities, and other agencies.

---

## Locating Facilities and Services

VISION 2040 calls for a full range of urban services in the Urban Growth Area to support the Regional Growth Strategy, and for limiting the availability of services in the rural area. In the long term, there is increased efficiency and cost effectiveness in siting and operating facilities and services that serve a primarily urban population within the Urban Growth Area. At the

same time, those facilities and services that primarily benefit rural populations provide a greater benefit when they are located within neighboring cities and rural towns.

**PF-18** Locate new schools, institutions, and other community facilities and services that primarily serve urban populations within the Urban Growth Area, where they are accessible to the communities they serve, except as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report). Locate these facilities in places that are well served by transit and pedestrian and bicycle networks.

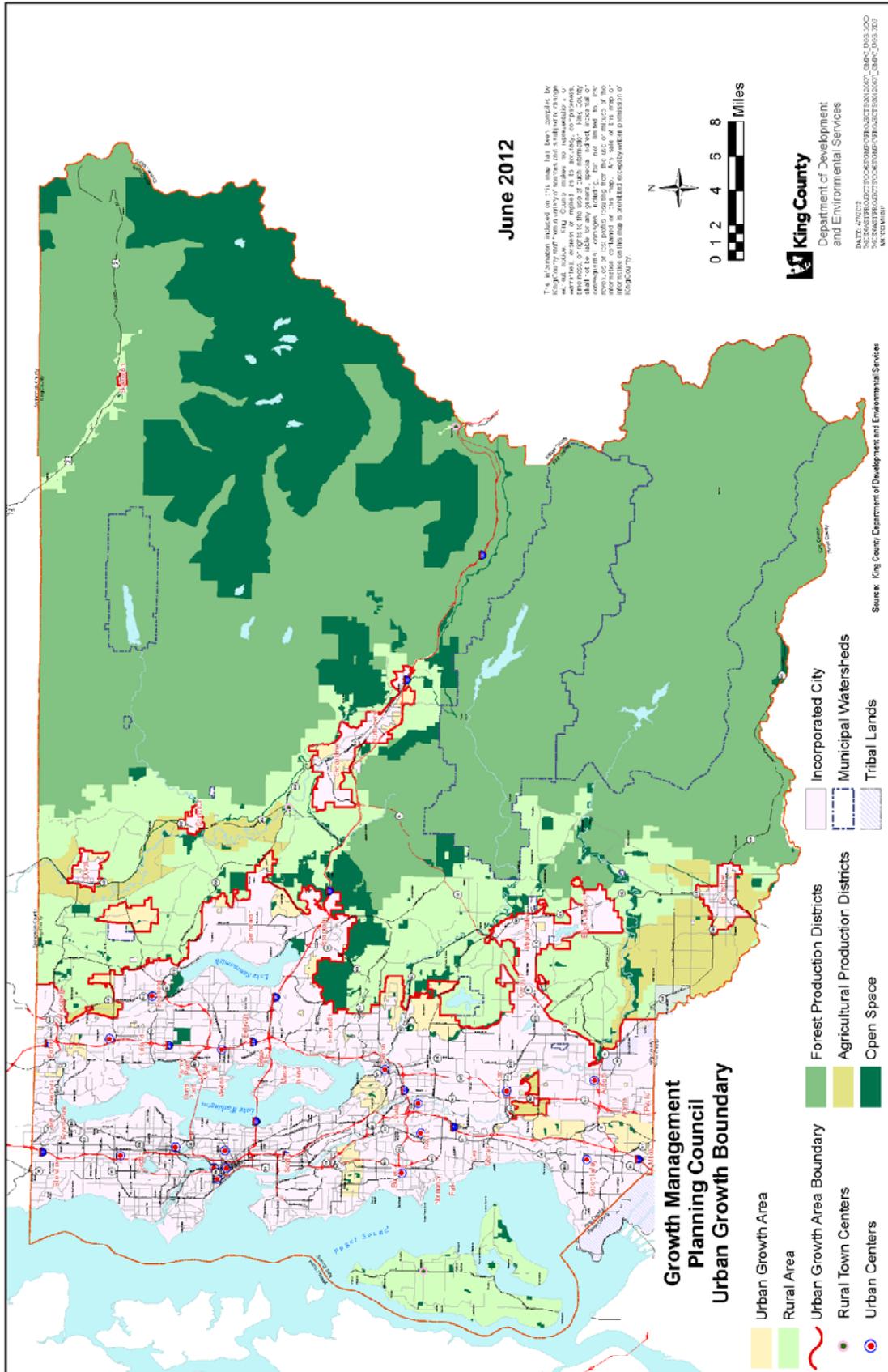
**PF-19** Locate new schools and institutions primarily serving rural residents in neighboring cities and rural towns, except as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report) and locate new community facilities and services that primarily serve rural residents in neighboring cities and rural towns, with the limited exceptions when their use is dependent upon rural location and their size and scale supports rural character.

---

### **Siting Public Capital Facilities**

While essential to growth and development, regional capital facilities can disproportionately affect the communities in which they are located. It is important that all jurisdictions work collaboratively and consider environmental justice principles when siting these facilities to foster the development of healthy communities for all.

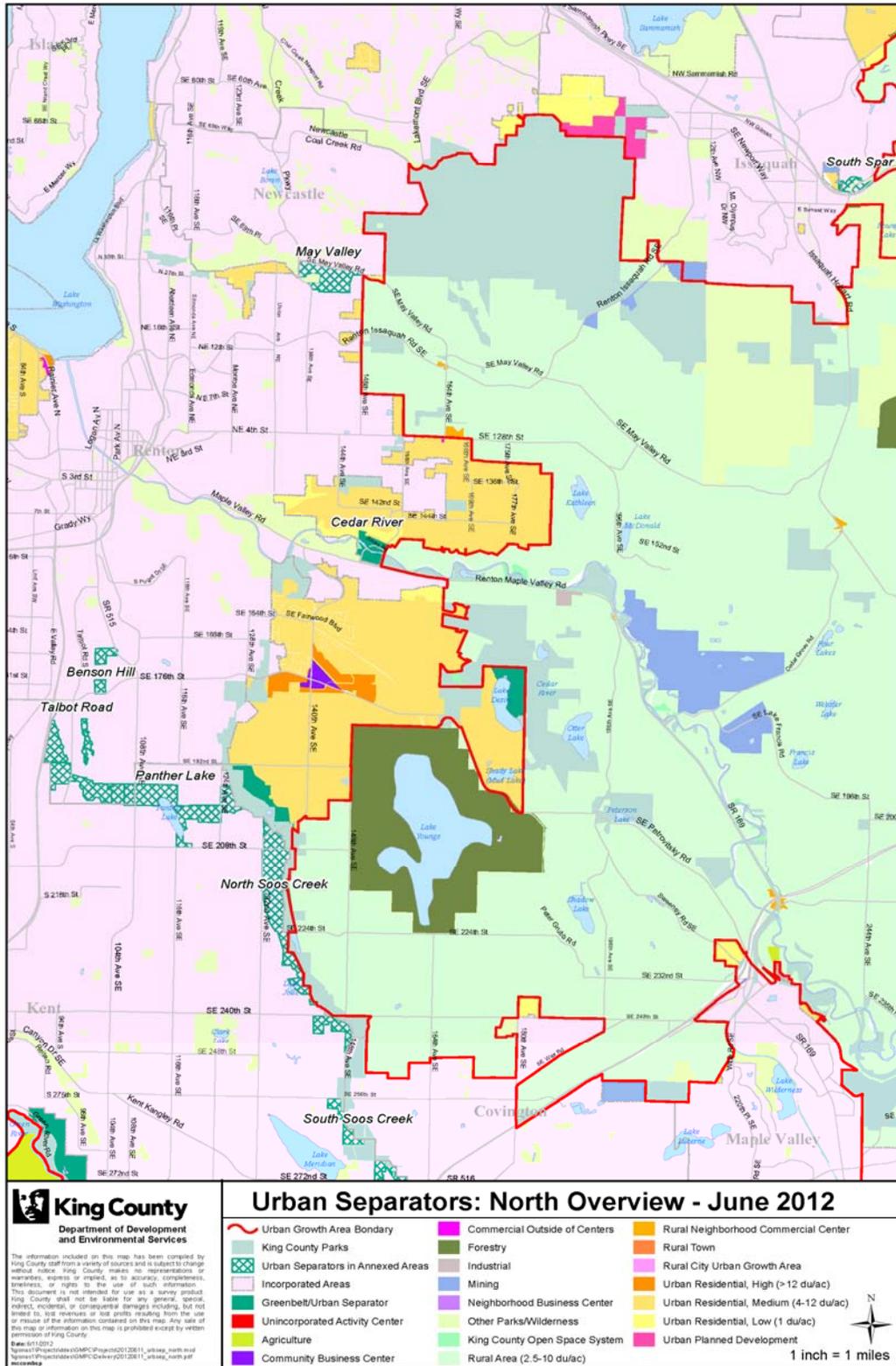
**PF-20** Site or expand public capital facilities of regional or statewide importance within the county in a way that equitably disperses impacts and benefits and supports the Countywide Planning Policies.

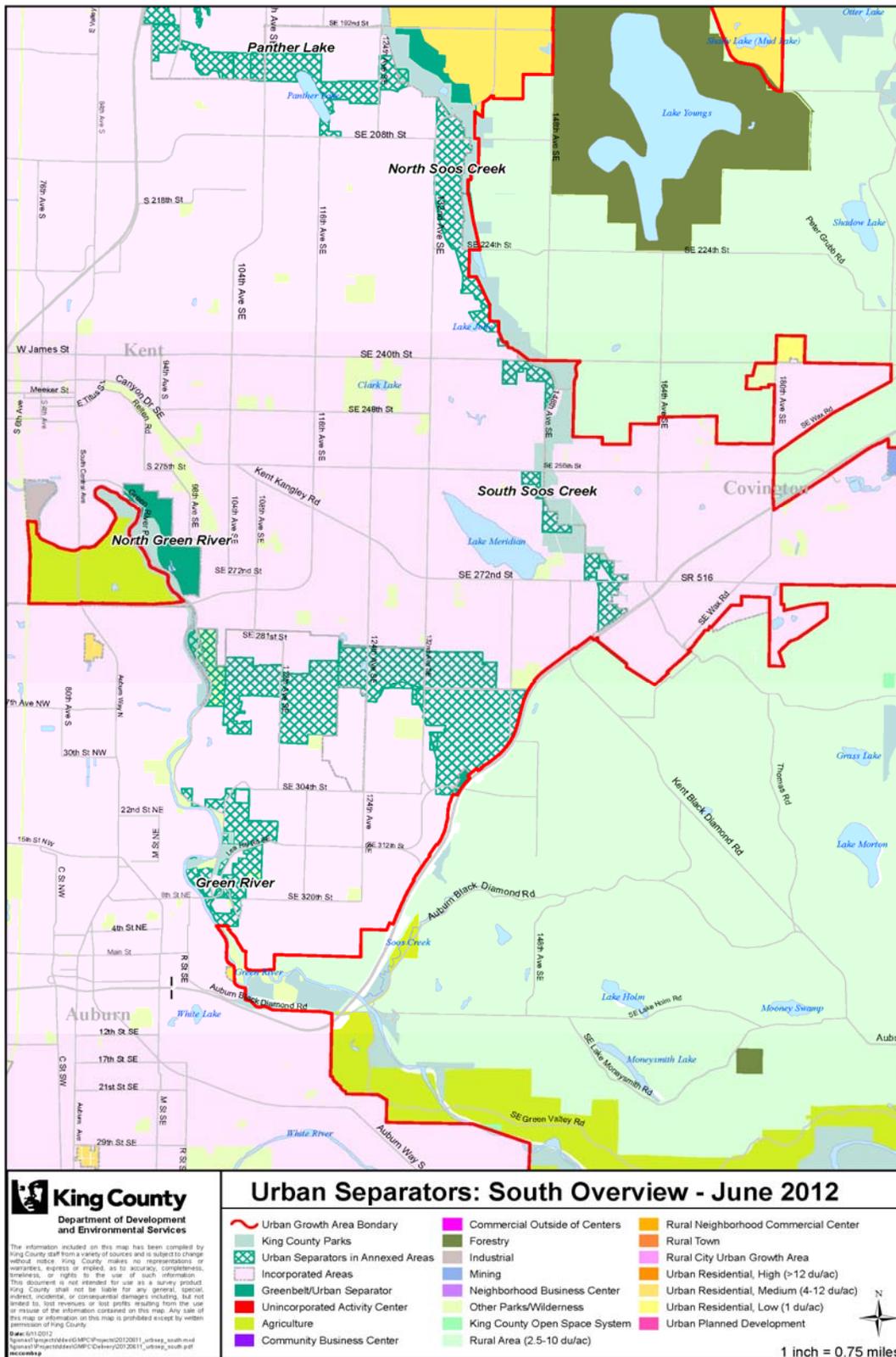


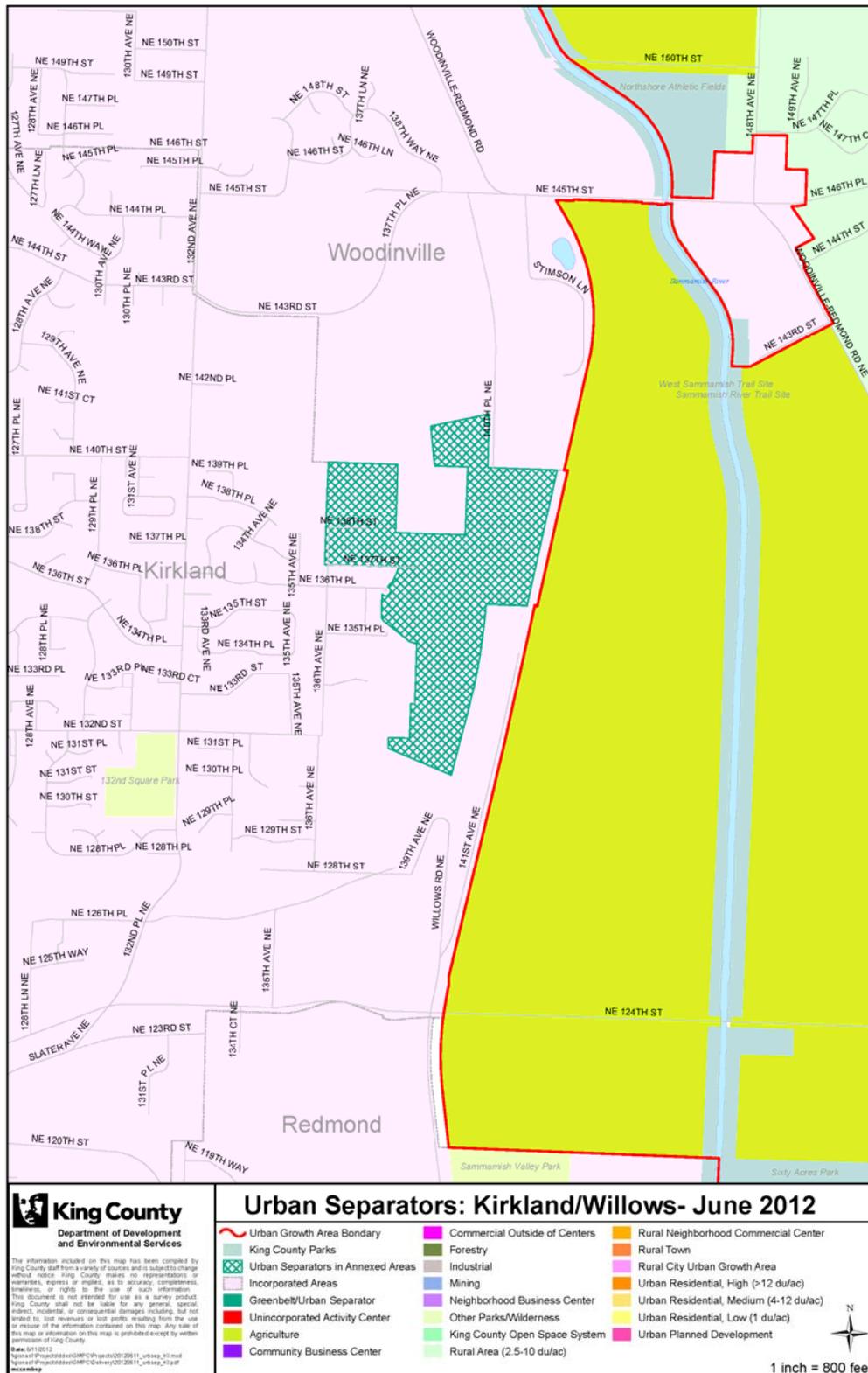
Chapter: APPENDIX 1: LAND USE MAP



### APPENDIX 3: URBAN SEPARATORS MAPS







## APPENDIX 4: HOUSING TECHNICAL APPENDIX

### **Affordable Housing Need**

Each jurisdiction, as part of its Comprehensive Plan housing analysis, will need to address affordability and condition of existing housing supply as well as its responsibility to accommodate a significant share of the countywide need for affordable housing. In order for each jurisdiction to address its share of the countywide housing need for very-low, low and moderate income housing, a four step approach has been identified:

1. Conduct an inventory and analysis of housing needs and conditions;
2. Implement policies and strategies to address unmet needs;
3. Measure results; and
4. Respond to measurement with reassessment and adjustment of strategies.

The methodology for each jurisdiction to address countywide affordable housing need is summarized as follows:

### **Countywide need for Housing by Percentage of Area Median Income (AMI)**

1. **Moderate Income Housing Need.** Census Bureau estimates<sup>1</sup> indicate that approximately 16 percent of households in King County have incomes between 50 and 80 percent of area median income; establishing the need for housing units affordable to these moderate income households at 16 percent of each jurisdiction's total housing supply.
2. **Low Income Housing Need.** Census Bureau estimates<sup>1</sup> indicate that approximately 12 percent of households in King County have incomes between 30 and 50 percent of area median income; establishing the need for housing units affordable to these low income households at 12 percent of each jurisdiction's total housing supply.
3. **Very-Low Income Housing Need.** Census Bureau estimates<sup>1</sup> indicate that approximately 12 percent of households in King County have incomes between 0 and 30 percent of area median income; establishing the need for housing units affordable to these very-low income households at 12 percent of each jurisdiction's total housing supply. This is where the greatest need exists, and should be a focus for all jurisdictions.

### **Housing Supply and Needs Analysis**

**Context:** As set forth in policy H-3, each jurisdiction must include in its comprehensive plan an inventory of the existing housing stock and an analysis of both existing housing needs and housing needed to accommodate projected population growth over the planning period. This policy reinforces requirements of the Growth Management Act for local Housing Elements. The housing supply and needs analysis is referred to in this appendix as the housing analysis. As is noted in policy H-1, H-2, and H-3, the housing analysis must consider local as well as countywide housing needs because each jurisdiction has a responsibility to address a significant share of the countywide affordable housing need.

The purpose of this section of Appendix 4 is to provide further guidance to local jurisdictions on the subjects to be addressed in their housing analysis. Additional guidance on carrying out the housing analysis is found in the Puget Sound Regional Council’s report, “Puget Sound Regional Council Guide to Developing an Effective Housing Element,” and the Washington Administrative Code, particularly 365-196-410 (2)(b) and (c). The state Department of Commerce also provides useful information about housing requirements under the Growth Management Act.

### **Housing Supply**

Understanding the mix and affordability of existing housing is the first step toward identifying gaps in meeting future housing needs. Combined with the results of the needs analysis, these data can provide direction on appropriate goals and policies for both the housing and land use elements of a jurisdiction’s comprehensive plan. A jurisdiction’s housing supply inventory should address the following:

- Total housing stock in the community;
- Types of structures in which units are located (e.g., single-family detached, duplex or other small multiplex, townhome, condominium, apartment, mobile home, accessory dwelling unit, group home, assisted living facility);
- Unit types and sizes (i.e., numbers of bedrooms per unit);
- Housing tenure (rental vs. ownership housing);
- Amount of housing at different price and rent levels, including rent-restricted and subsidized housing;
- Housing condition (e.g. age, general condition of housing, areas of community with higher proportion of homes with deferred maintenance);
- Vacancy rates;
- Statistics on occupancy and overcrowding;
- Neighborhoods with unique housing conditions or amenities;
- Location of affordable housing within the community, including proximity to transit;
- Transportation costs as a component of overall cost burden for housing;
- Housing supply, including affordable housing, within designated Urban Centers and local centers;
- Capacity for additional housing, by type, under current plans and zoning; and
- Trends in redevelopment and reuse that have an impact on the supply of affordable housing.

### **Housing Needs**

The housing needs part of the housing analysis should include demographic data related to existing population and demographic trends that could impact future housing demand (e.g. aging of population). The identified need for future housing should be consistent with the jurisdiction’s population growth and housing targets. The information on housing need should be evaluated in combination with the housing supply part of the housing analysis in order to assess housing gaps, both current and future. This information can then inform goals, policies, and strategies in the comprehensive plan update.

A comprehensive housing needs analysis should address the following population, household, and community characteristics:

- Household sizes and types;
- Age distribution of population;
- Ethnic and racial diversity;
- Household income, including the following income groupings:
  - 30 percent of area median income or lower (very-low-income),
  - Above 30 percent to 50 percent of area median income (low-income)
  - Above 50 percent to 80 percent of area median income (moderate-income)
  - Above 80 percent to 100 percent of area median income (middle-income)
  - Above 100 percent to 120 percent of area median income (middle-income)
  - Above 120 percent of median income;
- Housing growth targets and countywide affordable housing need for very-low, low and moderate income households as stated in the Countywide Planning Policies;
- The number and proportion of households that are “cost-burdened.” Such households pay more than thirty percent of household income toward housing costs. “Severely-cost-burdened” households pay more than fifty percent of household income toward housing costs.
- Trends that may substantially impact housing need during the planning period. For example, the impact that a projected increase in senior population would have on demand for specialized senior housing, including housing affordable to low- and moderate-income seniors and retrofitted single family homes to enable seniors to age in place.
- Housing demand related to job growth, with consideration of current and future jobs-housing balance as well as the affordable housing needs of the local and subregional workforce.
- Housing needs, including for low- and moderate-income households, within designated Urban Centers and local centers.

#### **Note on Adjusting for Household Size**

As currently calculated, the affordable housing targets do not incorporate differences in household size. However, the reality is that differently-sized households have different housing needs (i.e., unit size, number of bedrooms) with different cost levels. A more accurate approach to setting and monitoring housing objectives would make adjustments to reflect current and projected household sizes and also unit sizes in new development. Accounting for household size in providing affordable units could better inform local policies and programs as well as future updates of the Countywide Planning Policies and affordable housing targets.

#### **Implementation Strategies**

As stated in policy H-5, local jurisdictions need to employ a range of strategies for promoting housing supply and housing affordability. The Puget Sound Regional Council’s Housing

Innovations Program Housing Toolkit<sup>1</sup> presents a range of strategies. The strategies are identified as being generally applicable to single family development, multifamily development, ownership housing, rental housing, market rate projects, and subsidized projects. Strategies marked as a “Featured Tool” are recommended as being highly effective tools for promoting affordable and diverse housing in the development markets for which they are identified.

---

### **Measuring Results**

Success at meeting a community’s need for housing can only be determined by measuring results and evaluating changes to housing supply and need. Cities are encouraged to monitor basic information annually, as they may already do for permits and development activity. Annual tracking of new units, demolitions, redevelopment, zoning changes, and population growth will make periodic assessments easier and more efficient. A limited amount of annual monitoring will also aid in providing timely information to decision makers.

Policy H-18 requires jurisdictions to review their housing policies and strategies at least every five years to ensure periodic reviews that are more thorough and that provide an opportunity to adapt to changing conditions and new information. This five-year review could be aligned with a jurisdiction’s five-year buildable lands reporting process.

---

<sup>1</sup> PSRC Housing Innovations Program Housing Toolkit <http://psrc.org/growth/hip/>

## **APPENDIX 5: KING COUNTY SCHOOL SITING TASK FORCE REPORT**

On March 31, 2012 the School Siting Task Force issued the following report and recommendations related to 18 undeveloped school sites in King County, and future school siting. Countywide Planning Policies DP-50, PF-12, PF-18 and PF-19 contain references to this report, and in particular the Site Specific Solutions table found on pages 15-19.



March 31, 2012

Dow Constantine, King County Executive  
King County Chinook Building  
401 Fifth Avenue, Suite 800  
Seattle, WA 98104

Dear Executive Constantine,

With this letter we transmit to you the final report and recommendations of the School Siting Task Force. The critical issues of quality education, efficient use of taxpayer dollars, equitability, preservation of rural character, and sustainable growth made consideration of undeveloped rural school sites and all other future school siting a complex and important undertaking.

Together, we have worked diligently since December to craft these recommendations. We represent diverse perspectives and through our discussions we have reached agreement on specific solutions and recommendations that we believe to be in the best interests of all King County residents, particularly our schoolchildren. We are pleased to present to you these recommendations informed by accepted data collected by our Technical Advisory Committee.

We would be happy to serve as a resource in any way we can as you consider these recommendations. We look forward to your review, and we stand ready to assist in their implementation.

Thank you for the opportunity to serve on the Task Force. We look forward to having these recommendations incorporated in future planning.

Sincerely,

King County School Siting Task Force members

*(signatures on reverse)*

## Table of Contents

<b>SECTION 1: ACKNOWLEDGEMENTS.....</b>	<b>1</b>
<b>SECTION 2: GLOSSARY OF TERMS AND ACRONYMS.....</b>	<b>1</b>
<b>SECTION 3: OVERVIEW AND BACKGROUND INFORMATION.....</b>	<b>4</b>
OVERVIEW .....	4
GMPC GUIDANCE FOR THE TASK FORCE .....	5
<b>SECTION 4: THE TASK FORCE PROCESS.....</b>	<b>6</b>
APPOINTING THE TASK FORCE.....	6
HIRING A FACILITATOR .....	6
STRUCTURE AND ROLES OF THE TASK FORCE.....	7
TECHNICAL ADVISORY COMMITTEE .....	7
FRAMING WORK GROUP .....	7
MEETING STRUCTURE AND PROCESS .....	7
DECISION MAKING: A CONSENSUS APPROACH .....	8
PUBLIC PROCESS.....	9
INFORMATION CONSIDERED BY THE TASK FORCE .....	9
TASK FORCE REPORT .....	11
<b>SECTION 5: RECOMMENDATIONS.....</b>	<b>11</b>
INTRODUCTION.....	11
RECOMMENDED SOLUTIONS FOR UNDEVELOPED RURAL SITES .....	11
RECOMMENDATIONS FOR FUTURE SCHOOL SITING .....	20
<b>SECTION 6: IMPLEMENTING TASK FORCE RECOMMENDATIONS AND NEXT STEPS.....</b>	<b>22</b>
NEXT STEPS .....	22
 <b>APPENDICES (Attached)</b>	
A. TASK FORCE MEMBERSHIP.....	ATTACHED
B. FRAMING WORK GROUP MEMBERSHIP .....	ATTACHED
C. TECHNICAL ADVISORY COMMITTEE MEMBERSHIP .....	ATTACHED
D. MAP OF 18 UNDEVELOPED SCHOOL SITES .....	ATTACHED
E. GMPC MOTION 11-2.....	ATTACHED
 <b>APPENDICES (ON CD)</b>	
F. MATRIX OF TECHNICAL INFORMATION ON UNDEVELOPED SITES .....	ON ATTACHED CD
G. MAPS OF UNDEVELOPED SITES .....	ON ATTACHED CD
H. DEMOGRAPHIC INFORMATION .....	ON ATTACHED CD
I. ENROLLMENT PROJECTIONS .....	ON ATTACHED CD
J. PUBLIC HEALTH ASPECTS OF SCHOOL SITING .....	ON ATTACHED CD
K. TECHNICAL ADVISORY COMMITTEE WORK (13 TASKS).....	ON ATTACHED CD
L. STATE SCHOOL SITING GUIDELINES .....	ON ATTACHED CD
M. EXISTING POLICY AND REGULATORY FRAMEWORK .....	ON ATTACHED CD
N. EXCERPT FROM PSRC ISSUE PAPER ON RURAL AREAS .....	ON ATTACHED CD
O. LAND USE PLANNING OVERVIEW.....	ON ATTACHED CD
P. MEETING SUMMARIES .....	ON ATTACHED CD
Q. OPERATING PROTOCOLS.....	ON ATTACHED CD
R. PROCESS SCHEMATIC.....	ON ATTACHED CD

- S. TASK FORCE MEMBER INTERESTS ..... ON ATTACHED CD**
- T. INTERVIEW SUMMARY ..... ON ATTACHED CD**
- U. PUBLIC COMMENTS..... ON ATTACHED CD**

## **SECTION 1: Acknowledgements**

The School Siting Task Force thanks the King County Executive and the Growth Management Planning Council for the opportunity to provide input on an issue critical to supporting K-12 education and to preserving natural resources, public health, and quality of life in King County.

The Task Force would especially like to thank its members who agreed to serve on the Framing Work Group. This group met on multiple occasions throughout the process, generally twice between each Task Force meeting, to develop and frame issues and meeting approaches for the full Task Force. Without the considerable efforts of this group, the Task Force would not have been able to accomplish its work.

The Task Force also thanks the Technical Advisory Committee (TAC), whose members worked throughout January, February, and March of 2012 to gather data and information on the undeveloped rural school sites and to compile additional information relevant to future school siting.

The Task Force also acknowledges the many members of the public who submitted comments and/or attended one or more Task Force or TAC meetings. Their contributions provided valuable insight for the Task Force's consideration.

Finally, the Task Force thanks Triangle Associates for their exemplary support throughout the process.

See Appendices A, B, and C for Task Force, Framing Work Group, and TAC membership.

## **SECTION 2: Glossary of Terms and Acronyms**

### **Comprehensive Plan**

A generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to 36.70A RCW. (*Washington State Growth Management Act*)

### **Countywide Planning Policies (CPPs)**

A written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to the Growth Management Act. (*Washington State Growth Management Act*)

### **Growth Management Act (GMA)**

The GMA was enacted in 1990 in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and related issues. The GMA requires the fastest growing counties and the cities within them to plan for growth. The GMA provides a framework for regional coordination; counties planning under the GMA are required to adopt county-wide planning policies to guide plan adoption within the county and to establish urban growth areas (UGAs). Local comprehensive plans must include the following elements: land use, housing, capital facilities, utilities,

transportation, and, for counties, a rural element. (*Municipal Research and Services Center of Washington*)

### **Growth Management Planning Council (GMPC)**

The GMPC, which was established by an Interlocal agreement, is a 15-member council of elected officials from Seattle, Bellevue, suburban cities and King County. The GMPC has been responsible for the preparation and recommendation of the Countywide Planning Policies to the Metropolitan King County Council, which then adopts the policies and sends them to the cities for ratification. (*King County Comprehensive Plan*)

### **Identified Need**

Identified need exists if a school district has determined the type of school needed and a timeframe for development on one of the 18 undeveloped school sites. (*Source: School Siting Task Force*)

### **Multi-County Planning Policies**

An official statement, adopted by two or more counties, used to provide guidance for regional decision-making, as well as a common framework for countywide planning policies and local comprehensive plans. (*Puget Sound Regional Council*)

### **Nonconformance**

Any use, improvement or structure established in conformance with King County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the code, due to changes in the code or its application to the subject property. (*King County Code*)

### **Regional Growth Strategy**

An approach for distributing population and employment growth within the four-county central Puget Sound region (King, Kitsap, Pierce, Snohomish). (*Puget Sound Regional Council*)

### **Rural Area**

Outside the urban growth area, rural lands contain a mix of low-density residential development, agriculture, forests, open space and natural areas, as well as recreation uses. Counties and adjacent small towns provide a limited number of public services to rural residents. (*Puget Sound Regional Council*)

### **Rural Character**

Rural Character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- a. In which open space, the natural landscape, and vegetation predominate over the built environment;
- b. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- c. That provide visual landscapes that are traditionally found in rural areas and communities;
- d. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- e. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- f. That generally do not require the extension of urban governmental services; and
- g. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas  
(*Washington State Growth Management Act*)

### **Rural Cities**

A free-standing municipality that is physically separated from other cities and towns by designated rural lands. Also referred to as “Cities in the Rural Area.” The incorporated rural cities are Black Diamond, Carnation, Duvall, Enumclaw, North Bend, Skykomish and Snoqualmie. (*Puget Sound Regional Council, King County Comprehensive Plan*)

### **Rural Towns**

Rural towns are unincorporated areas governed directly by King County. They provide a focal point for community groups such as chambers of commerce or community councils to participate in public affairs. The purposes of rural town designations within the County’s Comprehensive Plan are to recognize existing concentrations of higher density and economic activity in rural areas and to allow modest growth of residential and economic uses to keep them economically viable into the future. Rural towns in King County include Alpentel, Fall City and Vashon. (*King County Comprehensive Plan*)

### **Rural Zoning**

The rural zone is meant to provide an area-wide, long-term, rural character and to minimize land use conflicts with nearby agricultural, forest or mineral extraction production districts. These purposes are accomplished by: 1) limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and are able to be adequately supported by rural service levels; 2) allowing small scale farming and forestry activities and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character; and 3) increasing required setbacks to minimize conflicts with adjacent agriculture, forest or mineral zones. (*King County Comprehensive Plan*)

### **Tightline Sewer**

A sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area. (*King County Comprehensive Plan*)

### **Unincorporated Area**

Unincorporated areas are those areas outside any city and under King County’s jurisdiction. (*King County Comprehensive Plan*)

### **Urban Growth Area (UGA)**

The area formally designated by a county, in consultation with its cities, to accommodate future development and growth. Given that cities are urban, each city is within a county-designated urban growth area. Cities may not annex lands outside an urban growth area, nor may they formally identify additions to the urban growth area independently of the county designation process. Development that is urban in character is to occur within the designated urban growth area, preferably in cities. Development outside the designated urban growth area is to be rural in character. (*Puget Sound Regional Council*)

### **VISION 2040**

VISION 2040 is the growth management, environmental, economic, and transportation vision for the central Puget Sound region. It consists of an environmental framework, a regional growth strategy, policies to guide growth and development, actions to implement, and measures to track progress. (*Puget Sound Regional Council*)

## **SECTION 3: Overview and Background Information**

### ***Overview***

The Washington State Growth Management Act (GMA) requires counties and cities to work together to plan for growth. In King County, the Growth Management Planning Council (GMPC) is the countywide planning body through which the County and cities collaborate. The GMPC is comprised of elected officials from King County, Seattle, Bellevue, the Suburban Cities Association, and special purpose districts. The GMPC develops and recommends Countywide Planning Policies (CPPs) to the King County Council where they are reviewed, adopted, and sent to the cities for final ratification. The CPPs were initially adopted in 1992; certain elements of the policies have been updated over the years.

In 2010 and 2011, the GMPC undertook the first comprehensive evaluation of the CPPs since their initial adoption. A full set of updated policies is required to bring the CPPs into compliance with the multicounty planning policies (VISION 2040) adopted by the Puget Sound Regional Council in 2008. VISION 2040 is the regional growth strategy for the four-county region including King, Kitsap, Pierce and Snohomish Counties.

On September 21, 2011 the GMPC completed its review and voted to recommend an updated set of CPPs to the King County Council. However, they could not reach consensus on policies governing the siting of public facilities and services. At issue was whether public schools serving primarily urban populations should be sited in rural areas, and whether such facilities should be served by sewers. The recent update of VISION 2040 included policies stating that schools and other community facilities serving primarily urban populations should be sited in the urban growth area, and that urban services (sewers) should not be provided in rural areas. In the interest of consistency, the GMPC was considering adding similar policies to the CPPs.

While the GMA is clear that sewers are not permitted in rural areas (except in limited circumstances), the CPPs have since 1992 contained a policy that allows public schools to be served by sewer when a finding is made that no alternative technologies are feasible. King County implements this policy by authorizing a tightline sewer connection after the finding is made.

This potential change in policy was of concern to school districts, many of which owned or had an interest in undeveloped rural properties. While some had acquired their properties before the adoption of the GMA and CPPs, most had not. Those school districts purchasing land after 1992 did so under a regulatory framework that permitted schools in rural areas and that allowed a tightline sewer if needed. At the time, with rising land costs in urban areas and rapid growth, choosing less expensive rural sites seemed the most judicious use of limited taxpayer funds. Many school districts pointed out the difficulty of finding large parcels in urban areas, and the importance of siting schools so that they are convenient for all students, including those in rural areas. School districts leaders testified that they do not distinguish between the urban and rural portions of their service areas; their planning takes into account the needs of their districts as a whole.

The policy debate generated testimony from rural residents, many of whom expressed concerns about the impacts of siting schools in rural areas, including traffic congestion, environmental degradation, and loss of rural character. They pointed out that while initial land costs might be lower in rural areas, the total costs to society of siting schools in non-urban areas might be greater. In addition to the impacts of transporting large numbers of urban students to schools in rural areas, the cost of transportation investments needed to support new schools are borne only by unincorporated area residents. These community impacts and financial burdens are not shared equally by residents in incorporated areas. Much of the testimony from rural residents questioned the fairness and sustainability of siting in rural areas infrastructure supporting primarily urban development.

In order to address these concerns, to acknowledge the changing environment and to support school districts in their obligation to provide quality education for the children of King County, the GMPC agreed to set aside the policies related to siting public facilities and postpone their consideration until a task force made up of school districts, cities, King County, rural residents, and other experts could study the issue and report back to the King County Executive.

### ***GMPC Guidance for the Task Force***

The GMPC established guidance for formation of the School Siting Task Force in their Motion 11-2 (Appendix E) on September 21, 2011.

The Task Force was given the Mission to:

*Develop recommendations to better align city, county, and school districts' planning for future school facilities in order to provide quality education for all children and maximize health, environmental, programmatic, fiscal, and social objectives.*

*-GMPC Motion 11-2, School Siting Task Force Work Plan, Task Force Mission*

To fulfill this Mission, the GMPC recommended a specific scope of work. As described in GMPC Motion 11-2, the Task Force's primary task is "to evaluate the current inventory of rural properties owned by King County school districts" and to make recommendations as to their use or disposition. Collectively, the Task Force identified 18 undeveloped sites in rural areas. To further support the fulfillment of its Mission, it was anticipated that the Task Force might recommend legislative and other strategies.

The GMPC established a set of eight principles to guide the Task Force in its work. All of the solutions recommended by the Task Force in this Report reflect the Guiding Principles established by GMPC:

- *Academic Excellence*: Educational facilities should promote and support the academic achievement of students.
- *Equitable*: All children should have access to quality educational facilities.
- *Financially Sustainable*: School siting should be financially sustainable for each impacted jurisdiction (school districts, cities, county unincorporated areas, and sewer/water districts) and make the most efficient use of total tax dollars.
- *Support Sustainable Growth*: Planning for school facilities shall comply with state law and be integrated with other regional and local planning, including land use, transportation, environment, and public health.
- *Community Assets*: Schools should unite the communities in which they are located and be compatible with community character.
- *Based on existing data and evidence*: The Task Force process shall utilize recent demographic, buildable lands inventory, and other relevant data and information.
- *Public Engagement*: The Task Force process should include robust community engagement with impacted communities. Meetings will be transparent and open to the public for observation. The Task Force shall provide opportunities for public comment.
- *Best Practice and Innovation*: Lasting recommendations should serve the region well for years to come and support education, health, environmental, programmatic, fiscal, and social objectives.

## **SECTION 4: The Task Force Process**

### ***Appointing the Task Force***

The GMPC designated categories of membership in Motion 11-2, but did not specify individual members. Task Force members were appointed by the King County Executive (see Appendix A).

### ***Hiring a Facilitator***

Public Health - Seattle King County hired Triangle Associates as the independent facilitator to help coordinate the work of the Task Force, including conducting initial assessment interviews of all Task Force members, organizing Task Force meetings, facilitating development of recommendations by the Task Force and providing support through drafting and production of the Task Force's Final Report and Recommendations.

## ***Structure and Roles of the Task Force***

The Task Force established two workgroups to assist in the effort: the Technical Advisory Committee, (also recommended by the GMPC) and the Framing Work Group. Both are described below.

### ***Technical Advisory Committee***

The Technical Advisory Committee (TAC) was comprised of representatives from King County, the Puget Sound Regional Council, school districts, water and sewer districts, and the Suburban Cities Association. A membership list is included in Appendix C. The TAC met throughout the beginning and middle stages of the Task Force process; its role was to provide data and information to support Task Force decision making. TAC meetings were open to the public and included dialogue with those who attended. Meeting summaries (Appendix P) were developed to provide a record of their work.

The primary work product of the TAC involved compiling a matrix containing information related to the 18 undeveloped school sites (Appendix F). In addition to populating the matrix with site-specific information, the TAC was asked to collect data and information in several other areas of inquiry, which collectively were referred to as the “13 Tasks”. This included subject areas such as demographic trends and school enrollment projections. A complete list of the 13 tasks is included as Appendix F.

The TAC work and products enabled swift evaluation of, and development of solutions for, specific sites by the Task Force. The breadth and detail of the data compiled by the TAC, and that Committee’s timely response to Task Force requests, played a critical role in the accomplishments of the Task Force.

### ***Framing Work Group***

Due to the short timeline for the Task Force to complete its work, the Task Force created a Framing Work Group (Appendix B) to frame issues for its consideration. Prior to each meeting of the full Task Force, the Framing Work Group met to review information gathered by the TAC and to discuss how best to organize information and issues for discussion. Doing so helped the Task Force have focused and substantive discussions and stay on task to meet their deadlines.

The Framing Work Group made recommendations on process to the Task Force; however, all decision-making power remained with the full Task Force. Framing Work Group members were appointed by the Task Force Chair from the general Task Force roster. The group met on average twice between each Task Force meeting, and meeting summaries (Appendix P) were included in the materials that the Task Force received.

### ***Meeting Structure and Process***

The Task Force met six times from December 2011 through March 2012, using the process schematic (Appendix R) as a visual guide for navigating its work effort:

1. The first meeting, December 14, 2011, focused on introducing Task Force members, establishing a process for the work effort, and hearing Task Force member perspectives on hopes and desired outcomes from the process.
2. The second meeting, January 25, 2012, focused on learning information from the TAC and creating a set of interests (Appendix S) based on the Task Force's Guiding Principles as established in the GMPC Motion 11-2. The Task Force also agreed upon a set of Operating Protocols (Appendix Q).
3. On February 16, 2012, the Task Force held a 4-hour workshop to begin developing solutions for the 18 undeveloped rural school sites and for future school siting. The Technical Advisory Committee presented data on each of the 18 sites, and each school district was given the opportunity to present additional information on their sites. The Task Force reached consensus on an approach for evaluating sites that was developed by the Framing Work Group. This approach involved identifying the critical or "threshold" factors that would allow Task Force members to create four categories into which the 18 sites would eventually be sorted. The first step was to brainstorm potential solutions for each category.
4. On March 1, 2012, the Task Force met for the fourth time, also in a 4-hour workshop. Working in small groups, Task Force members accepted possible solutions for the four categories of sites. They then sorted the 18 sites into the four categories and also considered future school siting. The Task Force reached consensus agreement on several items, including:
  - The "Solutions Set and Criteria" document (Document 1 in the Recommendations section), with agreement that a few items needed additional definition, clarification, and confirmation at its next meeting
  - The placement of all school sites in appropriate quadrants of the solutions table
5. On March 15, 2012, the Task Force accepted by 100% consensus:
  - A final version of the "Solutions Set and Criteria" document
  - Recommended and prioritized solutions for 12 specific sites
  - The following technical documents: Matrix of school sites, list of 13 tasks, population and demographic information, enrollment trends by school district, public health aspects of school siting.
  - Recommendations to the Growth Management Planning Council and Washington State legislature related to school siting
6. On March 29, 2012, the Task Force accepted the Recommendations Report to be submitted to the King County Executive.

### ***Decision Making: A Consensus Approach***

At the second Task Force meeting, the Task Force members accepted the Operating Protocols (Appendix Q). This document established roles for all non-Task Force members involved in the process, clarified communications protocols and workgroup composition, and defined a specific decision-making approach.

The Task Force defined consensus as obtaining the full acceptance of all members; short of that, decisions and recommendations would move forward with the approval of at least 70% of the Task Force members present, with at least one member from each primary interest group (county, cities, school districts, and residents) voting in favor to accept a document or decision.

### ***Public Process***

The GMPC Motion stated that the Task Force process should include robust public engagement. All Task Force meetings and TAC meetings were open to the public. All written materials (agendas, meeting summaries, and other information) were made available on the Task Force website, and public comments were accepted throughout the process at Task Force meetings, through the Task Force website and via email. Comments from the public were summarized by the facilitator at the beginning of every Task Force meeting, and the compiled comments were emailed to Task Force members after each meeting (see Appendix U).

### ***Information Considered by the Task Force***

As Task Force members studied the issues associated with siting schools in rural areas, they considered a range of data and information. The majority of this information was provided by the TAC. It included the following documents, reports and policy frameworks, many of which are included in the appendices to this Report.

- **18 undeveloped rural school sites.** The TAC prepared a matrix containing factual information related to each of the 18 sites including: general site information (e.g., zoning, acreage, assessed value), land use and transportation considerations (e.g., landscape position, distance to UGA, distance to sewer/water connection, environmental features), and the school districts' plans (e.g., intended use, development timeline). School districts were given the opportunity to correct and/or augment the information about their school sites.
- **Planning context.** King County staff provided the Task Force with a brief history of the land use planning in two areas where many of the undeveloped sites are located: the Bear-Evans Corridor and the Soos Creek Basin. The county's land use strategy in both areas employed zoning and development regulations on an area-wide basis so the cumulative impact of development would not cause environmental degradation. A summary of this history is included as Appendix O.
- **GMA policy framework.** There is a strong policy basis in Washington State for focusing growth in urban areas, protecting rural areas and the environment, and the efficient provision of government services and facilities. The growth management framework considered by the Task Force included GMA, VISION 2040, the Countywide Planning Policies, King County Comprehensive Plan and King County Code. Relevant portions of these documents can be found in Appendix M.
- **Demographic information.** The Task Force was presented with information from the 2010 census that identified population trends in the urban and rural portions of each school district, and

also district-wide. Significant demographic shifts have occurred in the past decade: from 2000 to 2010, the overall rural population in King County declined by 1%, and the rural population under the age of 18 declined by 18.4%. During the same time, the urban population saw an overall increase of 12.1% and under-18 increase of 8.3%. This information can be found in Appendix H.

- **School district enrollment projections.** The Task Force was presented with information related to current and projected school enrollment, which illustrates that district populations will continue to grow to varying degrees and that urban students will continue to comprise the majority of those populations. The anticipated enrollment for students from rural areas generally failed to materialize in the vicinities of the sites owned by school districts. The enrollment projections can be found in Appendix I.
- **Funding for school construction.** Although there was no formal presentation on this topic, it came up on several occasions and was an important consideration for the Task Force. The State of Washington does not provide funding to school districts for acquisition of properties; school districts must rely on their own funding sources (through bonds, levies, grants, and donations). Once properties are acquired, school districts can apply for state assistance for school construction as part of a state match program.
- **Current criteria and process for school siting.** Using both state regulations and locally adopted standards, school districts consider many factors when locating a site to develop a public school facility. Following guidance set forth by the Office of the Superintendent of Public Instruction and the Washington Administrative Code (392-342-020 WAC), districts look at site quality, cost, projected enrollment, distance to students/ transportation, and timing of school construction. The WAC guidelines can be found in Appendix L.
- **Funding for county road maintenance.** The TAC determined that the cost for upgrading, operating and maintaining county roads to serve future schools on the 18 undeveloped sites could range from \$30-35 million over 20 years. This is important to consider because the County road fund has become severely strained, and because that cost would be borne solely by unincorporated area residents through the county road levy. In addition to cost of road infrastructure and tax equity issue, there are climate impacts associated with transporting large numbers of students to schools in rural areas, in the form of increased greenhouse gas emissions.
- **Public health aspects of school siting.** One member of the TAC and one member of the Task Force presented information on the public health aspects of school siting. In recent years, best practices in school siting have evolved to reflect a more community-centered approach, placing schools in urban areas where children can walk to school and where school facilities can serve as community assets. The major themes identified in this research (included in Appendix J) include:
  - a. School siting determines the proximity of schools to a student's home and larger community and can affect whether children achieve and maintain good health,
  - b. Physical activity is key to children's health,
  - c. School travel impacts children's health in multiple ways, and

- d. Education policy is also health policy.

### ***Task Force Report***

This Report was drafted by the independent facilitation team. The Framing Work Group refined the initial draft document, which the Task Force considered at the March 15<sup>th</sup> meeting. Between the March 15<sup>th</sup> and March 29<sup>th</sup> meetings, the Framing Work Group, project team, and facilitation team refined iterations of the Report, with a final draft presented to the Task Force at its last meeting on March 29, 2012. The Task Force accepted the document, with revisions, at that meeting. The facilitation team made final revisions based on Task Force input before submitting this Report to the King County Executive.

## **SECTION 5: Recommendations**

### ***Introduction***

The GMPC and King County Executive requested that the Task Force recommend solutions for the 18 undeveloped rural sites and guidelines for future school siting. The Task Force analyzed data and information to create and prioritize specific solutions for each of the sites and to develop recommendations for future sites. These are encapsulated below in *Recommended Solutions for Undeveloped Sites* and *Recommendations for Future School Siting*, respectively. Throughout the process, Task Force members identified other recommendations in support of its Mission; the other recommendations are listed under *Recommendations for Future School Siting*.

### ***Recommended Solutions for Undeveloped Rural Sites***

The Task Force focused the major part of its effort on the 18 undeveloped sites, seeking logical and sustainable solutions. Once the Task Force process was underway, the Task Force surveyed all the school districts to ensure the Task Force's scope included the universe of undeveloped rural property with a school district interest. No other undeveloped rural sites were identified by the school districts.

The Task Force, with guidance from the Framing Work Group, decided to use a "threshold" approach for determining solutions for each of the 18 undeveloped sites. This threshold approach identified two specific criteria; a site must possess one or the other in order to be considered for development. After some refinement, the Task Force accepted the following criteria for decision making:

- 1) **Does the school district have an identified need for a school site?** (*Identified need exists if a district has identified a type of school and a time frame in which the school is needed.*)
- 2) **Does the site border the Urban Growth Area (UGA) or have an existing sewer connection?** (*Bordering the UGA means the site is directly contiguous to the UGA. An existing sewer connection means sewer line is on site. This does not include sites with sewer on an adjacent parcel or across the street.*)

Based on these criteria, the Task Force accepted the threshold approach for sorting the 18 sites and created the *Solutions Table*, which separated the school sites into four quadrants:

- **Box A**, in the upper left corner, includes sites that border the UGA and/or have an existing sewer connection and for which school districts have an identified need.
- **Box B**, in the upper right corner, includes sites that do not border the UGA and have no sewer connection and for which school districts have an identified need.
- **Box C**, in the lower left corner, includes sites for which school districts do not have an identified need and that border the UGA and/or have an existing sewer connection on site.
- **Box D**, in the lower right corner, includes sites for which school districts do not have an identified need and that do not border the UGA and have no existing sewer connection on site.

Any and all other undeveloped rural school sites (those not among the 18 recognized sites) fall into “future school siting” in Box E of the Solutions Table. Future school siting issues are addressed in greater detail in the section entitled *Recommendations for Future School Siting*.

The Task Force then developed possible solutions for each box and ranked these possible solutions in order of preference, recognizing that circumstances for specific sites within each category might merit a different order.

The recommended Solutions Set and Criteria are shown here as Document 1.

**Document 1—Solutions Set and Criteria**  
**Existing Undeveloped School Sites in the Rural Area**

**Assumptions for Solution Set:**

- For any solution that would result in a school district not being permitted to use a site for a school, the Task Force recommends options through which the school district could receive fair and appropriate value.
- All solutions resulting in site development should mitigate impacts and provide community benefits.
- Any solutions that involve a change in the UGA or allow/prohibit sewer service shall be governed by the laws, policies, and/or administrative procedure(s) in place at the time.
- Additional solutions may apply; detailed analysis may be required to determine optimal solution for any site.
- All sites, site conditions, and identified needs are included in the Matrix. School districts were asked to bring forward any additional sites and no other sites emerged so the full and final list of specific sites is shown in Documents 2-3.

**NOTE: Solution Sets in each box is listed in priority order.**

	<b>Site borders UGA or has sewer connection.</b> <i>“Sewer connection” defined as having sewer on site already (not adjacent).</i>	<b>Site does not border UGA and has no sewer connection.</b>
<p><b>School district has an identified need for a school site.</b></p> <p><i>“Identified need” exists if district has identified a type of school and a time frame in which they need the school.</i></p>	<p style="text-align: right;"><i>A</i></p> <ol style="list-style-type: none"> <li>1. Find an alternative site in the UGA</li> <li>2. Allow school district to connect to existing sewer</li> <li>3. Incorporate site into adjacent UGA</li> </ol> <p><i>Prohibit: Extending additional sewer outside UGA</i></p>	<p style="text-align: right;"><i>B</i></p> <ol style="list-style-type: none"> <li>1. Find an alternative site in the UGA</li> <li>2. Find an alternative site bordering UGA (<i>if this occurs, see Box A for possible solutions</i>)</li> <li>3. Sell, or hold with the understanding that any future development must be consistent with Vision 2040 as implemented by King County Code</li> </ol> <p><i>Prohibit: Moving UGA; tight-line sewer</i></p>
<p><b>School district does not have an identified need for a school site.</b></p>	<p style="text-align: right;"><i>C</i></p> <ol style="list-style-type: none"> <li>1. Find an alternative site in the UGA</li> <li>2. If the site is of value to the county, cities or community, facilitate the purchase, sale, or land swap of property</li> <li>3. Sell, or hold with the understanding that any future development must be consistent with Vision 2040 as implemented by King County Code</li> </ol> <p><i>Prohibit: Moving UGA; new sewer connections</i></p>	<p style="text-align: right;"><i>D</i></p> <ol style="list-style-type: none"> <li>1. If the site is of value to the county, cities or community, facilitate the purchase, sale, or land swap of property</li> <li>2. Find an alternative site in the UGA</li> <li>3. Sell, or hold with the understanding that any future development must be consistent with Vision 2040 as implemented by King County Code</li> </ol> <p><i>Prohibit: Moving UGA; tight-line sewer</i></p>

**All Other Undeveloped School Sites (Future)**

<b>Future School Siting</b>	<p style="text-align: right;"><i>E</i></p> <p>All future school siting should be consistent with Vision 2040.</p>
-----------------------------	---

Once the Task Force accepted these criteria and categories plus the prioritized solution sets for each quadrant, members considered each undeveloped school site. At the March 1<sup>st</sup> meeting, the Task Force reached consensus agreement for the placement of each site in accordance with the accepted criteria.

The accepted placement of each rural school site is shown below as Document 2.

**Document 2—Site Categorization**

Task Force breakout groups identified the sites in each category. The full Task Force reached 100% Consensus on March 1, 2012 on the following site categorization:

**Existing Undeveloped Sites in the Rural Area (18 sites)**

	<b>Site borders UGA or has sewer connection.</b>	<b>Site does not border UGA and has no sewer connection.</b>
<b>School district has an identified need for a school site</b>	<i>A</i>  <u>Sites:</u> Enumclaw A, D Lake Washington 2, 4 Snoqualmie Valley 1 Tahoma 1	<i>B</i>  <u>Sites:</u> Enumclaw B Issaquah 1
<b>School district does not have an identified need for a school site</b>	<i>C</i>  <u>Sites:</u> Kent 4	<i>D</i>  <u>Sites:</u> Auburn 1, 2, 3 Kent 1, 2, 3 Lake Washington 1, 3 Northshore 1

**All Other Undeveloped School Sites (Future)**

<b>Future School Siting</b>	<i>E</i> All future school siting should be consistent with Vision 2040.
-----------------------------	---

Once the Task Force accepted the threshold criteria and site categories, developed the basic solution sets for each quadrant, and placed the school sites in categories based on the threshold criteria, members brainstormed possible solutions for each site. Task Force members developed a preferred solution for each site, with a prioritized list of additional solutions. Where appropriate, they included notes, considerations, and rationale to support each site’s recommended solution(s).

The Task Force recognized that VISION 2040, the CPPs, the King County Comprehensive Plan, and the King County Code will ultimately govern what happens on both current undeveloped school sites and on any other future school sites in rural areas. In addition, school districts will control the timing and specific actions within that framework. The involvement of cities is needed to facilitate siting within urban areas.

Document 3 below shows the recommended solution(s) for each school site, along with site-specific considerations.

Document 3—Site-Specific Solutions

**Box A**

	<b>SITE BORDERS UGA or HAS SEWER CONNECTION</b>
<p><b>School district has an identified need for a school site.</b></p>	<p><b><u>Overview:</u></b></p> <p>In general, while the Task Force’s preference is to find alternative sites in the UGA, the Task Force finds that for the sites in Box A the particular site conditions and circumstances facing the impacted school districts may warrant other solutions. Thus the recommended solutions vary by site. For any recommendations that allow for development on a site, the Task Force recommends that the district work with the county and community to minimize impacts on the rural surroundings and rural residents.</p> <p>Because of the identified need by the school districts, the Task Force recommends that these sites receive prioritized attention from city, county and school district decision makers.</p> <p><b><u>Sites and their Solutions:</u></b></p> <p><b>Snoqualmie Valley 1</b></p> <p>1. Allow school district to connect to existing sewer</p> <p><i>Site specific: The high percentage of floodplain land in this school district makes finding an alternate site very challenging. The site does not have significant conservation value. The site has an existing school, which was developed with the intent that another school would be built on the site. The district has undertaken site preparation for the addition of an elementary school on the site. The school district invested in the Local Improvement District that enabled the sewer to reach the site.</i></p> <p><b>Tahoma 1</b></p> <p>1. Find alternative site in the UGA</p> <p>2. Allow school district to connect to existing sewer</p> <p><i>Site specific: The Task Force encourages the district to work with the county and cities in the district to explore opportunities for finding an alternative site in the UGA that would meet the pressing need for additional capacity that development of another school would provide. If no viable alternative site that fits within the district’s financial plans can be expeditiously found, the availability of sewer and an existing school on the site present compelling reasons for development of the site to meet the district’s needs. The site does have conservation value and the Task Force recommends that any new development on the site occur adjacent to the existing school so that impacts to the site’s forest cover are minimized.</i></p> <p><b>Lake Washington 2</b></p> <p>1. Find alternative site in the UGA</p> <p>2. Incorporate site into adjacent UGA</p> <p><i>Site specific: The site borders the Redmond watershed and has conservation value. The Task Force therefore encourages the school district, the county and the City of Redmond to find an alternative site within the UGA that would meet the district’s need for additional capacity that development of another school would provide. The parties should identify other partners and funding mechanisms that would allow for purchase of the property (perhaps in conjunction with the Lake Washington 1 site) for permanent conservation as well as provide resources to the district for purchase of an alternative site. If no viable alternative site can be expeditiously identified, the Task Force recommends that the school district develop the site in a manner that preserves as much of the conservation value of the site as</i></p>

*possible. This may be accomplished through, for example, incorporation of a small developable portion of the site (about five acres) into the UGA for a small environmental school\* while placing the remainder of the site into permanent conservation. The district should also work closely with the county and community to minimize other impacts, such as transportation. The Task Force does not recommend extension of sewer to any portion of that site that remains outside of the UGA. If the site is proposed for incorporation into the UGA, it shall go through the King County docket process.*

*\*Environmental School will have sustainable or “green” buildings and grounds (refer to State RCW 39.35D, “High Performance Public Buildings – Guidelines for School Districts”).*

#### **Lake Washington 4**

1. Allow school district to connect to existing sewer

*Site specific: The Task Force recognizes the school district’s need for additional capacity in the eastern portion of the district, which straddles the City of Redmond, the rural area, and an unincorporated urban “island” surrounded by rural area. The site is part of a large parcel on which there is an existing elementary and middle school, both already connected to sewer. The undeveloped portion of the site was previously used as a mink farm and portions of the site are cleared. The Task Force recommends that the district work closely with King County and the community to minimize both existing and additional impacts on the area surrounding the parcel, particularly the transportation impacts related to several facilities being located or developed on the site.*

#### **Enumclaw A & D:**

1a. Find alternative site/s in the UGA

1b. Place all school buildings and impervious surfaces on the *urban* side of the UGB and place ballfields/playfields on the *rural* side of the UGB.

*Site specific (1a): This joint site lies on the south-eastern boundary of the Black Diamond UGA and a master-planned development (MPD) that has yet to be constructed. The identified need of the school district is associated primarily with the population projections of the MPD and with students residing outside of the MPD but in the northern part of the district; the sites are planned for an elementary and a middle school. The fee title to both sites is held by the developer, with the district’s property interest recorded as an encumbrance on title, and would only be conveyed to the school district if the MPD materializes. The Task Force recommends that no sewer be extended to the rural portion of the site and that the City of Black Diamond and county work with the developer and the school district to site all schools associated with the MPD completely within the UGA. The Black Diamond City Council supported this solution in a resolution passed 3-1-12. The Black Diamond City Council previously approved the Comprehensive School Mitigation Agreement identifying Enumclaw Sites A, B, and D as agreed-upon school sites.*

*Site specific (1b): The Enumclaw School District and the developer have identified as an alternative to 1a the placement of a portion of the proposed school-related facilities on rural lands. If attempts to site each of these schools fully within the UGA are unsuccessful, alternative 1b may be contemplated. Alternative 1b consists of siting all school buildings, storm water detention and other support facilities, and all parking and impervious surfaces within the UGA and limiting any development in the adjacent rural area to ballfields/playfields. The Task Force further recommends maintaining significant forest buffers between the ballfields/playfields and adjacent rural lands including the Black Diamond Natural Area. Recommendation of this urban/rural alternative by the Task Force is meant to address the unique circumstances of the Enumclaw A & D sites and is not to be construed as a precedent for locating schools on adjacent rural lands. Consequently, it is not recommended for any other sites.*

**Box B**

	<p><b>SITE DOES NOT BORDER UGA and HAS NO SEWER CONNECTION</b></p>
<p><b>School district has an identified need for a school site.</b></p>	<p><b><u>Overview:</u></b></p> <p>The Task Force recommends that alternative sites in the UGA be found for all sites in this box and that sewer not be extended to these sites. Because of the identified need by the school districts and the recommendation to find alternative sites, the Task Force recommends that these sites receive prioritized attention by school district, county and city decision makers.</p> <p><b><u>Sites and their Solutions:</u></b></p> <p><b>Issaquah 1</b></p> <p>1. Find alternative site in the UGA  <i>Site specific: The site is a large parcel (80 acres) on May Valley Road between Squak Mountain to the north and Cedar Hills Landfill to the south. The site has conservation value. The Task Force recommends that the school district work expeditiously with King County, the City of Issaquah and the City of Renton. These partners shall work diligently to find an alternative site within the UGA that would meet the school district’s need for additional capacity that development of another school would provide. The county, cities and school district should identify other partners and funding mechanisms that may allow for purchase of the property for permanent conservation or other rural-related uses while also providing resources to the district for purchase of an alternative site.</i></p> <p><b>Enumclaw B:</b></p> <p>1. Find alternative site in the UGA  <i>Site specific: The site is in the rural area west of the Black Diamond UGA and a master-planned development (MPD) that has been approved but is yet to be constructed. The identified need of the school district is associated with the population projections of the MPD; the site is planned for a middle school. The fee title for the site is held by the developer, with the district’s property interest recorded as an encumbrance on title, and would only be conveyed to the school district if the MPD materializes. The Task Force recommends that no sewer be extended to the site and that the City of Black Diamond and the county work with the developer and the school district to site schools associated with the MPD in the UGA.</i></p>

## Box C

	<b>SITE BORDERS UGA or HAS SEWER CONNECTION</b>
<p><b>School district does not have an identified need for a school site.</b></p>	<p><b><u>Overview:</u></b></p> <p>Because the site in this box is not associated with an identified need, the Task Force recommends that the school district plan to develop the site consistent with Vision 2040 or manage the site as part of its capital portfolio.</p> <p><b><u>Site and its solution:</u></b></p> <p><b>Kent 4</b></p> <ol style="list-style-type: none"> <li>1. Sell, or hold with the understanding that any future development must be consistent with Vision 2040 as implemented by King County code.</li> </ol>

## Box D

	<b>SITE DOES NOT BORDER UGA and HAS NO SEWER CONNECTION</b>
<p><b>School district does not have an identified need for a school site.</b></p>	<p><b><u>Overview:</u></b></p> <p>Because sites in this box are not associated with an identified need, the Task Force recommends that school districts plan to develop the sites consistent with Vision 2040 or manage the sites as part of their capital portfolio. The Task Force also recommends that while the school districts will ultimately determine how sites are handled, the county, cities, and other interested parties should investigate whether sites may be suitable for permanent conservation or other public purposes; if so, these entities should work to facilitate the acquisition of the properties for the identified public purposes.</p> <p><b><u>Solutions for sites with conservation value:</u></b></p> <ol style="list-style-type: none"> <li>1. If the site is of value to the county, cities or community, facilitate the purchase, sale, or land swap of property</li> </ol> <p>The Task Force recommends that the county, cities and school districts investigate whether the properties may be appropriate for permanent conservation or acquisition for other public purposes.</p> <ul style="list-style-type: none"> <li>• <b>Auburn 1:</b> <i>The site has value for flood hazard reduction.</i></li> <li>• <b>Kent 3:</b> <i>The site has forestland of value for environmental, social, and potentially economic benefits.</i></li> <li>• <b>Lake Washington 1:</b> <i>The site has value for flood hazard reduction and regionally significant aquatic or terrestrial natural resources. Facilitating the sale of the property into conservation may assist with solutions for other Lake Washington sites in Box A.</i></li> <li>• <b>Northshore 1:</b> <i>The site has forestland of value for environmental, social, and potentially economic benefits.</i></li> </ul> <p><b><u>Solutions for sites without identified conservation value:</u></b></p> <p><b>Auburn 3, Kent 1, and Lake Washington 3</b></p> <ol style="list-style-type: none"> <li>1. Sell, or hold understanding that any future development must be consistent with Vision 2040. <i>The Task Force recommends that school districts plan to develop the sites consistent with Vision 2040 or manage the sites as part of their capital portfolio.</i></li> </ol> <p><b><u>Solution for Auburn 2:</u></b></p> <p><b>Auburn 2:</b> <i>The site has an existing elementary school, but no sewer extension. The school district plans to redevelop the existing elementary school or build a middle school to replace the elementary school. No time frame has been specified. The Task Force recommends that the school district be allowed to redevelop, if no sewer connection is needed and as allowed by development regulations in place at the time of development.</i></p>

*Note: In developing the above recommendations for schools sites, Task Force members reached out to all school districts whose service area includes rural land, even those districts not represented on the Task Force. To make sure the solutions recommended by the Task Force would encompass all known sites and create lasting solutions, school districts were asked if they owned or had interest in any rural sites not already under consideration in this process. School district representatives stated there were no additional rural sites needing to be addressed at this time. Therefore, no other sites are included and all future school siting should be guided by the recommendations below.*

### ***Recommendations for Future School Siting***

The Puget Sound Regional Council (PSRC) comprehensively updated VISION 2040 in 2008. In preparation for the update, the PSRC developed an issue paper regarding Rural Areas that included a discussion on Special Purpose Districts and Institutional Uses (Appendix N). The issue paper noted that special purpose district planning is disconnected from GMA, and that many facilities (including schools) had expanded into rural areas, taking advantage of relatively low land values and large tracts of land. The issue paper recommended that policies be established that provide regional guidance on siting special purpose districts within rural areas. Thus, the following policies were established and incorporated into VISION 2040:

**MPP-PS-4** Do not provide urban services in rural areas. Design services for limited access when they are needed to solve isolated health and sanitation problems, so as not to increase the development potential of the surrounding rural area.

**MPP-PS-5** Encourage the design of public facilities and utilities in rural areas to be at a size and scale appropriate to rural locations, so as not to increase development pressure.

**MPP-PS-21** Site schools, institutions, and other community facilities that primarily serve urban populations within the urban growth area in locations where they will promote the local desired growth plan.

**MPP-PS-22** Locate schools, institutions, and other community facilities serving rural residents in neighboring cities and towns and design those facilities in keeping with the size and scale of the local community.

Also in 2008, VISION 2040 incorporated new policies integrating public health considerations into land use and transportation planning, and addressing climate change through the regional growth strategy (reducing greenhouse gas emissions by focusing growth in urban centers).

Consistent with all of the above, VISION 2040 now encourages the siting of public facilities in urban areas, and states that “*Schools should be encouraged to become the cornerstone of their communities by locating in more urban settings and designing facilities to better integrate with their urban neighborhoods.*”

Given the adopted policies in VISION 2040 and after consideration of the wide range of technical information presented, the Task Force recommends that all future school siting be consistent with VISION 2040.

### **Box E**

#### **The Task Force recommends that all future school siting be consistent with VISION 2040.**

In support of this recommendation, the Task Force further recommends:

1. The Growth Management Planning Council (GMPC) should develop policies and adopt a work program that commits jurisdictions to working together to identify future school sites within the UGA. These policies shall direct jurisdictions to use zoning and other land use tools to ensure a sufficient supply of land for siting schools.
2. King County should work with the school districts, community representatives, and other stakeholders to address any future redevelopment of existing schools on rural sites to accommodate school districts' needs while protecting rural character.
3. The Growth Management Planning Council should add a school district representative to its membership.
4. The Puget Sound Regional Council should collaborate with counties and cities in working with school districts to ensure coordination in regional (4-county) growth management discussions (per VISION 2040 PS-Action-6).
5. The Washington State Legislature and the Office of the Superintendent of Public Instruction should examine, together with the State Department of Commerce, how state laws, guidelines, policies and administrative procedures can influence school siting decisions, including:
  - a. Reconsideration of existing transportation policies and funding that incentivize busing and siting schools away from population centers
  - b. Identifying new funding for school land acquisition, including incentives for purchases, land swaps, and other avenues for obtaining land inside the UGA
  - c. Revising existing guidelines for school siting such that districts who build on small sites in urban areas are eligible for state match funds
  - d. Increasing the compensation to school districts for the construction costs of schools sited within the UGA

*Note: The Task Force did not specifically consider redevelopment of existing schools on sites in the rural area. Redevelopment issues were not included in the Task Force scope of work. Information emerged late in the Task Force process regarding redevelopment and will be passed on to appropriate officials for consideration at a future date. Redevelopment is addressed in #2 in Box E.*

## **Communicating Task Force Findings to Stakeholders**

To help communicate its findings, Task Force members are available to speak with interested parties (school boards, city councils, etc.) to discuss its work, its process, and its recommendations.

### **SECTION 6: IMPLEMENTING TASK FORCE RECOMMENDATIONS AND NEXT STEPS**

Implementation of these recommendations will require additional work by and ongoing coordination between King County, the cities, school districts, and other stakeholders. For this reason, the Task Force has recommended including school districts in regional planning bodies.

Recognizing that the Task Force's recommendations will require school districts to reconsider their real estate portfolios and/or financial plans, one of the first implementation items should be to explore the recommended solutions for specific sites, including:

- Finding alternative sites in the UGA
- Exploring land swaps for undeveloped sites
- Exploring acquisition of undeveloped rural sites for public purposes, including conservation, recreation, or other rural-based uses

The Task Force suggests that this work commence immediately, and defers to the King County Executive on identifying the appropriate forum(s).

#### ***Next Steps***

The following are the next formal steps in the development of new policies to support the Task Force's recommendations:

1. The King County Executive will review this Task Force Report and propose new Countywide Planning Policies for Growth Management Planning Council (GMPC) consideration
2. The GMPC will review the Executive's proposal, and recommend new Countywide Planning Policies to the King County Council for their consideration
3. The King County Council will review the GMPC's recommendation, adopt new Countywide Planning Policies, and send them to the cities for ratification
4. The King County Council will adopt new Comprehensive Plan policies and development regulations that are consistent with the new Countywide Planning Policies

### **Appendices (Attached)**

- A. Task Force Membership**
- B. Framing Work Group Membership**
- C. Technical Advisory Committee Membership**
- D. Map of 18 Undeveloped School Sites**
- E. GMPC Motion 11-2**

### **Appendices (on CD)**

- F. Matrix of Technical Information on Undeveloped Sites**
- G. Maps of Undeveloped Sites**
- H. Demographic Information**
- I. Enrollment Projections**
- J. Public Health Aspects of School Siting**
- K. Technical Advisory Committee Work (13 Tasks)**
- L. State School Siting Guidelines**
- M. Existing Policy and Regulatory Framework**
- N. Excerpt from PSRC Issue Paper on Rural Areas**
- O. Land Use Planning Overview**
- P. Meeting Summaries**
- Q. Operating Protocols**
- R. Process Schematic**
- S. Task Force Member Interests**
- T. Interview Summary**
- U. Public Comments**

## GLOSSARY

**Affordable Housing:** Housing that is affordable at 30 percent or less of a household’s monthly income. This is a general term that may include housing affordable to a wide range of income levels.

**Agricultural Production District:** A requirement of the Growth Management Act for cities and counties to designate, where appropriate, agricultural lands that are not characterized by urban growth, have soils suitable for agriculture, and that have long-term significance for commercial farming. The King County Comprehensive Plan designates Agricultural Production Districts where the principal land use should be agriculture.

**Area Median Income:** The annual household income for the Seattle-Bellevue, WA Metro Area as published on approximately an annual basis by the U.S. Department of Housing and Urban Development.

**Buildable Lands Program:** A requirement of the Growth Management Act for certain counties in western Washington to report on a regular basis the amount of residential and commercial development that has occurred, the densities of that development, and an estimate of each jurisdiction’s ability to accommodate its growth target based on the amount of development that existing zoning would allow.

**Climate Change:** The variation in the earth’s global climate over time. It describes changes in the variability or average state of the atmosphere. Climate change may result from natural factors or processes (such as change in ocean circulation) or from human activities that change the atmosphere’s composition (such as burning fossil fuels or deforestation.)

*Climate Change Adaptation* refers to actions taken to adapt to unavoidable impacts as a result of climate change.

*Climate Change Mitigation* refers to actions taken to reduce the future effects of climate change.

**Comprehensive Plan:** A plan prepared by a local government following the requirements of the Washington Growth Management Act, containing policies to guide local actions regarding land use, transportation, housing, utilities, capital facilities, and economic development in ways that will accommodate at least the adopted 20-year targets for housing and employment growth.

**Environmental Justice:** The fair distribution of costs and benefits, based on a consideration for social equity. Environmental justice is concerned with the right of all people to enjoy a safe,

clean, and healthy environment, and with fairness across income, ethnic, and racial groups in the siting and operation of infrastructure, facilities, or other large land uses.

**Forest Production District.** A requirement of the Growth Management Act for cities and counties to designate, where appropriate, forest lands that are not characterized by urban growth and that have long-term significance for the commercial production of timber. The King County Comprehensive Plan designates Forest Production Districts where the primary use should be commercial forestry.

**Growth Management Act:** State law (RCW 36.70A) that requires local governments to prepare comprehensive plans (including land use, transportation, housing, capital facilities and utilities) to accommodate 20 years of expected growth. Other provisions of the Growth Management Act require developing and adopting countywide planning policies to guide local comprehensive planning in a coordinated and consistent manner.

**Greenhouse Gas:** Components of the atmosphere that contribute to global warming, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. Human activities have added to the levels of most of these naturally occurring gases.

**Healthy Housing:** Housing that protects all residents from exposure to harmful substances and environments, reduces the risk of injury, provides opportunities for safe and convenient daily physical activity, and assures access to healthy food and social connectivity.

**High-capacity Transit:** Various types of transit systems, such as light rail and bus rapid transit, operating on fixed guideway or dedicated right-of-way designed to carry a large number of riders at higher speeds.

**Industry Clusters:** Specific economic segments that are the focus of the Regional Economic Strategy. As of June 2011, the identified regional industry clusters included: aerospace, clean technology, information technology, life sciences, logistics and international trade, military, and tourism.

**King County Open Space System:** A regional system of *county-owned* parks, trails, natural areas, working agricultural and forest resource lands, and flood hazard management lands.

**Low-Income Households:** Households earning between 31 percent and 50 percent of the Area Median Income for their household size.

**Manufacturing/ Industrial Centers:** Designated locations within King County cities meeting criteria detailed in policies DP 35-37.

**Mixed-Use Development:** A building or buildings constructed as a single project which contains more than one use, typically including housing plus retail and/or office uses.

**Moderate-Income Households:** Households earning between 51 percent and 80 percent of the Area Median Income for their household size.

**Potential Annexation Area:** A portion of the unincorporated urban area in King County that a city has identified it will annex at some future date. See Appendix 2: Interim Potential Annexation Areas Map.

**Purchase of Development Rights:** Programs that buy and then extinguish development rights on a property to restrict development and limit uses exclusively for open space or resource-based activities such as farming and forestry. Covenants run with the land in perpetuity so that the property is protected from development regardless of ownership.

**Regional Growth Strategy:** The strategy defined in VISION 2040 that was developed by the Puget Sound Regional Council to help guide growth in the four-county region that includes King, Kitsap, Pierce and Snohomish counties. VISION 2040 directs most of the region’s forecasted growth into designated Urban Areas, and concentrates growth within those areas in designated centers planned for a mix of uses and connection by high-capacity transit

**Resource Lands:** Designated areas within King County that have long-term significance for agricultural, forestry, or mining. See Appendix 1: Land Use Map.

**Rural Area:** Designated area outside the Urban Growth Area that is characterized by small-scale farming and forestry and low-density residential development. See Appendix 1: Land Use Map.

**Rural Cities:** Cities that are surrounded by Rural Area or Resource Lands. Rural Cities are part of the Urban Growth Area.

**Stormwater Management:** An infrastructure system that collects runoff from storms and redirects it from streets and other surfaces into facilities that store and release it – usually back into natural waterways.

**Sustainable Development:** Methods of accommodating new population and employment that protect the natural environment while preserving the ability to accommodate future generations.

**Transfer of Development Rights:** Ability to transfer allowable density, in the form of permitted building lots or structures, from one property (the “sending site”) to another (the “receiving site”) in conjunction with conservation of all or part of the sending site as open space or working farm or forest.

**Transportation 2040:** A 30-year action plan for transportation investments in the central Puget Sound region intended to support implementation of VISION 2040.

**Transportation Demand Management:** Various strategies and policies (e.g. incentives, regulations) designed to reduce or redistribute travel by single-occupancy vehicles in order to make more efficient use of existing facility capacity.

**Transportation System:** A comprehensive, integrated network of travel modes (e.g. airplanes, automobiles, bicycles, buses, feet, ferries, freighters, trains, trucks) and infrastructure (e.g. sidewalks, trails, streets, arterials, highways, waterways, railways, airports) for the movement of people and goods on a local, regional, national and global scale.

**Universal Design:** A system of design that helps ensure that buildings and public spaces are accessible to people with or without disabilities.

**Urban Centers:** Designated locations within King County cities meeting criteria detailed in Development Pattern chapter policies 31-32.

**Urban Growth Area:** The designated portion of King County that encompasses all of the cities as well as other urban land where the large majority of the county's future residential and employment growth is intend to occur. See Appendix 1: Land Use Map.

**Very Low-Income Households:** Households earning 30 percent of the Area Median Income or less for their household size.

**VISION 2040:** The integrated, long-range vision for managing growth and maintaining a healthy region—including the counties of King, Kitsap, Pierce and Snohomish. It contains an environmental framework a numeric Regional Growth Strategy, the Multicounty Policies, and implementation actions and measures to monitor progress.

**Water Resource Inventory Area:** Major watershed basins in Washington identified for water-related planning purposes.

**Workforce Housing:** Housing that is affordable to households with one or more workers. Creating workforce housing in a jurisdiction implies consideration of the wide range of income levels that characterize working households, from one person working at minimum wage to two or more workers earning the average county wage or above. There is a particular need for workforce housing that is reasonably close to regional and sub-regional job centers and/or easily accessible by public transportation.



**King County**

**Department of Permitting and Environment Review  
State Environmental Policy Act**

**ADDENDUM to an Existing Environmental Document  
For the 2012 King County Countywide Planning Policies  
Prepared in Compliance with**

The Washington State Environmental Policy Act of 1971  
Chapter 43.21C Revised Code of Washington  
Chapter 197-11, Washington Administrative Code  
Revised SEPA Guidelines, Effective April 4, 1984, and  
Chapter 20.44, King County Code

**FACT SHEET**

Action Sponsor: Dow Constantine, King County Executive

Contact Person: Karen Wolf, Sr. Policy Analyst  
Office of Performance, Strategy, & Budget  
206-263-9649

Lead Agency: Department of Permitting and Environmental Review  
35030 SE Douglas Street  
Snoqualmie, WA 98065

Proposed Action: Adoption of the 2012 King County Countywide Planning Policies in accordance with the state Growth Management Act and King County Code Title 20. The Countywide Planning Policies serve as a framework for each King County jurisdiction's comprehensive plan and ensure countywide consistency with respect to land use planning efforts.

Responsible Official: Kimberly Claussen  
Department of Permitting and Environmental Review

Approvals Required: Adoption by the King County Council

EIS Addendum issued by: Department of Permitting and Environmental Review

Location of Background Data & Supporting Documents: Department of Permitting and Environmental Review  
35030 SE Douglas Street  
Snoqualmie, WA 98065

Date of Issuance: November 26, 2012

## **PROPOSED ACTIONS AND ENVIRONMENTAL REVIEW**

### **Overview**

The adoption of the 2012 King County Countywide Planning Policies is a non-project action under the Washington State Environmental Policy Act (SEPA). This Addendum is not intended to satisfy individual project SEPA requirements for future site-specific land use or building permit applications. This Addendum does not significantly change the analysis of impacts and alternatives contained in the VISION 2040 Final Environmental Impact Statement (FEIS), nor does it identify new or significantly different impacts.

### **Prior Environmental Review**

VISION 2040 is the regional long range growth management, environmental, economic, and transportation strategy for the central Puget Sound region. VISION 2040 contains a numeric Preferred Growth Alternative (referred to as the Regional Growth Strategy), the region's Multicounty Planning Policies, implementation actions, and monitoring measures. VISION 2040 recognizes that the Puget Sound communities are connected by shared ecosystems, transportation systems, and the economy. VISION 2040 also recognizes that the way land is developed affects air and water quality, the character of neighborhoods, and the cost of transportation.

The VISION 2040 FEIS analyzes the Regional Growth Strategy (referred to as the Preferred Growth Alternative in the environmental review), as well as four other conceptual growth alternatives, for accommodating forecasted growth. For each element of the built and natural environment, the FEIS describes existing conditions, potential environmental impacts associated with each alternative, potential measures to mitigate the impacts of growth, and potential unavoidable adverse impacts.

The VISION 2040 FEIS combines the information found in the Draft and Supplemental Draft Environmental Impact Statements, which were released in May 2006 and July 2007.

The CPPs were first adopted by the King County Council in July of 1992. The CPPs adopted at that time have generally been referred to as Phase I. At that time, the policies as adopted contemplated completion of a Phase II of the CPPs to address issues not sufficiently dealt with in Phase I. Phase II was adopted in 1994. A consultant was retained to prepare the Environmental Impact Statement (EIS) for Phase II of the CPPs. The EIS for Phase II analyzed the environmental impacts of the policies that served as the framework for the comprehensive plans for King County and the cities in King County.

## **EIS Addendum Environmental Review**

### **Summary of Proposal**

This Addendum is being issued pursuant to WAC 197-11-625 to meet King County's SEPA responsibility. The VISION 2040 FEIS evaluated alternatives and impacts that encompassed

similar general policy direction, land use patterns, and environmental impacts that are expected to be associated with the proposal identified in this Addendum.

The state Growth Management Act (GMA) requires the adoption of countywide planning policies to provide a countywide framework for ensuring coordination among local comprehensive plans. The King County CPPs address those issues that benefit from consistency across jurisdictions and those that are of a countywide or regional nature. The 2012 CPP update is consistent with and implements the Multi-County Planning Policies included in VISION 2040. The 2012 CPP update represents the first comprehensive review and evaluation of the CPPs since initial adoption in 1992. The major themes of the 2012 CPP update include:

- Promoting coordination and collaboration among jurisdictions;
- Establishing environmental sustainability as a foundational principle;
- Promoting economic growth and job creation;
- Integrating public health with land use and transportation; and
- Fostering social equity and environmental justice

## Chapter Analysis

### Chapter 1. Environment

The Environment chapter emphasizes environmental sustainability to strengthen “the region’s economic, social, and environmental resiliency, while enhancing our ability to cope with adverse trends, including the challenges associated with climate change.”<sup>1</sup>

This is a full revision of the Environment chapter from the current CPPs. The existing CPPs were written prior to adoption of major environmental advances such as adoption of Critical Areas Ordinances by local jurisdictions, the formation of the Water Resource Inventory Areas (WRIAs), and the creation of the Puget Sound Partnership, among others. Consequently, many of the existing policies are no longer relevant and do not adequately implement the new direction found in VISION 2040.

The focus of the Environment Chapter is on those issues that cross jurisdictional boundaries, have cross-jurisdictional impacts, or require a strong policy foundation for continued coordination across the County. The policies in the Environment chapter are supported by additional environmental policies in the Development Patterns, Transportation and Public Services chapters.

The Environment chapter includes policies that address:

---

<sup>1</sup> As defined by VISION 2040, [http://www.psrc.org/assets/1735/Part\\_1\\_Toward\\_a\\_Sustainable\\_Environment.pdf](http://www.psrc.org/assets/1735/Part_1_Toward_a_Sustainable_Environment.pdf).

- Environmental Sustainability
  - Collaborative approaches to integrate development with ecological, social, and economic concerns to maintain healthy ecosystems and environments. Sustainable development is grounded in the Environment chapter and echoed as a theme throughout the CPPs.
  - Recognition of the importance of environmental justice principles.
- Earth and Habitat
  - Multi-jurisdictional coordination in designating and protecting critical areas, developing common methodologies for assessing habitat needs, and planning for open space and greenbelts that cross jurisdictional boundaries.
- Flood Hazards
  - Recognition of the role of King County Flood Control District and calls for coordinated flood hazard management efforts throughout the District.
  - Encouragement of multi-jurisdictional approaches that balance regional levee maintenance standards with public safety and habitat protection objectives.
- Water Resources
  - Support for the protection of water resources by calling on jurisdictions to coordinate land use and transportation plans and actions for the benefit of Puget Sound and its watershed.
  - Call for the establishment of a multi-jurisdictional approach to water quality funding and monitoring.
  - Call for water conservation efforts to protect natural resources and support a sustainable water supply.
- Air Quality and Climate Change
  - Encouragement of land use patterns and transportation systems that minimize air pollution and greenhouse gas (GHG) emissions. Relevant policies are found in the Environment, Development Patterns, and Transportation chapters.
  - Call for a countywide GHG reduction target and establishment of a countywide measurement framework to monitor progress toward that target.
  - Recognition of the role of energy efficiency in climate change reduction strategies.
  - Call for a climate change adaptation strategy.

## **Chapter 2. Development Patterns**

Policies on development patterns address the location; types; design and form; and intensity of land uses throughout King County and its cities. They describe and implement a vision for future growth within the County, including its relationship to other functional elements of the CPPs such as transportation, public services, the environment, affordable housing, and public health. Development patterns policies are at the core of growth management efforts in King County, in furtherance of the goals and objectives of VISION 2040, and with recognition of the variety of local communities within which those goals and objectives are realized.

The Development Patterns chapter consolidates elements of several chapters in the current CPPs, including Land Use Pattern, Community Character and Open Space, and Contiguous and Orderly Development, as well as provisions of several Framework Policies. This new chapter responds to the policy direction in VISION 2040 and updates the policies to reflect current conditions. Subsections of the new chapter include Urban Growth Area; Centers; Urban Design and Historic Preservation; and Rural Area and Resource Lands.

The Development Patterns chapter includes policies that address:

- Urban Growth Area
  - Call for the designation of all land within King County as either Urban Land within the Urban Growth Area (UGA), Rural Land, or Resource Land.
  - Promotion of a pattern of growth within the UGA that is consistent with the regional vision.
  - Establishment of housing and employment growth targets for the 2006 – 2031 planning period.
  - Identification of the review and amendment processes for monitoring the UGA.
  - Reaffirmation of the buildable lands program pursuant to the GMA.
  - Call for joint planning, especially with regard to the annexation of unincorporated Urban Lands.
- Centers
  - Promotion of centers (countywide designated Urban Centers and Manufacturing/ Industrial Centers as well as locally designated centers) and compact development. Policy DP-28 requires that a proposed Urban Center meet the criteria of designation by the PSRC as a Regional Growth Center as well as additional countywide-established criteria (beyond those required by the PSRC) regarding geographic size, zoning regulations, and infrastructure plans to accommodate certain densities of job activity and housing units.

- Urban Design and Historic Preservation
  - Inclusion of elements of urban design and form intended to integrate urban development into existing built and natural environments in ways that enhance both the urban and natural settings.
- Rural Area and Resource Lands
  - Minimization of negative environmental impacts to Rural Lands; call for appropriate character and location of development in Rural Areas; and identification of strategies to permanently protect such lands.
  - Limit nonresidential uses located in the Rural Area to those that are demonstrated to serve the Rural Area, unless the use is dependent upon a rural location.

### **Chapter 3. Housing**

The CPPs provide a framework for all jurisdictions to plan for and promote a range of affordable, accessible, and healthy housing choices for current and future residents. The Housing Chapter is consistent with the policies and goals of VISION 2040 by promoting a diversity of housing types and housing that is affordable to both owners and renters in every demographic and income group. The Housing Chapter:

- Clearly establishes upfront a countywide need for affordable housing;
- Eliminates assigned affordable housing targets;
- Focuses on implementation strategies to meet the countywide need; and
- Establishes four steps to accomplish this approach:
  1. Conduct an inventory and analysis of housing needs and conditions;
  2. Implement policies and strategies to address unmet needs;
  3. Measure results; and
  4. Respond to measurement with reassessment and adjustment of strategies.

Categories of Countywide Need for Affordable Housing by percentage of Area Median Income (AMI) are:

50-80% of AMI (moderate)	16% of total housing supply
30-50% AMI (low)	12% of total housing supply
30% and below (very low)	12% of total housing supply

The need for households with less than 30% of AMI was identified as a necessary focus for all jurisdictions. The provision of housing affordable to very-low income households will only be fulfilled with inter-jurisdictional cooperation and public subsidies. All jurisdictions within the County will be expected to work to meet this obligation both at the jurisdictional level and cooperatively on a countywide or sub-county basis.

## **Chapter 4. Economy**

The policies within the Economy chapter are consistent with the VISION 2040 framework and Regional Economic Strategy (RES).<sup>2</sup> VISION 2040 integrates the RES with growth management, transportation, and environmental objectives to:

- Support fundamental economic foundations, such as education, technology, infrastructure, and quality of life; and
- Promote the region's specific economic clusters: aerospace, clean technology, information technology, life sciences, logistics and international trade, military, and tourism.
- Overarching Economy policies call for aligning local economic policies and strategies with VISION 2040 and the Regional Economic Strategy, supporting the adopted 20-year employment targets, and identifying and supporting the region's industry clusters within King County.

The Economy chapter includes policies that address:

- Business Development
  - Support for business retention and development, including local government actions, such as predictability of local regulations, and public-private partnerships.
  - Integration of the healthy communities concept into the Economy chapter, calling for support of the regional food economy, including production, processing, wholesaling and distribution of the region's agricultural food and food products.
- People
  - Support for education and workforce training, celebrating the economic advantage of cultural diversity, and addressing disparity in income and employment for those that are economically disadvantaged.
- Places
  - Reinforcement of the centers-oriented approach of the region's growth strategy and supports infrastructure investments that are aligned with the region's economic strategy.
  - Economic activity in Rural Cities (new policy EC-21).

---

<sup>2</sup> The Regional Economic Strategy is the region's federally required comprehensive economic development strategy as well as VISION 2040's economic functional plan.

## **Chapter 5. Transportation**

Goals and policies in the Transportation chapter build on the existing CPPs and the Multicounty Planning Policies in VISION 2040. The policies also support Transportation 2040, the region's functional transportation plan that identifies priorities for the region's major investment decisions.

The Transportation chapter includes policies that address:

- **Supporting Growth**
  - Emphasis on transit and other modes that provide alternatives to driving alone within and between centers, supporting the Regional Growth Strategy as described in VISION 2040.
  - Reinforcement of the critical relationship between land use and transportation and are intended to guide the decisions made at the state, regional and local levels that affect that relationship.
- **Mobility**
  - Promotion of the mobility of people — including transit-dependent populations—through a multi-modal transportation system that supports access and connectivity for all users.
  - Recognition of the County's regional economic value by supporting the effective management of the freight-mobility transportation system.
- **System Operations**
  - Protection of public investments through maintenance, preservation, and safety improvements of the existing transportation system to avoid costly replacement projects.
  - Promotion of the identification of reliable financing methods and capabilities, coordination of transportation investment opportunities, and monitoring of transportation investment performance over time.
  - Promotion of public health and safety by minimizing human exposure to vehicle emissions; reducing greenhouse gas emissions; integrating the needs of pedestrians and bicyclists in the local and regional transportation plans; and developing coordinated prevention and disaster response plans.
  - Encouragement of technologies, programs, and other strategies to optimize the existing infrastructure and promote clean transportation opportunities.

## **Chapter 6. Public Facilities and Services**

The Public Facilities and Services chapter consolidates elements of several chapters in the current CPPs, including Contiguous and Orderly Development, Community Character, and Siting Public Capital Facilities, as well as provisions of several Framework Policies. These policies

ensure that utilities provide complete service within the UGA in ways that do not promote growth in the rural areas.

The Public Facilities and Services chapter includes policies that address:

- Collaboration among jurisdictions
  - Recognition of cities as appropriate providers of services to the UGA, either directly or by contract.
- Utilities
  - Cost-effective provision utility services including water supply; sewage treatment and disposal; solid waste; energy; and telecommunications.
  - Promotion of conservation and efficient use of resources to sustain those resources for use by future generations.
  - Promotion of alternative technologies as appropriate to improve service delivery and protect public health and safety.
  - Prohibit sewer service in the Rural Area and on Resource Lands except when needed to address health and safety, or as an extension through the Rural Area only when necessary, or to serve existing school sites as provided in the School Siting Task Force Report.
- Human and Community Services
  - Encouragement of location and provision of human, community, and educational services and facilities in a manner to support the Regional Growth Strategy and distinguish urban communities from rural communities.
- Siting Public Capital Facilities
  - Encouragement of all jurisdictions to work collaboratively and consider environmental justice principles when siting regional capital facilities to avoid disproportionate effects on the communities in which they are located.
  - Locate schools, institutions, and other community facilities and services that primarily serve urban populations within the UGA except as provided in the School Siting Task Force Report.

## **CONCLUSION**

In conclusion, the proposal does not substantially change the analysis of significant impacts described in the existing environmental documents. No additional significant impacts beyond those identified in the VISION 2040 FEIS are expected to occur.

Milton: Subir Mukerjee  
Newcastle: Steve Roberge  
Normandy Park: Chad Tibbits  
North Bend: Gina Estep  
Pacific: Jay Bennett  
Redmond: Rob Odle; Lori Peckol  
Renton: Chip Vincent  
Sammamish: Kamuron Gurol  
SeaTac: Cindy Baker; Mike Scarey  
Seattle: Tom Hauger  
Shoreline: Rachael Markle  
Snoqualmie: Nancy Tucker  
Tukwila: Jack Pace  
Woodinville: Dave Kuhl  
Yarrow Point: Mona Green

**Individuals**

*Includes all individuals who submitted comments to the GMPC or testified at a GMPC meeting during the review of the 2012 King County Countywide Planning Policies*

## APPENDIX A DISTRIBUTION LIST

### Federal Agencies

U.S. Army Corps of Engineers  
U.S. Environmental Protection Agency  
U.S. Dept. of Fish and Wildlife

### Tribal Entities

Muckleshoot Indian Tribe  
Puyallup Indian Tribe  
Tulalip Indian Tribe  
Snoqualmie Indian Tribe  
Suquamish Indian Tribe

### State of Washington

Department of Commerce  
Department of Ecology  
Department of Fish and Wildlife  
Department of Natural Resources  
Department of Transportation

### Regional Agencies

Puget Sound Clean Air Agency  
Puget Sound Regional Council

### King County

Dow Constantine, King County Executive

Bob Ferguson, King County Councilmember  
Larry Gossett, Chair, King County Councilmember  
Kathy Lambert, King County Councilmember  
Larry Phillips, King County Councilmember  
Julia Patterson, King County Councilmember  
Jane Hague, King County Councilmember  
Peter Von Reichbauer, King County Councilmember  
Joe McDermott, King County Councilmember  
Reagan Dunn, King County Councilmember

### Office of the Prosecuting Attorney

Department of Housing and Community Development  
Department of Permitting and Environmental Review  
Department of Natural Resources and Parks  
Department of Transportation / Road Services Division

### Organizations

American Planning Association  
Association of Washington Cities  
East Lake Washington Audubon  
Futurewise  
King County Building Trades Council  
League of Women Voters of Washington  
League of Women Voters, King County South

League of Women Voters, Lake Washington East  
 League of Women Voters, Seattle  
 Master Builders of King & Snohomish Counties  
 Property Rights Alliance  
 Puget Sound Energy  
 Puget Sound Transit Consultants  
 Rainier Audubon Society  
 Seattle-KC Association of Realtors  
 Seattle Transportation Choices  
 Sierra Club  
 Snoqualmie River Valley Audubon  
 Suburban Cities Association  
 University of Washington - Department of Urban Design and Planning  
 Washington Conservation Voters  
 Washington Environmental Council  
 Washington Wilderness Coalition  
 WASHPIRG

#### **Community Councils**

Upper Bear Creek Community Council  
 Four Creeks Unincorporated Area Council  
 Greater Maple Valley Area Council  
 North Highline Unincorporated Area Council  
 Vashon-Maury Island Community Council  
 West Hill Community Council

#### **Newspapers**

Seattle Times

#### **Planning Directors**

Algona: Elizabeth Chamberlain  
 Auburn: Kevin Snyder  
 Beaux Arts Village: Mona Green  
 Bellevue: Dan Stroh  
 Black Diamond: Steve Pilcher  
 Bothell: Bill Wiselogle  
 Burien: David Johanson  
 Carnation: Linda Scott  
 Clyde Hill: Mitch Wasserman  
 Covington: Richard Hart  
 Des Moines: Grant Fredricks; Denise Lathrop  
 Duvall: Lara Thomas  
 Enumclaw: Erica Shook  
 Federal Way: Isaac Conlen; Margaret Clark  
 Hunts Point: Mona Green  
 Issaquah: Mark Hinthorn  
 Kenmore: Debbie Bent  
 Kent: Charlene Anderson; Fred Satterstrom  
 Kirkland: Erick Shields  
 Lake Forest Park: Steve Bennett  
 Maple Valley: Ty Peterson  
 Medina: Robert Grumbach  
 Mercer Island: Scott Greenberg; George Steirer

RESOLUTION R-4968

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES.

WHEREAS, in 1991, the Growth Management Planning Council (GMPC) was established by interlocal agreement to collaboratively develop and amend the King County Countywide Planning Policies (CPP's) pursuant to the State Growth Management Act; and

WHEREAS, in July 1992, the King County Council adopted the original CPP's; and

WHEREAS, the adopted CPP's establish a process for amendment that requires a recommendation by the GMPC, adoption by the Metropolitan King County Council, and ratification by 30 percent of the city and county governments representing at least 70 percent of the population of King County within 90 days of County Council adoption; and

WHEREAS, on September 21, 2011, the GMPC adopted Motion No. 11-1 approving new CPP's; and

WHEREAS, the GMPC approved amendments to the CPP's by adopting Motion No. 12-1 on April 4, 2012, and Motions 12-2 and 12-3 on June 6, 2012; and

WHEREAS, on December 4, 2012, the Metropolitan King County Council passed Ordinance 17486 adopting new King County Countywide Planning Policies as approved by the GMPC;

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

Section 1. The Kirkland City Council hereby ratifies King County Ordinance 17486 adopting new King County Countywide Planning Polices.

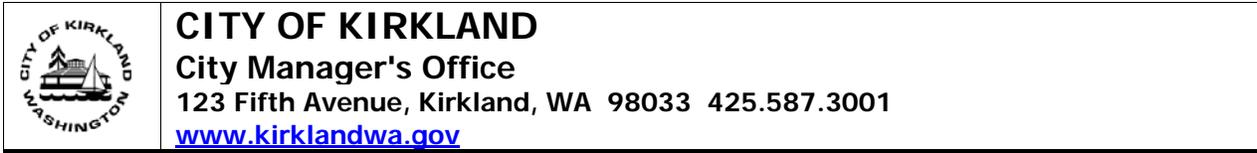
Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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



## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Kari Page, Neighborhood Outreach Coordinator

**Date:** February 7, 2013

**Subject:** City Council Meetings with the Neighborhoods

### **RECOMMENDATION:**

City Council considers a recommendation from the Finance Committee regarding the current structure of City Council Meetings with the Neighborhoods and provides direction to staff on next steps.

### **BACKGROUND:**

Questions about possible changes to the meeting format and/or schedule of the City Council meetings in the neighborhoods were asked in a memo to Council dated October 18, 2012 and discussed at the November 7, 2012 City Council meeting. Council directed this issue to the Finance Committee for further research and review.

The City Council Meetings with the Neighborhoods have historically been one way for the City Council to keep in touch with the interests and needs of the community. The program has been ongoing since the 1990s, with periodic format changes. Now that the City's population has nearly doubled in size, and the number of neighborhood associations has grown from 11 to 13, Council asked that the Finance and Administration Committee review the Program for possible changes to either the format or the structure of this program. The Council also asked that staff research how other cities communicate with neighborhoods to help inform the discussion. The Finance Committee met on January 29, 2013 and discuss this topic (*please see* Attachment A Finance Committee Presentation).

Prior to review of any options, the Committee affirmed the Council's commitment to connecting with neighborhoods and agreed that the key outcome of any process should be to "reach more people, more often." The Committee was then presented with five options from staff showing various communication configurations between the neighborhoods and the City Council based upon practices of other jurisdictions and suggestions from Council Members. After each option was reviewed in-depth, the Committee recommended that the Council consider implementing the option titled "Combine Neighborhoods/2 year cycle/3 meetings per year" (*please see* Attachment B Combined Neighborhood Graphic).

This option supports the Council goal of re-energizing the neighborhoods by providing opportunities to reach more people, more often. Based on attendance statistics and the widely varying size of the individual neighborhood associations, this option combines adjacent neighborhoods (for these meetings only) into six groups and results in each neighborhood having a meeting with the City Council every other year rather than every third year. An additional benefit would be that it would allow adjacent neighborhoods to meet and discuss common issues and share resources. The Committee further recommended that the agenda provide each neighborhood chair an opportunity to comment at the beginning of the meeting. Finally, because this recommendation would have the City increase its commitment to this program by reaching more people more often, it would require additional resources (e.g. postcard mailings) to promote the meetings.

Overall the Committee likes the current meeting format and believes the changes made in 2010 (limited Council introductions, dots to prioritize issues, and more time for audience questions) help the meetings run smoothly. No change to the current meeting format is being recommended.

### **Council Direction and Next Steps**

Staff would like direction from Council on how to proceed with the City Council meetings in the Neighborhood. If other information is needed in order to make a decision, staff can return with that information. If Council prefers to continue with the existing cycle and format, then staff will return with proposed dates for meetings in 2013 at the April 2 Council meeting. If Council agrees to move forward with this new proposal, staff recommends presenting the proposed changes to the Chairs and Presidents of the Neighborhood Associations and the Kirkland Alliance of Neighborhoods (KAN) at their March 13 meeting and ask for input on how to make this new approach successful. Staff would then bring back the input from neighborhood leaders and KAN. Staff would also develop a proposed new schedule and estimated budget for Council approval on April 2.

Please contact Kari Page for questions or comments at (425) 587-3011.

## City Council Finance Committee

January 29, 2013

### Presentation:

**PROGRAM GOAL:** The City Council meetings in the Neighborhoods have been a way for the City Council to keep in touch with the interests and needs of the community. Residents meet Council Members and City staff in an informal setting to discuss issues which may be of interest to the neighborhood.

**MEETING FORMAT:** The program has been ongoing since the mid 1990s, with format changes periodically. The Council has not made any changes to the program since prior to the annexation in 2010. Some changes included:

- Add time for casual conversations with residents at the beginning and end of the meeting.
- Begin with short introductions from Council members (maximum 2-3 minutes for each Council member).
- Allocate the majority of time to address questions from the audience.
- Continue to provide written handouts with answers to questions submitted in advance of the meeting. Refer to handout if audience questions have already been answered.
- Display the neighborhood topics on a flip chart and ask attendees to use large dots to select their top three topics of interest. There is also an opportunity to add to this list for the question and answer session.
- Proactively manage “town hall” style meeting by having the Mayor set a positive tone, start and end on time, stay on track, encourage participation, and evenly distribute questions from audience to Council members.
- Continue to reduce costs and minimize paperwork by sending post cards with instructions to go online to submit their questions in advance. Provide a phone number for those who prefer not to submit their requests online.
- As funding becomes available, look for ways to televise these meetings and invite live phone-in questions.
- Agenda:

6:45–7:00 p.m.	Informal Casual Conversations (one on one)
7:00–7:05 p.m.	Welcome and Introduction – Mayor Joan McBride
7:05–7:10 p.m.	Comments from Neighborhood chair
7:10–7:30 p.m.	Introductions from City Council Members
7:30–8:45 p.m.	General Discussion and Questions from the Audience
8:45 p.m.	Adjourn
8:45–9:00 p.m.	Social Time (one on one)

**PROGRAM SCHEDULE:** The objective for the program has been to reach every neighborhood at least every three years (approximately four neighborhoods per year). Current schedule is as follows:

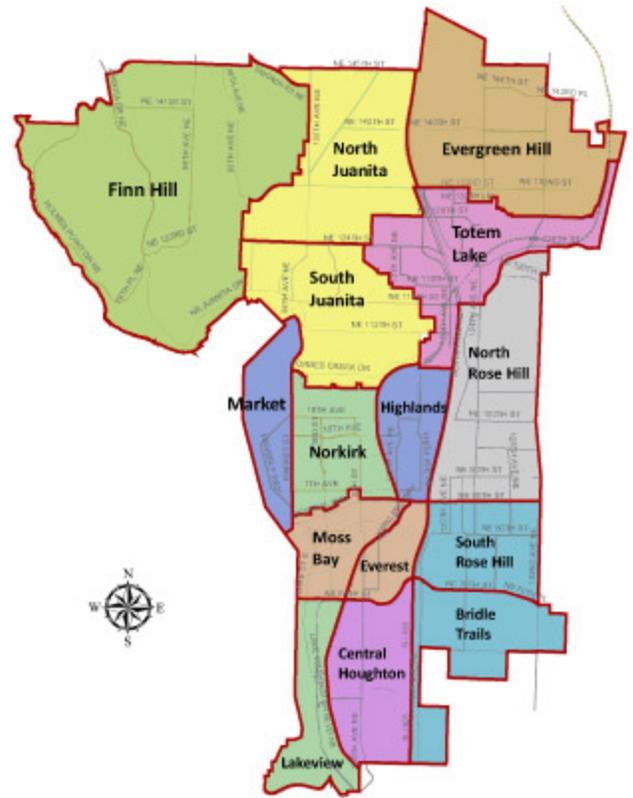
2012 *Complete*  
 Moss Bay (May 21)  
 Lakeview (March 29)  
 Everest (moved to 2013 due to Holiday on September 25)  
 North Rose Hill (November 19)

2013  
 Everest (Tentatively postponed from 2012 to 2013)  
 Market  
 Highlands/Norkirk (Agreed to meet together)  
 South Rose Hill/Bridle Trails

2014  
 Totem Lake/Evergreen Hill  
 Central Houghton  
 Juanita Neighborhoods  
 Finn Hill

2015  
 Moss Bay  
 Lakeview  
 Everest  
 North Rose Hill

2016  
 Market  
 Highlands  
 South Rose Hill  
 Bridle Trails  
 Norkirk



<b>City Council Meetings in the Neighborhoods Stats</b>					
Meeting	Households	Neighborhood	Questions	Meeting	Attendance
Date	#		Submitted	Attendance	%
Wednesday, October 4 <sup>th</sup> , 2006	1,500	Norkirk	35	30	0.02
Wednesday, February 7 <sup>th</sup> , 2007	1,286	Central Houghton	40	40	0.03
Thursday, March 15 <sup>th</sup> , 2007	914	Highlands	45	38	0.04
Monday, May 21 <sup>st</sup> , 2007	2,748	Moss Bay	41	35	0.01
Monday, October 22, 2007	1,467	Lakeview	20	15	0.01
Tuesday, March 25, 2008	607	Everest	22	45	0.07
Wednesday, April 16, 2008	1,672	Totem Lake	17	28	0.02
Monday, May 19, 2008	1,995	North Rose Hill	44	41	0.02
Thursday, September 25, 2008	6,200	Juanita	96	50	0.01
Wednesday, May 20, 2009	875	Market	24	40	0.05
Wednesday, November 18, 2009	914	Highlands	13	26	0.03
Monday, March 23, 2009	2,748	Moss Bay	16	75	0.03
Tuesday, May 11, 2010	3,756	SRH/BT	13	44	0.01
Wednesday, October 06, 2010	1,892	Norkirk	8	24	0.01
Postponed					
Wednesday, March 16, 2011	7,850	Totem Lake/Kingsgate	24	65	0.01
Wednesday, April 06, 2011	1,286	Central Houghton	17	52	0.04
Thursday, November 3, 2011	9,000	Juanita	11	35	0.00
Wednesday, October 19, 2011	7,650	Finn Hill	48	110	0.01
Monday, May 21, 2012	2,748	Moss Bay	9	32	0.01
Thursday, March 29, 2012	1,467	Lakeview	18	17	0.01
Postponed					
Monday, November 19, 2012	2,751	North Rose Hill	7	18	0.01
2013	607	Everest			
2013	875	Market			
2013	914	Highlands*			
2013	1,500	Norkirk*			
2013	2,015	SRH/BT			
Submit questions online					
(change from return postage paid postcard)					
* Highlands and Norkirk agreed to combine their CC meetings in 2013					

**Discussion: (Comments in blue)**

Now that the City's population has nearly doubled in size, and the number of neighborhood associations has grown from 11 to 13, staff would like to ask if the Council would like to make any changes to either the format or the structure of this program.

1. What do you like best about the program?
  - Written questions and answers (handouts and online).
  - Chance for neighbors to get together and talk about common issues.
  - Opportunity for Council to meet neighbors.
  - Neighbors get to hear the facts directly from their Council and lead staff.
  - 2-3 minute Council introductions works.
  - Enjoy having staff there to provide information when necessary.
  - Joan is a great moderator – keeps things moving.
  - Like the dots and feel they give the meeting structure and helps solve the problem with special interest/issue dominating the meeting.
  - Social time at the beginning and end works well.
  - Gives Council a chance to see and talk with people who don't typically come to their meetings.
  - Like learning what the issues are for each neighborhood.
  - Non-intimidating setting for general public to participate.
  
2. What do you like least?
  - Uneven "air time" for each Council Member.
  - Perhaps we can have a structure of moving from one Council Member to the next (each question).
  - There is a lot of resources and time put into meetings with small attendance.
  - Can we combine some of the smaller neighborhoods to make it more worth the effort?
  - Sometimes a single dominant personality can change the tone for the whole meeting (how do we structure it so they don't spoil the meeting for the rest?)
  
3. What do you want to accomplish with this program?
  - More people more often.
  - Meet with people we don't ordinarily see and hear their issues.
  - Increase resources and effort for this program – make this a bigger commitment.

4. What specifically should be discussed as possible changes?
  - Format (open discussion with one on one at the beginning and end):
    - Like the format – Joan does a great job of moderating.
    - The changes we’ve made over the past few years have helped.
    - Like that we don’t get caught on one issue.
  - Schedule (three year cycle with 4 meetings per year – 2 in the fall and 2 in the spring):
    - 4 meetings is not too many.
    - However, it is difficult to schedule 2 meetings in the spring – when there are so many other evening commitments.
  - Meeting Dates (using neighborhood association regularly scheduled dates):
    - Very difficult for Council to do one of these meetings on the same week of a regular Council meeting (it usually means they are back to back as neighborhoods all meet the first half of the week and so does Council).
5. Options and ideas from other city neighborhood programs
  - **Option 1—Combine Neighborhoods:**
    - 3 meetings per year .
    - Reach entire City every other year.
    - Combine “like” neighborhoods.
    - Allow neighborhood leaders to speak to give their neighborhood association identity.
    - Could add time at the end if needed.
    - **Recommendation by Finance Committee:**
      - Like option because able to reach more people more often.
      - Bigger commitment to this valuable program.
      - Builds more opportunities for people to connect directly to Council.
      - Brings neighborhoods together to build common interests and ties while preserving their independence.
      - Could structure around busy springs – having one meeting in the spring and two in the fall.
      - Could talk with Planning about using these areas as possible groupings for the neighborhood plans.

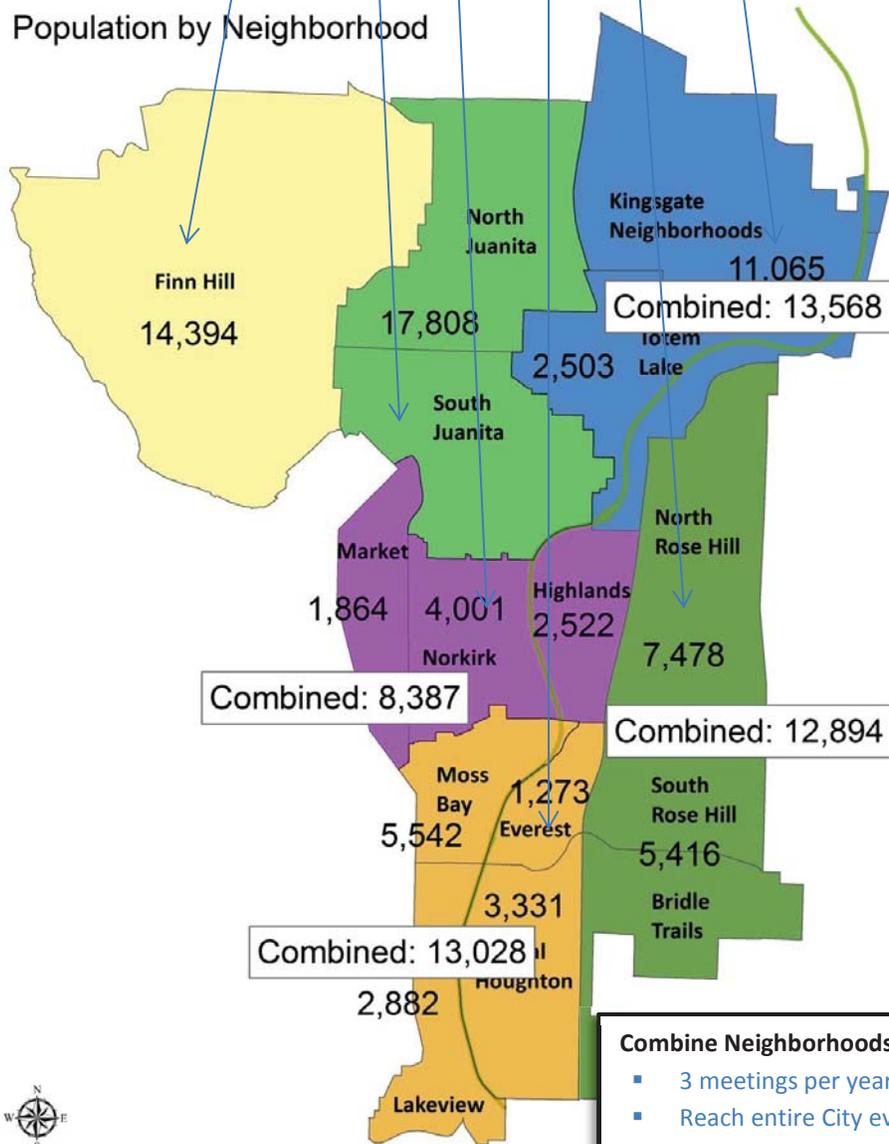
- **Option 2—Town Hall/Open House:**
  - Two meetings per year - in large space.
  - Geographically located (north and south).
  - Invite all to come.
  - Town Hall format – open microphone.
  - **Not the preferred option by Finance Committee:**
    - Better for topic specific agenda – doesn't fit with our format.
    - Could be dominated by a few individuals – and lose the intimate feel.
    - Removes the neighborhood focus all together – which is what this program was designed for.
    - Too drastic of a change.
    - Too many people at a meeting – would make it more difficult to reach individuals.
- **Option 3—Council Representative:**
  - Each Council Member attends one or two neighborhood meetings on a regular basis.
  - Council Member reports back to the full Council on issues that were discussed at the meeting.
  - **Not the preferred option by Finance Committee:**
    - Neighborhoods like their independence – don't always want a Council Member to attend.
    - Too minimal.
    - Some Council Members wouldn't have an opportunity to visit some neighborhoods.
    - Doesn't work with a united Council.
- **Option 4—Council and KAN:**
  - City Council meets on a regular basis with KAN or KAN leader.
  - Assumes KAN is a formal entity.
  - Assumes KAN members are elected and representative the views of their neighborhood.
  - **Not the preferred option by Finance Committee:**
    - KAN representatives are not always elected by the neighborhoods.
    - KAN is an informal group.
    - KAN representatives do not necessarily represent the views of their neighborhoods.
    - Removes the element of Council connecting with individuals in a neighborhood (those who don't necessarily attend their meetings).
    - Doesn't meet the "more people more often" goal.
    - Doesn't meet the "increase commitment" goal.

- **Option 5—Council Subcommittee and KAN:**
  - City Council Subcommittee meets on a regular basis with KAN or KAN leader.
  - Assumes KAN is a formal entity.
  - Assumes KAN members are elected and representative the views of their neighborhood.
  - **Not the preferred option by Finance Committee:**
    - Same issues as above.
    - Even less of a connection to “more people more often” because only a few Council Members are meeting with this small group of people.

# Kirkland City Council



Population by Neighborhood



- Combine Neighborhoods**
- 3 meetings per year
  - Reach entire City every other year
  - Combine “like” neighborhoods
  - Allow Neighborhood Leaders to speak – to give the NA identity
  - Could add time at the end if needed



## CITY OF KIRKLAND

### City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

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

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Kari Page, Neighborhood Outreach Coordinator

**Date:** October 18, 2012

**Subject:** Upcoming City Council Meetings with the North Rose Hill neighborhood

### **RECOMMENDATION:**

City Council finalize the agenda for the City Council Meeting in the North Rose Hill neighborhood and begin thinking about if and when any changes should be made to the City Council Meetings in the Neighborhoods format and/or cycle.

### **BACKGROUND:**

#### *Upcoming Meeting*

The Council is scheduled to meet with North Rose Hill neighborhood residents on Monday, November 19, 2012 6:45–8:45 p.m. at North Rose Hill Fire Station, 9930 124<sup>th</sup> Avenue NE.

Unless otherwise instructed by Council, staff will continue to format the meeting similar to the last City Council meeting with the Moss Bay Neighborhood.

The agenda for the meeting is as follows:

6:45-7:00 p.m.	Informal Casual Conversations
7:00-7:05 p.m.	Welcome and Introduction—Mayor Joan McBride
7:05-7:10 p.m.	Comments from the North Rose Hill Neighborhood Chair, Margaret Carnegie
7:10-7:30 p.m.	Introductions from City Council Members
7:30-8:45 p.m.	General Discussion and Questions from Audience
8:45 p.m.	Social Time

The following topics were submitted by the North Rose Hill Neighborhood Chair for discussion at the meeting. These will be added to the list of questions submitted online by residents and, as usual, answers will be distributed at the meeting and posted online.

- Please explain why a resident has to pay a fee to raise a safety concern about a construction project? What are the fees and why do we have them?
- What can be done to make the intersection of NE 95<sup>th</sup> Street and 128<sup>th</sup> Avenue NE safer for children walking to and from school?
- The City added a westbound to southbound turn lane on NE 95<sup>th</sup> Street at 124<sup>th</sup> Avenue NE. By doing so, they widened the road and took away the space along the road for

pedestrians to walk. Can a sidewalk be added or something to make it safer for pedestrians at this intersection?

- What is the status of the remaining Slater Avenue Traffic Control Plan? When will the remaining elements of the plan be implemented?
- Please explain what the City Council's priority is related to neighborhoods in light of the strong focus on economic development.

Attachment A outlines the remaining 2012 timeline for receiving the questions and answers in advance of the meetings and a map of the areas.

### *City Council Meetings in the Neighborhood Format*

The City Council meetings in the Neighborhoods have been a way for the City Council to keep in touch with the interests and needs of the community. The program has been ongoing since the mid 1990s, with format changes periodically. The Council has not made any changes to the program since prior to the annexation in 2010. The projected schedule (based upon the current policy of meeting with each neighborhood every three years) is listed below. The goal of the program has been to reach every neighborhood at least every three years (approximately four neighborhoods per year).

#### 2012

Moss Bay (May 21)  
Lakeview (March 29)  
Everest (moved to 2013 due to Holiday on September 25)  
North Rose Hill (November 19)

#### 2013

Everest (Tentatively postponed from 2012 to Feb 26, 2013)  
Market  
Highlands/Norkirk (Agreed to meet together)  
South Rose Hill/Bridle Trails

#### 2014

Totem Lake/Evergreen Hill  
Central Houghton  
Juanita  
Finn Hill

Now that the City's population has nearly doubled in size, and the number of neighborhood associations has grown from 11 to 13, staff would like to ask if the Council would like to make any changes to either the format or the structure of this program. Below is a list of questions to help assess whether changes should be considered.

- Would Council prefer the same number of neighborhood meetings per year (i.e. typically two in the fall and two in the spring)?
- Would Council like to combine some neighborhood meetings?
- Would Council like more flexibility with meeting dates or continue to meet on a neighborhood's regularly scheduled meeting date? At times the neighborhood meeting dates fall on days when Council has other obligations (e.g. preparing for a Council meeting the following day.)
- Are there any changes the Council would like to see in the meeting format itself?

Staff will be at the November 7 City Council meeting to talk further with Council about possible changes to the format or structure of the meetings with the Neighborhoods. If you have any suggestions or changes to this schedule, please contact Kari Page at (425) 587-3011.