



CITY OF KIRKLAND CITY COUNCIL

Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Shelley Kloba
Doreen Marchione • Toby Nixon • Penny Sweet • Kurt Triplett, City Manager

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, May 17, 2016 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website 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.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

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*
 - a. Elected Officials' Guide to Emergency Management and Cascadia Rising Exercise Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. Oath of Office – Fire Chief Joe Sanford
 - b. Affordable Housing Week Proclamation
 - c. Bike Everywhere Day Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Puget Sound Energy - Juanita-Sammamish 115 kV Project Update

***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: May 3, 2016

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

c. General Correspondence

d. Claims

e. Award of Bids

(1) Schedules A and B, Annual Striping Program (2016 Project), Specialized Pavement Marking, Tualatin, Oregon

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 124th Street and Willows Road NE Signal Rebuild Project, West Coast Signal, Inc., Renton, Washington

g. Approval of Agreements

(1) Resolution R-5196, Approving Participation by the City in an Interlocal Cooperative Purchasing Agreement With the University of Washington and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Kirkland.

h. Other Items of Business

(1) Ordinance O-4518 and its Summary, Relating to Surface Water Discharge Standards and the Enforcement of Surface Water Regulations.

(2) Surplus Vehicles

(3) Procurement Report

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

* *a. Draft Ordinance O-4516 and its Summary, Relating to Land Use and Approval of a Rezone, Preliminary Subdivision, and Multiple Sensitive Area Decisions as Applied for by KLN Construction, Inc., in Department of Planning and Building File Nos. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, SAR15-00580 and Setting Forth Conditions of Approval.*

b. Approval of 2016 Neighborhood Safety Program Update

c. King County Metro Transit Long Range Plan Response Letter

- d. Resolution R-5184, Adopting the 2015 Update of the City of Kirkland Comprehensive Emergency Management Plan.

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. Ordinance O-4519, Authorizing and Providing for the Acquisition of Interests in Land for the Purpose of Construction and Operation of Fire Station No. 24 Within the City of Kirkland, Providing for the Cost of Property Acquisition, and Authorizing the Initiation of Appropriate Eminent Domain Proceedings in the Manner Provided for by Law.

12. *REPORTS*

a. *City Council Reports*

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

b. *City Manager Reports*

- (1) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*

ITEMS FROM THE AUDIENCE

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



CITY OF KIRKLAND
Office of Emergency Management
123 Fifth Avenue, Kirkland, WA 98033 425-587-3630

MEMORANDUM

To: Kurt Triplett, City Manager
From: Pattijean Hooper, Ph.D. Emergency Manager
Date: May 5, 2016
Subject: Study Session for City Council on the role of elected officials in a disaster and an update on the Cascadia Rising 2016 Regional Functional Exercise

RECOMMENDATION

Receive project update from the Emergency Manager on the role of Elected Officials in a disaster and an update on the Cascadia Rising 2016 Regional Functional Exercise

BACKGROUND DISCUSSION

This Study Session will provide Council members with an overview of their roles, responsibilities, and operations related to emergency management. It will highlight the mission of local jurisdictional response and the relationship to County, State, and Federal response operations. The support functions of National Organizations Active in Disaster will be highlighted as it fills gap and addresses the needs of individuals and families not served by other programs.

An overview of Emergency Operations Center activities will be conducted along with an introduction to the Incident Command System, the organizational structure used in the field of emergency management.

Emergency powers of chief elected officials includes the ability to declare an emergency, which is the preliminary step to requesting a proclamation of emergency from the Governor, and requesting state and federal assistance. This process will be reviewed and explained.

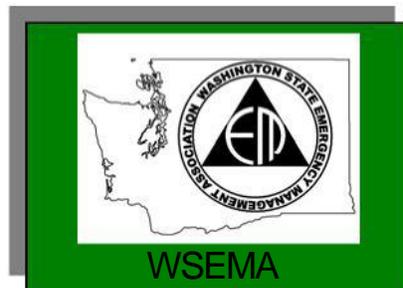
Emphasis will be placed on the series of relationships required of governments, voluntary agencies, and private organizations. Each is a critical function in both response and recovery operations.

The Study Session will end with an overview of the calendar of events planned for the Cascadia Rising 2016 Regional Functional Exercise being conducted in Kirkland June 7-11.

Attachment:

1. Elected Officials Guide to Emergency Management

Elected Officials' Guide to Emergency Management



2016

ACKNOWLEDGEMENTS

This is to acknowledge the dedicated and professional efforts of several individuals in the preparation of this document. The framework of this document is based on the State of Washington *Governor's Guide to Emergency Management*.

State of Washington

Jim Schoonover, Max Messman, Bob Neilson, and Rubye Mitchell

Washington State Emergency Management Association

Neil Clement, Whatcom County
Roger Serra, Snohomish County

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EXECUTIVE SUMMARY

Emergency Management Roles

This guide is designed to provide Chief Elected Officials (CEOs) and their department heads with an overview of emergency management roles, responsibilities, and operations. It highlights the critical roles for which CEOs, as chief executives, are responsible.

Hazards – Responsibilities – Authority

The guide includes brief descriptions of typical Washington State hazards, local agency responsibilities, and legal authorities.

Purpose of Emergency Management Operations

The purpose of Emergency Management Operations is to provide timely warning and response to emergency or disaster situations in order to save lives, protect property, protect the economic base, and preserve the environment.

Local Emergency Management

In an emergency or disaster, the local Emergency Management Agency coordinates resources in response to the situation from the Emergency Operations Center (EOC) and coordinates response activities.

EMERGENCY MANAGEMENT OVERVIEW

Purpose

This guide was prepared to assist CEOs and their department heads in understanding their emergency management responsibilities in the event of an emergency or disaster. This document is not all-inclusive. It is a condensed summary for use during the initial stages of an event and as a desk-side reference. More extensive emergency management information is found in your local Comprehensive Emergency Management Plan (CEMP).

Emergency Management Authorities

RCW 38.52 directs each political subdivision in the State of Washington to establish a local emergency management organization or to be part of a joint local organization. It further requires that each recognized organization have a plan.

WAC 118-30 contains the administrative rules pertaining to local emergency management, including the requirement that the local emergency management organization be established by ordinance or resolution. The WAC also requires that local jurisdictions maintain a current plan of operations based on an analysis of local hazards.

Hazards in Washington State

Due to geographic location, geological features, and increasing development, the State is vulnerable to the damaging effects of both natural and technological hazards. Potential natural hazards include fires, earthquakes, landslides, snowstorms, and windstorms. Other impacts include environmental damage, property damage, and economic hardship. Technological hazards include hazardous materials events, power outages, transportation accidents, dam failures, and terrorism. (See Appendix A for more information.)

General Procedures

▮ Local Jurisdiction Response

Local jurisdictions have the primary duty to save lives, protect property, protect the economic base of the community, and preserve the environment.

To accomplish this they should have emergency management programs that mitigate, prepare for, respond to, and recover from the effects of any emergency or disaster. Immediately before, during, and after an event, local jurisdiction officials will implement local procedures and respond with all available resources. When local resources cannot fill the needs created by the emergency or disaster, a local jurisdiction may invoke previously established mutual aid or interlocal agreements with adjoining local jurisdictions (See Appendix B for more information) and/or seek assistance from the State Emergency Management Division.

- **City Response**

When emergency or disaster conditions exceed the combined capabilities of the city, the city requests the support of the county through the Emergency Management Agency. County resources are provided to supplement city resources when they have been exhausted. During the initial stages of an event, the Emergency Management Agency will monitor the local situation to anticipate required assistance.

- **County Response**

When emergency or disaster conditions exceed the combined resources and capabilities of the cities and county, the county may request the support of the State through the Emergency Management Division.

The provisions of the Emergency Management Agency's Emergency Operations procedures will be specifically implemented to address the situation at hand. The procedures describe the activation and operation of the county Emergency Operations Center (EOC). Whenever a city EOC is activated, most often the county EOC will also be activated. Likewise, if the county EOC is activated, the State activates its EOC for support.

- **Declaration of State of Emergency**

The CEO, following the recommendation of the Emergency Management Agency and/or the city Emergency Management Coordinator, may declare a "State of Emergency". Such a declaration provides for extraordinary local powers and is generally a preliminary step in the process of asking for county/state/federal assistance. A sample declaration of a "State of Emergency" is provided as Tab 1 of Appendix C.

- **Emergency Operations Center (EOC)**

During the process of reaching a "State of Emergency", the city (if appropriate) and/or the county EOC will be activated and the appropriate EOC representatives will be summoned to their positions. All city/county resources will be assigned, managed, and demobilized through the city/county EOC.

- **Public Information**

Throughout the emergency or disaster, public information staff from the city/county EOC will coordinate to develop and disseminate information regarding the local jurisdiction emergency response efforts. City/county EOC staff will also be available to assist local officials in disseminating emergency instructions to affected communities. Depending upon the magnitude and duration of the situation, the Emergency Management Agency's public information staff may be augmented by public information specialists from other city/county agencies.

- **State Response**

When emergency or disaster conditions exceed the combined capabilities of both a local jurisdiction and its mutual aid or interlocal agreement signatories, local jurisdictions may request the support of the state through the Emergency Management Division. State resources are provided to supplement when local resources have been exhausted. During the initial stages of an event, the Emergency Management Division will monitor the local situation to anticipate required assistance.

- **Proclamation of State of Emergency**

The Governor, following the recommendation of the Director of the State Emergency Management Division and appropriate cabinet members, may proclaim a "State of Emergency". Such a proclamation is generally a preliminary step in the process of asking for federal assistance. A sample proclamation of a "State of Emergency" is provided as Tab 2 of Appendix C.

- **State Resource Employment**

The state receives and evaluates local jurisdiction requests for assistance based upon local needs and the availability of state resources. The Governor

has the power to authorize state resources to respond to the situation. In consultation with the State Emergency Management Division, the Governor may determine that local assets and resources have been fully utilized and that state resources should be made available. Generally, the Director of the State Emergency Management Division will be the Governor's designee to coordinate the commitment of state resources. (See Appendices D and G for more information.)

- **Federal Disaster Assistance**

If the capabilities and resources of state government are exceeded, federal disaster assistance may be requested. Requests for aid directed to individual federal agencies administering disaster assistance programs are made by the Governor to the head of the federal agency.

In some cases, disaster assistance is required beyond that generally administered by an individual federal agency. In such instances, a request for federal assistance may be made by the Governor to the President of the United States through the Region X Director of the Federal Emergency Management Agency (FEMA). A sample request is shown as Tab 3 of Appendix C. (See Appendix F for more information.)

After approval, federal assistance to the state is coordinated by a Federal Coordinating Officer. A State Coordinating Officer is appointed by the Governor for the purpose of coordinating state and local jurisdiction disaster assistance efforts with those of the federal government. Normally, the governor will appoint one of the senior managers from the State Emergency Management Division to be the State Coordinating Officer.

APPENDIX A

HAZARDS

Natural Hazards

- **Severe Local Storms:** All areas of Washington are subject to disturbances characterized by strong wind, which may be accompanied by dust, rain, snow, sleet, hail, and often thunder and lightning.
- **Earthquakes:** Since 1840, Washington has had more than 900 earthquakes that could be felt. The state experiences a damaging earthquake on the average of once every six years. The large earthquakes of 1949 and 1965 killed 15 people and one in 1984 did more than \$200 million in damage. The Nisqually earthquake of 2001 was the largest economic disaster in Washington state history at \$2 billion. The state is vulnerable to three types of earthquakes: shallow crustal, intra-plate, and subduction zone.
- **Landslides:** A landslide is the sliding movement of masses of solid and/or loosened rock or soil down a hillside or slope. The most vulnerable area of the state is the Puget Sound Basin. Because of the population density and the fact that many structures are either on top of or below areas subject to landslides, lives and property are endangered.
- **Forest Fires:** In the State of Washington, major fires regularly destroy timber, agriculture, homes, and buildings and cause a loss of life. Fires usually occur from mid-May through October. The probability of a forest fire depends on fuel conditions, topography, time of year, past and present weather conditions, and local activities.
- **Drought:** This is a condition of climatic dryness which reduces soil moisture and water below the minimum necessary for sustaining plant, animal, and human life systems. The area of Central Washington just east of the Cascades is particularly vulnerable to drought.
- **Volcanoes:** A volcano is a vent in the earth's crust through which molten rock or lava, rock fragments, gases, or ash are ejected from the earth's interior. Mounts Rainier, Baker, St. Helens, and Adams and Glacier Peak are active volcanoes. All areas of the state have the potential of being affected by a volcano.

Technological and Societal Hazards

- **Hazardous Materials:** People, property, and the environment are at significant risk because of the production, use, storage, transportation, and disposal of dangerous substances and waste. The nature and extent of the risk is difficult to assess.
- **Urban Fire:** These are fires that occur in cities or towns and have the potential to spread to adjoining structures. These fires have the potential to cause loss of life and significant damage to property and the environment.
- **Energy Emergency:** Emergencies such as this occur when there is a scarcity of the resources that either provide or create energy. These emergencies can be the result of an international event or natural phenomenon.
- **Dam Failure:** There are nearly 1,000 private or federally-owned or licensed dams in Washington that impound 10 acre-feet or more of water. These dams could fail because of flooding, earthquakes, lack of maintenance and repair, mis-operation, poor construction, vandalism, or terrorism. The Dam Safety Section of the Department of Ecology is the sole oversight agency for the 857 dams within the state.
- **Terrorism and Violent Persons:** Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment of it, in furtherance of political or social objectives. The bombing of the World Trade Center on September 11, 2001, and the federal building in Oklahoma City are two vivid reminders.

APPENDIX B

LOCAL JURISDICTION RESPONSIBILITIES

General

Local jurisdictions are responsible for maintaining the health, safety, and welfare of their citizens; and, in accordance with RCW 38.52.070, are in control of their respective jurisdictions. In an emergency or disaster, the saving of lives, protection of property, and preservation of the environment are mission priorities. Local jurisdictions include any town, city, county, or tribal government within Washington State.

Primary Responders

As stated in the Overview, the primary provider of emergency response is the local jurisdiction. State or federal resources will be used to assist or supplement, but not supplant, local jurisdiction efforts. The provision of emergency response is authorized by local ordinance and state statute. When an emergency or disaster necessitates extraordinary activity to save lives, protect property, and preserve the environment, the local jurisdiction emergency management director, at the discretion of elected officials, may activate the local Emergency Operations Center (EOC).

The local jurisdiction's emergency response procedures will be implemented. Response by public and private organizations and agencies will be directed and coordinated to alleviate or eliminate problems. The local jurisdiction emergency management director will notify the state EOC of the situation and provide periodic reports on local conditions.

Mutual Aid

Local jurisdictions are encouraged to enter into mutual aid and/or interlocal agreements to enhance their emergency response and recovery capabilities. The State Emergency Management Division has prepared a *Mutual Aid and Interlocal Agreement Handbook*, June 1996, to assist the local jurisdiction emergency manager in the development of either type of agreement.

Local Declaration

A "Declaration of Emergency" by local officials authorizes use of local resources, expenditures of local funds, and a waiver of the usual bidding process for goods and services. A local declaration is generally a prerequisite for most state or federal recovery assistance.

Exceeding Local Jurisdiction Capabilities

If the emergency or disaster exceeds local jurisdiction capabilities, the local governing officials may make a request to the State Emergency Management Division at the state EOC for state and federal assistance. State and federal resources are supplemental to local jurisdiction efforts and should be provided only when local resources have been expended or are unavailable.

State Coordination

The role of the State Emergency Management Division is to review and evaluate local jurisdiction situation reports (SITREPs), local jurisdiction response efforts, and requests for assistance. The local Emergency Management Agency coordinates the use and allocation of available state resources.

Specific Laws and Administrative Rules

The Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) have specific sections that address emergency powers for local jurisdictions.

- Cities over 300,000 population: RCW 35.32A.060
- Cities under 300,000 Population: RCW 35.33.081
- Counties: RCW 36.40.180
- All political subdivisions: RCW 38.52.070(2)
- Local Emergency Management: WAC 118-30

APPENDIX C**EMERGENCY POWERS OF CHIEF ELECTED OFFICIALS*****Declaration of Emergency***

Under the provision of RCW 38.52, the CEO may declare a "State of Emergency" upon finding that a public disorder, disaster, energy emergency, or riot exists which affects life, health, property, or the public peace. When appropriate, and at the direction of the CEO, the Emergency Management Agency will prepare a "Declaration of Emergency". A "Declaration of Emergency" is a preliminary step to requesting a "Proclamation of Emergency" from the Governor and requesting state and federal assistance.

Washington State National Guard Activation

When an emergency or disaster occurs, the Governor has the power to activate the National Guard. Activation provides state funding for Military Department personnel and resources. In the past, Military Department assets have been used in emergency situations when resources were not readily available from other sources.

Examples of uses of Military Department assets include:

- Trucks to transport forest firefighting personnel and equipment to back country areas.
- Aircraft for transportation and reconnaissance of forest fires and floods.
- Vehicles and drivers to assist with evacuation and citizen transportation in floods and snowstorms.
- Vehicles for transporting sand and sandbags.
- Personnel to assist in securing roadblocks.

TAB 1

DECLARATION OF EMERGENCY / DISASTER BY COMMISSIONERS

Before the Board of County Commissioners of _____ County, Washington

In the Matter of

Declaring a Disaster _____ RESOLUTION NO.

WHEREAS, the _____ County Department of Emergency Management has reported to the Chairman, Board of County Commissioners, beginning March 19, 1997, at 9:15 a.m., a severe rainstorm, numerous landslides involving homes and property, and flooding are creating extensive damages in parts of _____ County; and

WHEREAS, extensive damage has occurred and is still occurring to _____ County roads and bridges, private roads, homes, businesses and farm land; and

WHEREAS, persons and property are and will be damaged unless further efforts are taken to reduce the threat to like and property; and

WHEREAS, there is an emergency present which necessitates activation of the Comprehensive Emergency Plan and utilization of emergency powers granted pursuant to RCW 38.52 and County Ordinance No. 109;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION 1

That it is hereby declared that there is an emergency/disaster due to the conditions in _____ County; therefore, designated departments are authorized to enter into contracts and incur obligations necessary to combat such emergency to protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster.

SECTION 2

Each designated department is authorized to exercise the powers vested under Section 1 of this resolution in the light of the demands of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements).

DATED this 19th day of March, 1997.

BOARD OF COUNTY COMMISSIONERS
_____ COUNTY, WASHINGTON

Chair

Attest:

Commissioner

Clerk of the Board _____

Commissioner _____

PROCLAMATION BY THE GOVERNOR

WHEREAS, extensive flooding began February 7, 1996, in Washington State and threatens the citizens of Walla Walla, Whitman, Klickitat, Yakima, Skamania, Columbia, Pierce, Cowlitz, Clark, Lewis, Asotin, Kittitas, and Thurston counties and the Yakima Indian Nation; and

WHEREAS, the Washington State Military Department has implemented the state's Comprehensive Emergency Management Plan, coordinating resources to support local officials in alleviating the immediate social and economic impacts to people and property and assessing the magnitude of the disaster;

NOW, THEREFORE, I, *Mike Lowry*, Governor of the State of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby proclaim that a State of Emergency exists in *Walla Walla, Whitman, Klickitat, Yakima, Skamania, Columbia, Pierce, Cowlitz, Clark, Lewis, Asotin, Kittitas, and Thurston Counties and the Yakima Indian Nation* and direct the implementation of the Washington State Comprehensive Emergency Management Plan. State agencies and departments are directed to utilize state resources and to do everything possible to assist affected political subdivisions in an effort to cope with the emergency. Additionally, the Washington State Military Department, Emergency Management Division, is instructed to coordinate all state disaster-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this *eighth day of February, A.D., nineteen hundred and ninety-six*.

Governor of Washington

BY THE GOVERNOR

Secretary of State

(Proclamation to be prepared by Emergency Management Division staff and forwarded to the Governor for signature.)

REQUEST FOR DISASTER DECLARATION

Date

The President
The White House
Washington, D.C. 20500

Through:

Mr. David de Courcy, Regional Director
Federal Emergency Management Agency
Region X, Federal Regional Center 130 –
228th Street Southwest
Bothell, Washington 98021-9796

Dear Mr. President:

Under the provisions of Section 401, Public Law 93-288, as amended, the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, I request that you declare a major disaster for Washington State as a result of the damages caused by *a severe weather system that included heavy rains, extremely severe winds, waterspouts, and melting snowpack which caused extensive flooding and wind damage. The damages from the windstorm events were further magnified due to the extensive rains and intensive ground saturation preceding the severe winds.*

As a result of this disaster, there was *one death, numerous injuries, and hundreds of individuals were left homeless or with dwellings that cannot be reoccupied. Over 500,000 individuals were without power, light, and heat, some for almost a week. I requested a joint federal, state, and local survey of the damaged areas. Damage was sustained to homes, businesses, utilities, and public facilities.* In order to alleviate these immediate losses, I am requesting the Individual and Public Assistance programs as provided under PL 93-288 for *Chelan, Cowlitz, Grays Harbor, King, Lewis, Skagit, Snohomish, and Wahkiakum Counties.* Additionally, I am requesting the Individual Assistance programs for *Thurston County.*

Additional Preliminary Damage Assessments are currently ongoing which may result in amendments to this request. If the request for Individual Assistance is denied, I ask that the relevant information in this request be forwarded immediately to the Small Business Administration and the U. S. Department of Agriculture for consideration for declarations under their authorities.

Causes

Beginning on November 7, 1995, and continuing, a severe weather system that included heavy rains, high winds, and melting snowpack began to impact both the eastern and western counties of the state. This system, which included a weather phenomenon referred to as the "Pineapple Express", caused rapid changes in existing snow levels which resulted in rapid runoff. This increased water flow, in addition to the heavy rains, caused several dams to exceed their storage capacity, and resulted in additional releases.

All major rivers, and the majority of smaller systems in western Washington, reached and/or exceeded flood stage. Many systems reached record or near record heights, exceeding the flood records from the

TAB 3

The President
Date
Page Two

November 1990 Presidential Disaster event. According to the National Weather Service, in this case, flooding can be characterized at the 100-year level. Several breached in river dikes, as well as abnormally high tides, compounded flood damage. Wind gusts from the storm reached 70 – 80 miles per hour along the coast, 80 – 90 miles per hour inland. Similar rains and winds impacted eastern portions of the state causing extensive damage.

Damages

As a result of this disaster, it is estimated that approximately 1,300 residents have been directly impacted with hundreds of homes damaged or destroyed and loss of personal property. Initial flood-related damages to public facilities are approximately \$20,760,000. Additional damages from the ensuing windstorms will increase this estimate.

In addition, significant agricultural losses occurred. The extent of damage throughout Washington State to the farm and agricultural communities is estimated at \$7,445,200. This figure is incomplete due to the percentage losses not yet determined. Additionally, businesses have experienced approximately \$2,363,500 in flood-related damages and impacts.

Many wells and individual septic systems were flooded. There is concern regarding contamination of drinking water in both water systems and wells. Due to failure of water supply systems in the communities of Vader and Cathlamet, Washington National Guard personnel and equipment were required to provide essential water supplies. Major rail and road transportation routes between eastern and western Washington were closed for several days, disrupting normal delivery of essential items and supplies.

Resources and Manpower Extended

The Washington State Comprehensive Emergency Management Plan was implemented and is in effect. The State Emergency Operations Center (EOC) was activated on November 7, 1995, in response to the emergency. On November 28, I issued a Proclamation of Emergency as a result of this major storm event as noted in Enclosure A.

Natural Resources, Transportation, Utilities and Transportation Commission, Washington State Patrol, and Washington National Guard have been active in responding to this disaster. Continuous contact was maintained between the state EOC, other state agencies, and affected local jurisdictions. Staff in the EOC coordinated and responded to requests for resources, communicated with federal agencies, and served as the central point of information for state officials and the media. Additionally, Emergency Management Division staff was dispatched to assist Cowlitz, Skagit, and Whatcom Counties.

During the floods, the State of Washington expended 95,800 sandbags to support local government agencies.

The Washington National Guard activated 138 members to provide air and ground evacuation of stranded persons, air and ground transportation of emergency and non-emergency supplies, road clearing and restoration of highways, dike rebuilding and maintenance operations, road closure information posts, security patrols, and sandbagging. Additionally, two water tankers and associated equipment were supplied to local jurisdictions during the event.

During the storm event, 55 local shelters were activated in the proclaimed counties and sheltered 692 families.

*The President
Date
Page Three*

Initial disaster-related personnel costs to Washington State agencies are \$6,396,252.

The American Red Cross provided over \$282,000 in family assistance, served 15,464 meals, conducted 514 health assessments, and referred 709 individuals for mental health counseling.

Request for Major Disaster Declaration

I have determined that this disaster is of such severity and magnitude that effective response and recovery are beyond the capabilities of the state and affected local governments. Therefore, I have implemented the Washington State Comprehensive Emergency Management Plan and I have proclaimed A State of Emergency and find that federal assistance for individuals, public agencies, and mitigation is necessary to supplement state and local efforts.

Assistance Needed

I am specifically requesting the following Individual Assistance programs: 1) Disaster Housing; 2) Disaster Unemployment; 3) Individual and Family Grant Program; 4) SBA Disaster Loans; 5) Agricultural Assistance; 6) Tax Relief from the IRS; and 7) Crisis Counseling, and the Public Assistance and Hazard Mitigation under PL 93-288. Preliminary estimates of the types and amounts of assistance are tabulated in Enclosures (as appropriate). Other federal agency assistance is tabulated in Enclosure (as appropriate).

I certify for this major disaster, the state and local governments will assume all applicable non-federal share of costs required by PL 93-288, as amended, and tabulated in Enclosure (as appropriate).

State Coordinating Office

I have designated Ed Carlson, Chief of Staff, Washington State Military Department, Emergency Management Division, as the State Coordinating Officer and primary point of contact for this request. He will work with the Federal Emergency Management Agency on further damage assessments and may provide additional information or justification on my behalf.

I look forward to your earliest approval of this request to facilitate the provision of aid in Washington State.

Sincerely,

MIKE LOWRY
Governor

Enclosures: *(as appropriate)*

cc: Washington Congressional Delegation
Office of Financial Management
Legislators of Affected Counties
County Commissioners of Affected Counties
Local Emergency Management Directors in Affected Counties

APPENDIX D

EMERGENCY PUBLIC INFORMATION

General

A public information and media strategy is vital to emergency management. Without adequate preparation and coordination by the Emergency Management Agency, rumors may be taken as truth and facts may be misrepresented, resulting in a distorted public perception of the situation. To ensure that the city and county governments speak with one voice and communicate the CEO's concerns, the following are recommended:

City/County Declaration

In an emergency declared by a city or county or following a request from a city for response and recovery, activities are coordinated through the city or county EOC. During such activities, emergency public information and emergency instructions are coordinated, supervised, and prepared through the Emergency Management Agency.

- The Commissioners' initial public response to an emergency is to announce that information is being collected and response actions are underway. After the first day, the CEO will have more information and will be able to describe the severity of the situation and the range of county actions.
- It is advised that the CEO's concern about the crisis and concern for the people affected be communicated daily. Even if the situation has not changed, press releases can be used to announce that the CEO continues to collect information, monitor the situation, and coordinate local assistance.

Personal Involvement by CEOs

- For obvious reasons, the CEO will want to be involved and visible. It is important for the CEO to build public confidence through personal attention to the emergency or disaster and to respond quickly.
- During the first day of an emergency, the CEO should make an announcement, either in person or through a press release, that information is being collected and that the state is working with the local jurisdictions. The announcement will indicate the CEO is aware of the situation and that

information will be forthcoming on further developments. A detailed assessment can follow when adequate data is collected to avoid the potential for communicating misleading or incomplete information.

- The CEO should not make promises of assistance to residents without first consulting with the staff in the EOC. It is important for the staff to verify that a need truly exists and exactly what the requirements are. Doing this should prevent embarrassing situations and provide for an economy of limited resources.
- After the first day, the CEO will be fully briefed and then ready to describe the extent of damage and the nature of response and recovery activities by the state.
- Thereafter, daily press releases should indicate that the CEO is being kept apprised of the situation by on-site personnel, that the emergency or disaster is a top priority, and that the CEO is doing everything possible to provide assistance.
- Throughout the emergency or disaster, the Emergency Management Agency will continue to brief the CEO on the status of response and recovery efforts. Long after the emergency occurs, assistance will be a key concern of the media from the affected area. The Emergency Management Agency will have current information to prepare the CEO to answer questions about the status of response and recovery efforts. Questions about specific situations and circumstances should be referred to the EOC.
- During city emergencies, city authorities are capable of providing all public information services required by the situation, and may only require limited support from the county.
- Following a Presidential Disaster Declaration, state and local jurisdiction emergency public information, emergency instructions, and news releases are coordinated with Federal Emergency Management Agency public information operations.
- City/County departments and local agencies and organizations provide or assist in the development and dissemination of emergency public information which applies to their emergency functions. All emergency information releases made by city/county agencies or departments will be reviewed and approved by the Emergency Management Agency or designated representative(s) before releases are made. City/County departments and agencies also provide public information officer support to the county EOC.

APPENDIX E

ASSISTANCE AFTER A DISASTER

General

Once the President declares a disaster, the State Emergency Management Division and FEMA will establish a Disaster Field Office from which they will jointly administer disaster assistance programs. Local governments utilize this office for their disaster questions and concerns.

Individual Assistance

Disaster Application Centers are usually located near the affected areas so individuals, families, and small businesses can apply for a variety of assistance. FEMA also offers a toll-free application line. Federal Emergency Management Agency, state, and local jurisdiction emergency management officials jointly determine the locations, date, and times of operation of the centers.

Public Assistance

State and federal officials promptly organize and conduct centralized meetings for government agencies, special districts, private nonprofit organizations and tribal governments who have suffered damage. Information is provided about programs that pay for debris removal, emergency protective measures, and repairing damaged public facilities such as roads, bridges, utilities, and parks.

Following the meetings, joint local-state-federal damage survey teams are established to prepare reports for each damaged facility describing needed repairs. Upon approval by designated authorities, state and federal disaster funds are made available.

Currently, funding is channeled through the State Military Department. Seventy-five percent of the eligible relief costs are paid by the federal government, with the remaining twenty-five percent typically shared by the state and affected local jurisdictions.

Mitigation Assistance

Technical assistance and funding are available for community projects that will prevent or significantly reduce the future effects of the hazard. These funds are

limited, awarded on a project competitive basis, and applications must meet state and federal damage reduction criteria. Seventy-five percent of the mitigation grants are paid by FEMA.

Individual Assistance Programs

- **Emergency Assistance from Voluntary Community Services Groups**

The American Red Cross, Salvation Army, and others can provide immediate aid in the form of clothing, emergency food, medical assistance, emergency shelter, clean-up, transportation, and furniture. This assistance is available upon request of the individual, or government agencies, during any significant event.

- **Emergency Food Stamp Program**

This U.S. Department of Agriculture (USDA) program provides food coupons to victims when requested by the state. The state Department of Social and Health Services administers this program.

- **Internal Revenue Service**

The deduction of certain uninsured casualty losses can be made on a homeowner's federal income tax return. Reduction of real property values by a local jurisdiction's tax assessor's office to reflect losses may be requested. Tax counseling is also available.

- **Insurance Counseling**

Insurance counseling, claims filing, and expedited settlement assistance from the state Insurance Commissioner, the American Insurance Association, FEMA, and National Flood Insurance Program are available, upon request, by individuals or local jurisdictions.

- **Crisis Counseling**

Crisis counseling is available when a special request is made by the Governor and approved by FEMA. The program is administered by the State Department of Social and Health Services.

II ***Individual Assistance Programs Requiring a Presidential Disaster Declaration***

② **Individual and Family Grant Program**

This program assists individuals and families to meet serious and necessary disaster-related needs for which other assistance is unavailable or inadequate. It is seventy-five percent FEMA funded and twenty-five percent state funded. It is administered by the State Emergency Management Division.

② **Disaster Housing Program**

This FEMA administered program provides financial assistance or government-owned dwellings for persons whose primary residences are uninhabitable as a result of a disaster. This is a one hundred percent federally funded program for the first eighteen months. The state must fund the program after eighteen months if housing needs persist.

② **Social Security Administration and Veterans Administration**

Expedited address change and benefit check delivery may be obtained from the Social Security Administration. Expedited assistance with a variety of benefits from the Veterans Administration is also allowed.

② **Legal Counseling**

FEMA provides free legal counseling to low-income persons for disaster-related problems.

II ***Disaster Loans***

These programs are provided by the U.S. Small Business Administration (SBA) and are available automatically with a Presidential Disaster Declaration, or if approved by SBA following a Governor's request.

② **Physical Disaster Loans:** Low-interest loans are available to individuals for repair, replacement, or rehabilitation for owner-occupied primary residence, or for personal property loss for renters.

② **Business Loans:** Low-interest loans are available to non-farm businesses for repair, replacement, or rehabilitation of disaster-damaged property.

- **Economic Injury Disaster Loans:** Low-interest loans are available to non-farm businesses suffering economic loss as a result of a single, sudden physical event of a catastrophic nature. Funds can be used for indebtedness and operating expenses.
- **U.S. Department of Agriculture (USDA) Farmers Home Administration Loans:** This program provides low-interest loans to farmers, ranchers, and agricultural operators for physical and production losses, repair or replacement of farm property and supplies, or repayment of farm operating debts incurred during the disaster year. It is available automatically with a Presidential Disaster Declaration or if approved by the USDA following a Governor's request.

Disaster Unemployment Assistance

This program provides weekly benefit payments to workers who are not normally covered by regular unemployment insurance and are out of work due to the disaster. This program is administered by the state Department of Employment Security, through the U.S. Department of Labor and the Federal Emergency Management Agency.

APPENDIX F

CITY/COUNTY ROLES AND AUTHORITIES

General Authority – RCW 38.52.110(1)

County agency emergency management activities encompass the use of services, equipment, supplies, and facilities of existing departments and agencies. Under the provisions of RCW 38.52.030(3), the officers and personnel of all departments and agencies are directed to cooperate with and extend such services and facilities to the Commissioners and to the emergency management organizations of the county upon request. Each county department/division has a responsibility to ensure continued operational support of their normal, day-to-day activities, throughout an emergency or disaster.

The following sample of the roles and responsibilities of county departments represents a brief synopsis. Please refer to your respective CEMP for a full detailed list for your local jurisdiction.

Fire Agencies	Fire services, light rescue, limited hazardous materials response, radiological monitoring, and decontamination
Sheriff's Office/ Police Department	Law enforcement, traffic control, search and rescue, warning, evacuation and emergency highway traffic regulation
Public Works (County and Municipal)	Engineering services, heavy rescue, and emergency traffic regulation
Public Utility District/ Local Utility Departments	Utilities
Auditor	Economic stabilization
American Red Cross/ Assessor/DCD	Damage assessment
Administrative Services	EOC administration
Local Food Banks	Food coordination and distribution
Central Communications	Warning/emergency dispatch
Extension Agent	Health recommendations (agricultural)
Public Transit	Emergency transportation
Purchasing Agent	Supplies, resources coordination
Treasurer	Fiscal services
Health Department	Emergency health and sanitation, immunization
Coroner	Mortuary services, identification

APPENDIX G

STATE AGENCIES' ROLES AND AUTHORITIES

General Authority – RCW 38.52.110(1)

State agency emergency management activities encompass the use of services, equipment, supplies, and facilities of existing departments and agencies. Under the provisions of RCW 38.52.030(3), the officers and personnel of all departments and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the emergency management organizations of the state upon request. Each state agency has a responsibility to ensure continued operational support of their normal, day-to-day activities, throughout an emergency or disaster.

The following state agency roles and responsibilities represent a brief synopsis. Please refer to the CEMP, Basic Plan, for a full detailed list.

Military Department

- The Director of the Washington State Military Department is responsible to the Governor for carrying out the program for emergency management of the state.
- The State Emergency Management Division serves as the emergency and disaster information and management arm of the Governor. The division is responsible for comprehensive emergency management planning, training, and exercising and serves as the single point of notification and coordination for emergencies and disasters through a 24-hour duty officer system.
- The state EOC is activated during an emergency or disaster to collect information and manage the coordinated allocation of state resources to assist local jurisdiction emergency response activities. The State Emergency Management Division uses statewide warning and communications systems, processes private and public requests for assistance, and conducts an emergency public awareness program to disseminate information to the public and the news media during emergencies or disasters.
- Limited National Guard resources will be deployed by the Adjutant General after an Order by the Governor is signed (Appendix 1 to ESF 20), in a federally-funded status in response to an emergency involving imminent loss of life, and/or to mitigate destruction of property, in accordance with regulations and statutes.

II Department of Agriculture

Provides safety inspections of food and farm products.

II Office of the Attorney General

- ③ Provides consumer protection and fair business practices services.
- ③ Provides and coordinates legal advice to state agencies.

II Office of the State Auditor

- ③ Assists in the administration of emergency or disaster related budgets.
- ③ Provides assistance to local jurisdictions with their financial recordkeeping systems for emergency or disaster work.

II State Board for Community and Technical Colleges

Provides for temporary use of community college facilities during an emergency or disaster.

II Department of Community, Trade, and Economic Development

- ③ Administers Public Works Trust Fund programs.
- ③ Administers Energy Supply Control programs
- ③ Implements Energy Supply Contingency Plans in energy shortages or emergencies in accordance with the Governor's emergency energy powers legislation.

II Energy Site Evaluation Council (EFSEC)

Sites and regulates major energy facilities.

II Conservation Commission

- ③ Provides outreach to the agricultural community through local conservation districts.
- ③ Maintains access to an inventory of statewide water supplies.

II ***Department of Corrections***

- ③ Provides minimum security inmate personnel for response activities.
- ③ Provides personnel and equipment to assist the WSP with special assignments.

II ***Department of Ecology***

- ③ Serves as the lead agency for emergency environmental pollution response and cause investigation.
 - ③ Monitors state waters suspected of contamination due to an emergency or disaster.
 - ③ Acts as the State On-Scene Coordinator for Oil and Hazardous Substance spills, and coordinates with the Washington State Patrol for spills occurring on state highways.
 - ③ Coordinates with the Department of Natural Resources and others for spills that may or may not affect state waters.
 - ③ Administers the Flood Plain Management Program.
 - ③ Manages the Dam Safety Program
 - ③ Provides meteorological and air modeling reviews upon request.
- Evaluates
public health impacts in coordination with the Department of Health.

II ***Department of Employment Security***

- ③ Administers the Disaster Unemployment Assistance Program to provide compensation to victims.
- ③ Serves as lead agency for coordinating acquisition of emergency or disaster human resources.
- ③ Provides personnel to interview and process applicants at DACs.

II ***Office of Financial Management***

Compiles emergency or disaster-related financial information.

II ***Department of Fish and Wildlife***

- ③ Provides aerial reconnaissance of impacted areas.
 - ③ Provides personnel and equipment to reinforce the Washington State Patrol for special assignments.
 - ③ Assists local jurisdictions in the evacuation of individuals or property from an emergency or disaster area.
-

II Department of General Administration

- ③ Provides food to recognized relief organizations for mass feeding and distribution.
- ③ Provides initial damage assessment and estimates on state-owned buildings and Capitol Campus facilities.

II Office of the Governor

- ③ Proclaims a State of Emergency
- ③ Assumes direct control over an emergency or disaster operation.

II Department of Health

- ③ Provides and coordinates assessments of the public health impact of emergencies or disasters.
- ③ Provides and coordinates assistance to local health jurisdictions and authorities.

II Governor's Office of Indian Affairs

Assists in the notification and provision of assistance to the tribes.

II Department of Information Services

- ③ Advises other state agencies regarding business resumption planning.
- ③ Assists the state Emergency Management Division with the coordination and monitoring of telecommunications system restoration.

II Insurance Commissioner

- ③ Oversees the verification of settlements paid to claimants.
- ③ Provides personnel to interview and process applicants at DACs.

II Department of Labor and Industries

- ③ Examines facilities to assure work place safety compliance.
- ③ Provides workers' compensation benefits and medical care and lost earnings supplements.

Department of Licensing

Verifies professional and technical personnel credentials assisting in response and recovery activities.

Office of the Lieutenant Governor

In the absence of the Governor, proclaims a State of Emergency or assumes direct control over emergency or disaster activities.

Liquor Control Board

Provides personnel to augment the Washington State Patrol.

Office of Marine Safety

Makes on-site inspections for spills involving marine vessels and makes recommendations for remedial actions.

Department of Natural Resources

- Coordinates emergency or disaster firefighting/suppression activities.
- In conjunction with the Washington State Patrol, coordinates local jurisdiction firefighting resources in wildland fire suppression activities.

Parks and Recreation Commission

- Makes state park facilities available as assembly, relocation, and dispatch areas for emergency or disaster operations, such as mass care or temporary housing.
- Provides enforcement personnel and equipment to the Washington State Patrol for special assignments.

Department of Personnel

Assists state agencies with the hiring and training of temporary personnel during an emergency or disaster.

Department of Printing

Provides emergency printing during an emergency or disaster.

II ***Superintendent of Public Instruction***

- ③ Collects school information on initial damage assessment estimates and reports it to the state EOC.
- ③ Coordinates information on availability of school buses and facilities for shelter during an emergency or disaster.
- ③ Assists educational service districts and local school districts to repair or replace school facilities.

II ***Department of Retirement Services***

Restores retirement services following an emergency or disaster.

II ***Department of Revenue***

- ③ Assists in compiling statistics related to the fiscal impacts of the emergency or disaster.
- ③ Provides assistance to local jurisdictions to maintain or reconstruct tax records.

II ***Office of the Secretary of State***

Coordinates the state's essential records protection program.

II ***Department of Social and Health Services***

- ③ Provides for conversion of the food stamp program to meet the basic food needs of all persons whose ability to purchase a regular food supply has been disrupted by the emergency or disaster.
- ③ Provides for the provision of mental health support to state agencies and local jurisdictions.

II ***Washington State Patrol***

- ③ Assists local jurisdiction authorities with local law enforcement operations.
- ③ Coordinates law enforcement and traffic control throughout the state.
- ③ Assumes incident command for hazardous materials incidents on all state and interstate highways.
- ③ In conjunction with the Department of Natural Resources, coordinates local jurisdiction firefighting resources in wildland fire suppression activities.

· ***Department of Transportation***

- ▮ Determines the usable portions of the state transportation system and coordinates and controls emergency highway traffic regulations.
- ▮ Reconstructs, repairs, and maintains the state transportation system.

· ***State Treasurer***

Assists affected local jurisdictions with short-term lending as directed by the State Finance Committee.

· ***Utilities and Transportation Commission***

- ▮ Assists and expedites processing of requests from utilities to provide specific services or take specific emergency or disaster actions.
- ▮ Assists and expedites processing of applications for permits from transportation companies.

· ***Department of Veterans' Affairs***

Provides public information officer support, as requested.

· ***All Other Departments, Agencies, Baccalaureate Institutions, Boards, Commissions, and Councils***

All organizations within state government have emergency management supporting responsibilities to include the four phases of emergency management activities.

APPENDIX H

EMERGENCY MANAGEMENT LAWS

State Laws – Revised Code of Washington

- Chapter 43.06.010 provides for general powers and duties of the Governor.
- Chapters 43.06.200 through 43.06.270 describe the various powers and procedures the Governor may use when declaring a State of Emergency.
- Chapter 38.08.40 empowers the Governor to mobilize the Washington National Guard.
- Chapter 38.52 [provides for the emergency management functions of the state.

Federal Law

- Public Law 93-288, the disaster Relief Act of 1974, as amended by Public Law 100-707, the Robert T. Stafford Emergency Assistance and Disaster Relief Act.
- Public Law 920, Federal Civil Defense Act of 1950, as amended.
- Public Law 96-342, Improved Civil Defense, 1980.
- Code of Federal Regulations, Title 44, Emergency Management.

APPENDIX I

GLOSSARY

Chief Elected Official (CEO): The county executive in those charter counties with an elective office of county executive, however designated, and in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government.

Emergency Management: The preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress.

Emergency Management Agency: An organization created in accordance with the provisions of RCW 38.52 to perform local emergency management functions.

Emergency Management Division: The Emergency Management Division of the Washington State Military Department.

Emergency or Disaster: An event or set of circumstances which: (1) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (2) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

Incident Command System: (a) An all-hazard, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency / multijurisdiction operations while maintaining individual agency / jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Cogle, Interim Director of Parks & Community Services
Eric Shields, Director of Planning & Building
Dawn Nelson, Planning Supervisor

Date: May 17, 2016

Subject: Affordable Housing Week Proclamation

RECOMMENDATION

That the Mayor proclaim May 16 – May 22, 2016 as Affordable Housing Week in Kirkland.

BACKGROUND DISCUSSION

Affordable Housing Week is a new annual region-wide initiative by the Housing Development Consortium to highlight the need for affordable housing in cities in King County. Through education and advocacy the Housing Development Consortium works collaboratively with public and private organizations to meet the housing needs of limited-income people throughout the region. The Consortium is comprised of over 120 member organizations.

Mayor Walen and Mayor Backus (Auburn) recently issued a “Mayor’s Challenge” encouraging other cities in the region to participate in the Affordable Housing Week effort. Thus far, 18 cities in King County have pledged to participate.

A number of events are being scheduled during Affordable Housing Week to heighten awareness about the need for affordable housing. In Kirkland, an open house will be held at Francis Village on Wednesday, May 18, from 3:00 – 5:00 p.m. Francis Village opened in 2012 and contains 61 affordable units, 45 of which are set aside for people coming from homelessness.

Kelly Rider, Government Relations and Policy Director for the Consortium, will attend the City Council meeting to receive the proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Affordable Housing Week

WHEREAS, all people should have access to safe, healthy, and affordable homes within communities of opportunity; and

WHEREAS, studies have found that each \$100 increase in median rent results in a 15% increase in homelessness in metro areas and a 39% increase in homelessness in suburbs and rural areas; and

WHEREAS, the 2016 One Night Count found 245 people in our community sleeping outdoors without shelter in January of this year, and 3,335 families are considered "housing insecure," because they are spending more than half of their income on rent & utilities; and

WHEREAS, there were 296 students identified as homeless during the 2014 – 2015 school year by the Lake Washington School District; and

WHEREAS, the combined cost burden of housing plus transportation can be substantially reduced by locating affordable housing opportunities in proximity to transit; and

WHEREAS, everyone benefits from affordable housing, including the people who reside in these properties, their neighbors, businesses, employers, and the community as a whole; and

WHEREAS, united in an effort to raise public awareness, communities throughout King County are participating in local Affordable Housing Week efforts to inform the public of the critical need to preserve and/or increase affordable housing in our communities; and

WHEREAS, the City of Kirkland has adopted a Housing Element as part of its Comprehensive Plan which includes goals and policies to address housing needs for households of all income levels and types of households including the homeless and persons with special needs; and

WHEREAS, the City of Kirkland has adopted legislation that supports affordable housing by exempting impact fees for affordable housing units, requiring affordable housing units in market rate developments, allowing multifamily tax exemptions where affordable housing units are provided and prohibiting discrimination against those using Section 8 Housing Choice Vouchers; and

WHEREAS, the City of Kirkland is a member of A Regional Coalition for Housing, a nationally recognized organization, that supports the efforts of its members to create affordable housing in our city and communities throughout East King County; and

Whereas, the City of Kirkland endorses the goals, objectives, and purposes of Affordable Housing Week, and in doing so, recommits itself to ensuring that our community thrives with opportunity, and that all people in it live with dignity in safe, healthy, and affordable homes.

NOW, THEREFORE, I, Amy Walen, Mayor of Kirkland, do hereby proclaim May 16 – 22, 2016 as Affordable Housing Week in Kirkland.

Signed this 17th day of May, 2016

Amy Walen, Mayor



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

To: Kurt Triplett, City Manager

From: David Godfrey, P.E. Transportation Engineering Manager
Kathy Brown, Public Works Director

Date: May 5, 2016

Subject: BIKE EVERYWHERE DAY PROCLAMATION

RECOMMENDATION:

It is recommended that the Mayor proclaim Friday May 20, 2016, as Bike Everywhere Day in Kirkland.

BACKGROUND DISCUSSION:

May is National Bike Month, sponsored by the League of American Bicyclists and celebrated in communities throughout the United States.

For many years May has been designated Bike to Work Month by Cascade Bicycle Club, and the 3rd Friday of May has been Bike to Work Day. The City of Kirkland has partnered with Cascade to sponsor a station at Marina Park for 15 years. An additional City sponsored station on the Cross Kirkland Corridor (CKC) was added last year. Higher station attendance is dependent on good weather, but in recent years approximately 100 bicyclists have been counted at each station.

This year the City of Kirkland Bike Everywhere staff team is working with a city volunteer who has solicited donations of food and beverages to be given to riders who stop at the stations. Local stores, such as Safeway, QFC, Starbucks and Caffe Ladro have made donations. Kirkland Bicycle Shop perennially supports the stations by donating the services of a bicycle mechanic and giving away tire repair kits. Metro Transit and King County have also participated at Kirkland's stations



Figure 1 Bike to Work Day Station at Marina Park

The Bike Everywhere Challenge allows people to form teams and compare the number of trips that they have completed. There are a record number of 39 city employees on five different teams that are participating in the challenge this year.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming May 20, 2016 as "Bike Everywhere Day" in Kirkland, Washington

WHEREAS, the Kirkland City Council envisions a city where people of all ages and abilities have the option of bicycling –safely and conveniently-- everywhere, every day and has adopted a Transportation Master Plan and Comprehensive Plan with policies that will achieve this aspiration; and

WHEREAS, biking supports an active, healthy lifestyle, and helps Kirkland meet goals in the Environment element of the Comprehensive Plan; and

WHEREAS, the City of Kirkland recognizes the importance of bicycle safety and is one of a handful of cities in Washington that has adopted a Vision Zero policy calling for elimination deaths or serious injuries from our transportation system by 2035; and

WHEREAS, again this year, the City of Kirkland has partnered with the Cascade Bicycle Club to host two Bike Everywhere Day "Celebration Stations", one in Marina Park and the other on the CKC near 6th Street S; and

WHEREAS, the month of May 2016 has been designated Bike Everywhere month; and

WHEREAS, people who live work or play in Kirkland are encouraged to bicycle everywhere every day, but particularly on May 20, 2016;

NOW, THEREFORE, I, Amy Walen, Mayor of Kirkland, do hereby proclaim Friday, May 20, 2016, as "Bike Everywhere Day" in the City of Kirkland, Washington and encourage Kirkland residents to participate in this event.

Signed this 17th day of May, 2016

Amy Walen, Mayor



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: May 4, 2016

Subject: Puget Sound Energy, Update on Sammamish-Juanita 115 Kilovolt Transmission Line Project

RECOMMENDATION

Receive project update from Puget Sound Energy (PSE) on the Sammamish-Juanita 115 kilovolt (kV) project.

BACKGROUND DISCUSSION

PSE is proposing a new 115 kV transmission main connecting from the Sammamish substation in Redmond to the Juanita Substation in Kirkland (see Attachment 1). The project is needed to address capacity and reliability issues for residents and businesses. In 2011, a Stakeholder Advisory Group including representatives from the City and the Kingsgate, Juanita, and North Rose Hill neighborhoods developed three alternatives. Following multiple community meetings to review the alternatives, the advisory group ultimately selected the proposed alignment. The City Council has previously been briefed on the proposed alignment by staff and PSE representatives. Additional project details may be viewed on the [project page of PSE's website](#).

The Kirkland alignment east of I 405 is located in the Eastside Rail Corridor (ERC) and Cross Kirkland Corridor (CKC). PSE owns a utility easement over the full length of the rail-banked portion of the ERC and CKC. This portion of the route is included in the approved CKC Master Plan. West of I 405, the alignment follows 120th Avenue NE to NE 124th Street, then turns north to connect to the Juanita Substation.

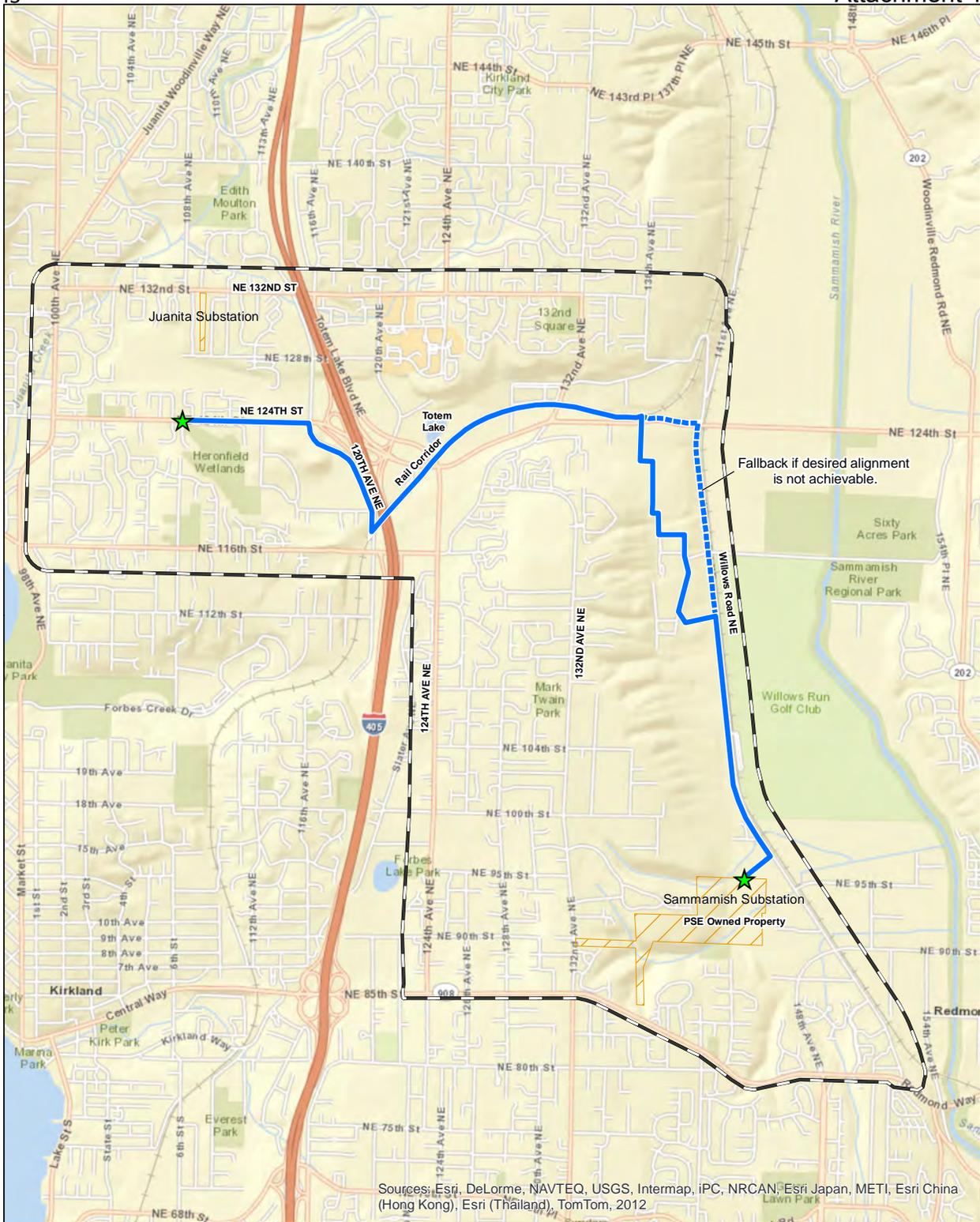
In the time since the route selection in 2012, staff has been working with PSE on the City's specific interests on issues including pole placement and relationship to planned projects - such as Totem Lake Park and the 124th CKC overpass. The project has been delayed as PSE and Redmond coordinate more complex issues with the project alignment within the City or Redmond. PSE has restarted their public outreach process to remind the community about the project and provide the most current information (see Attachment 2). Also, City staff recently sent out project information to CKC listserv subscribers along with links to the PSE project webpage.

PSE plans to submit permit applications for the project by summer 2016. A portion of the project will require a Process IIA permit (Hearing Examiner decision). 115 kV lines are typically exempt from SEPA, however, the proximity to wetlands and streams will require SEPA review in this case. PSE anticipates beginning construction of the project in 2017.

Attachment:

1. Proposed Route
2. Community Mailer from PSE

cc: Dave Jenness, Puget Sound Energy



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012

**Puget Sound Energy
Sammamish to Juanita 115 kV Line**

PSE Preferred Final Route

- Preferred Route
- Project Study Area Boundary
- - - Route Fallback
- PSE Owned Property
- ★ Route Start and End Points

Note: A final alignment will be selected after public review, micrositing with property owners and further studies are completed.





May 2016

RE: Sammamish-Juanita 115 kV Project in Kirkland

Improving your **ELECTRIC SERVICE** ▶▶▶

Puget Sound Energy (PSE) is working to improve electric service reliability for more than 150,000 residential and commercial customers in northern Kirkland and Redmond.

Customer power usage is straining the electric system serving the area, which reduces PSE's ability to reliably serve power and increases the possibility of outages. To increase system capacity and improve reliability for customers, PSE plans to build a new 115 kilovolt (kV) transmission line from the Sammamish substation in Redmond to the Juanita substation in Kirkland.

NE 124th Street Looking West



Existing view



Proposed view

◀◀◀
View other photo
simulations at
pse.com/SammJuan115

How we got here

PSE launched the Sammamish-Juanita 115 kV project in 2008. In 2011, PSE convened a stakeholder advisory group to help identify a route for the new transmission line.

For nearly a year, PSE worked with the advisory group and consulted the broader community through open houses and neighborhood briefings, along with reviewing public comments, to develop a route that reflected community input.

Current status of the project

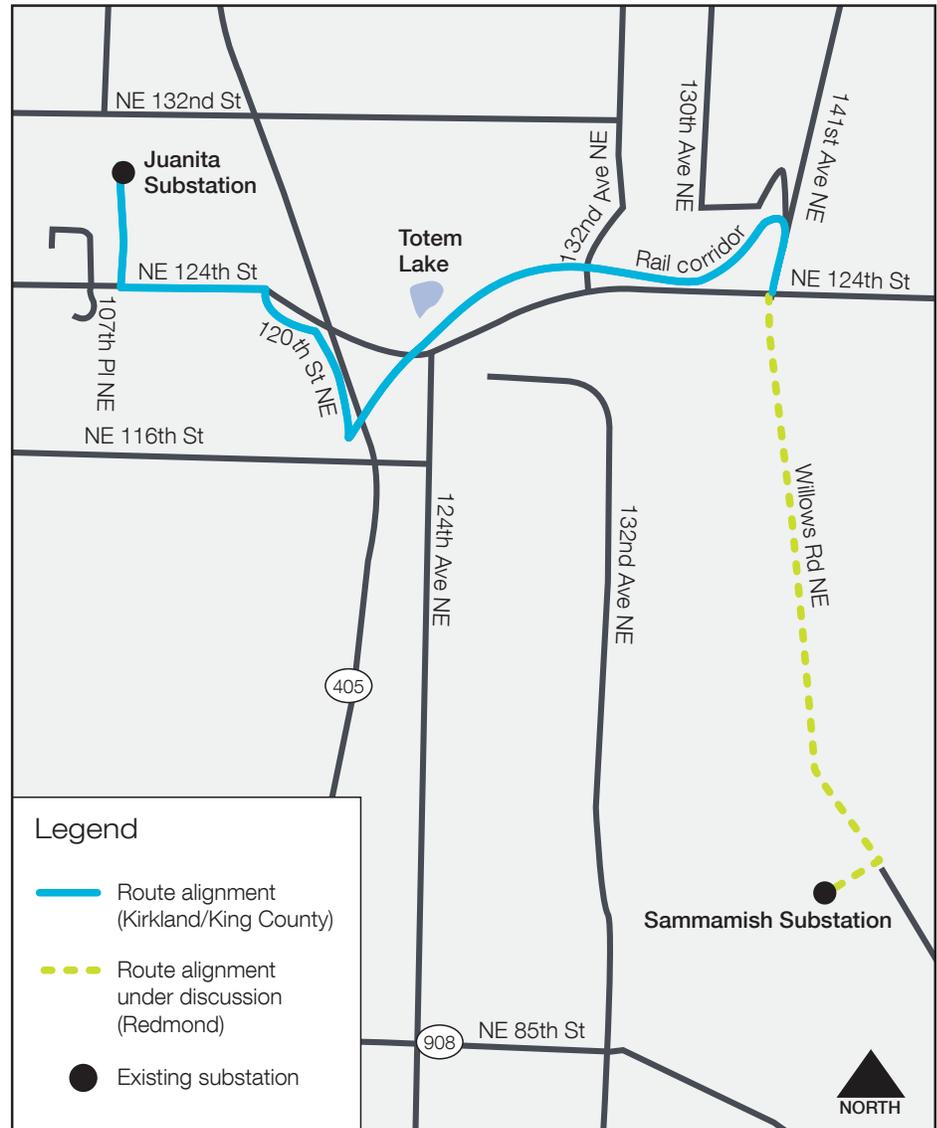
For the past few years, we've been learning about on-the-ground conditions to identify environmental effects and potential mitigation for environmentally-sensitive areas, such as wetlands and streams. Our engineers are designing the poles and wires to comply with regulations and local codes. We've also been coordinating with property owners and agencies, like the Washington Department of Transportation, King County, Eastside Rail Corridor Regional Advisory Council, and the cities of Kirkland and Redmond, to inform our work.

This year we're focused on finalizing the route alignments in both cities, submitting permit applications, and continuing to coordinate with property owners. We anticipate beginning construction in 2017.

Our work on the different portions of the project varies, specifically:

- In Kirkland, we have a route alignment along the rail corridor, 120th Avenue NE and NE 124th Street. We plan to submit permit applications for this portion of the project by summer 2016.
- In Redmond, we are working with the City to finalize the route alignment.
- If an easement is needed on your property, a PSE real estate representative will reach out to you soon.

Kirkland/Redmond electric system improvements Attachment 2 Sammamish-Juanita 115 kV transmission line



We are committed to keeping the community up to date on our progress. Additionally, we would be happy to give a project presentation to your neighborhood or organization.

To learn more about the project, please visit pse.com/SammJuan115. If you have any questions or concerns, please feel free to contact me any time.

Sincerely,

Dave Jenness, Project Manager
Puget Sound Energy
1-888-404-8773
majorprojects@pse.com



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
May 03, 2016

1. CALL TO ORDER

Motion to Suspend the rules regarding remote participation in Council meetings to provide for the possibility of a third meeting of remote attendance by Councilmember Marchione.

Moved by Councilmember Dave Asher, seconded by Councilmember Shelley Kloba

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Approve remote attendance by Councilmember Marchione for the duration of the executive session and regular meeting, in accordance with Kirkland City Council Policy 3.24.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

1. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Members Absent: None.

2. STUDY SESSION

a. Information Technology

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Deputy City Managers Marilynne Beard and Tracey Dunlap, and Chief Information Officer Brenda Cooper.

3. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor Walen announced that Council would enter into executive session to discuss potential litigation and would return to regular meeting at 7:30 p.m.,

which they did. Also attending were City Manager Kurt Triplett, Deputy City Managers Marilynne Beard and Tracey Dunlap, City Attorney Kevin Raymond, Asst. City Attorney Oskar Rey, Fire Chief Joe Sanford, and Facilities Manager Chris Dodd.

4. HONORS AND PROCLAMATIONS

a. Honoring Outgoing Board and Commission Members

Former Board and Commission members Alexandra Dorsett, Lora Hein, Eric DeJong, Megan Melloy, Shawn Thornsberry, Jon Pascal, C. Ray Allshouse, M. Larry McKinney, Jannica Durand, Pat Polley, Nancy Dosmann, Brenda Kauffman, Dave Wagar, and Carl Wilson were recognized for their service.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Will Knedlik

c. Petitions

6. SPECIAL PRESENTATIONS

a. Representative Patty Kuderer, 2016 Legislative Session Debrief

b. Citizen Hero Award

Deputy Fire Chief Helen Ahrens-Byington presented the Citizen Hero Award to Ryan Carter, Tyler Ptacek, Josh Pineda, Branson Corwin, Cole Hastie, and Gary McIntosh.

c. King County Metro Transit Long Range Plan Update

King County Metro Project Long Range Plan Manager Stephen Hunt and Strategy and Performance Group Manager Christina O'Claire presented on the draft Metro Transit Long Range Plan.

d. Customer Service Initiative Update

Customer Service Program Lead Sara Waters presented the progress of the Customer Service Initiative and received Council feedback on the new Customer Support Value Statement.

7. CONSENT CALENDAR

a. Approval of Minutes: April 19, 2016

b. Audit of Accounts:
Payroll \$2,912,076.06
Bills \$5,711,560.43
run #1514 checks #601423 - 601444
run #1515 check # 601445
run #1516 check #601446
run #1517 check #601447
run #1518 checks #601474 - 601677
run #1519 check #601678
run #1520 checks #601682 - 601846

c. General Correspondence

d. Claims

Claims received from Saleh El Hasnawi and Dorina Ghiran were acknowledged via approval of the Consent Calendar.

e. Award of Bids

(1) 2016 Street Preservation Program, Phase I Curb Ramp & Concrete Repairs Project, Westwater Construction Company, Renton, WA

Council awarded the contract for construction of the 2016 Street Preservation Program, Phase I Curb Ramp & Concrete Repairs Project, to Westwater Construction Company, of Renton, WA, in the amount of \$486,165.00, via approval of the Consent Calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Kirkland Decant Facility Upgrade, Santana Trucking & Excavating, Redmond, WA

Contracted work performed by Santana Trucking & Excavating of Redmond, WA for the construction of the Kirkland Decant Facility Upgrade was accepted and the lien period established via approval of the Consent Calendar.

g. Approval of Agreements

h. Other Items of Business

(1) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

8. PUBLIC HEARINGS

None.

9. UNFINISHED BUSINESS

- a. Ordinance O-4517, Relating to Special Sidewalk Use Regulations for Park Lane.

Public Works Director Kathy Brown responded to Council questions and feedback about the Ordinance.

Motion to Approve Ordinance O-4517, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SPECIAL SIDEWALK USE REGULATIONS FOR PARK LANE."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

10. NEW BUSINESS

- a. Draft Ordinance O-4516 and its Summary, Relating to Land Use and Approval of a Rezone, Preliminary Subdivision, and Multiple Sensitive Area Decisions as Applied for by KLN Construction, Inc. in Department of Planning and Building File Nos. SUB15-00572, REZ15-00575, SAR15-00573, SAR-15-00574, SAR15-00580 and Setting Forth Conditions of Approval.

City Attorney Kevin Raymond addressed the Council and described the format for the hearing and began the proceedings. Deputy Mayor Arnold disclosed that while he has not had ex parte communication, he has previously served on a board with the spouse of one of the property owners in this case and assured the Council this would not affect his consideration of this matter.

Councilmember Asher disclosed that he was at a Bridle Trails Neighborhood Association where they received a briefing from Planning and Building Department staff on this issue and assured the Council this would not affect his consideration of this matter. Planner Desiree Goble and Planning and Building Director Eric Shields presented an overview of the Ordinance and responded to Council questions. Brian Holtzclaw, an attorney for the builder, made a statement in support of the application. Andy Held and Molly Lawrence, an

attorney for the neighbors, made a statement in challenge to the application. Brian Holtzclaw presented further testimony in support of the application. City Attorney Kevin Raymond proposed that the applicant and the challenger be allowed 24 hours to present any written materials to the Council, with copies for opposing counsel, detailing any objections concerning new or misleading facts or testimony.

Motion to Take the matter under advisement, and take action and vote on the application at the next Council meeting.

Moved by Councilmember Penny Sweet, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Convene a closed session of the Council directly following this council meeting to consult with the City Attorney to discuss this issue in accordance with RCW 42.30.140.

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Council recessed for a short break.

- b. Ordinance O-4518 and its Summary, Relating to Surface Water Discharge Standards and the Enforcement of Surface Water Regulations.

Surface Water Engineering Supervisor Jenny Gaus and Water Quality Program Coordinator Ryeon Tuomisto presented an overview of the code changes affected by the Ordinance and received Council feedback.

11. REPORTS

- a. City Council Reports

- (1) Finance and Administration Committee

Did not meet. Chair Arnold asked the Council to consider referring the idea of naming a part of City Hall in honor of Al Locke, Kirkland's first City Manager, to the Finance and Administration Committee.

- (2) Legislative Committee

Did not meet.

- (3) Planning, and Economic Development Committee

Chair Arnold reported on a joint meeting with the Cultural Arts Commission and a presentation by ArtsFund.

(4) Public Safety Committee

Chair Sweet reported on the Fire Department 2015 Annual Report; the Wireless Priority System (WPS) Telecommunications Access; the upcoming Cascadia Rising emergency management exercise; an update on the renovation at Station 25; an update on the overlapping response area; a presentation from NORCOM to be scheduled for the Council at a later date; and the issue of fire prevention education in schools.

(5) Public Works, Parks and Human Services Committee

Did not meet.

(6) Tourism Development Committee

Did not meet.

(7) Regional Issues

Councilmembers shared information regarding a recent Lake Washington Schools Foundation fundraising luncheon; a Washington Cities Insurance Authority/Association of Washington Cities seminar on the role of elected officials in emergency management; a tour of the Cascade Recycling Center; the Kingsgate Library ribbon cutting; a town meeting with King County Councilmember Claudia Balducci at the Kirkland Justice Center; the upcoming Sound Cities Association Public Issues Committee meeting; the Lake Washington Schools Foundation fundraising breakfast; the upcoming ArtsFund luncheon; the Forterra annual breakfast; a King County Mental Illness and drug Dependency Oversight Committee spending proposal; a Cascade Water Alliance meeting; the Kirkland Sports Physical Therapy ribbon cutting; the Kirkland Downtown Spring Cleanup; Councilmember Sweet requested and received Council permission to add the issue of fire prevention education in schools to the Public Safety Committee agenda; an I-405 Executive Advisory Group meeting; the Sound Transit Open House; the Sound Transit Board of Directors meeting; the Puget Sound Regional Council Executive Board meeting; a briefing from Imagine Housing; the Studio East "Curtains Up" season preview; the Kirkland Alliance of Neighborhoods quarterly meetings with the Deputy Mayor and Mayor; the Northeast Mayors' meeting; the upcoming Friends of Youth food event at The Landing; and Mary's Place has a continuing interest in hosting a shelter space.

b. City Manager Reports

(1) Calendar Update

City Manager Kurt Triplett reported that the City would not be proceeding with the purchase and sale agreements for the parcels for Station 24; requested and received Council approval to proceed with a condemnation ordinance for the Rite Aid site for Council consideration at the May 17th council meeting; the fire sprinkler ordinance will be coming forward for Council discussion at the May 17th council meeting; and requested and received Council permission to add the animal control services contract to the agendas of some of the Council committees for discussion.

(2) ST3 update

Public Works Director Kathy Brown presented a summary of a meeting with Sound Transit staff to explore the South Kirkland Park and Ride transit proposal and the subsequent report to the Sound Transit Ad Hoc committee. City Manager presented the recommendation from the Sound Transit Ad Hoc committee to the Council.

Motion to Authorize the Ad Hoc committee to negotiate with the Eastside Sound Transit Board members to include the South Kirkland Park and Ride light rail extension in the ST3 package subject to the following provisions:

- (1) the light rail extension is an additional investment for Kirkland and not a reallocation of funds from other Kirkland projects;
- (2) the parking garage is built to allow future expanded parking capacity in case demand exceeds supply;
- (3) a provisional "dotted line" of extended HCT service along the CKC to Totem Lake is included in the ST3 plan, in the event that the SKPR project costs less than anticipated or more federal dollars are secured.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Shelley Kloba

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Penny Sweet, and Mayor Amy Walen.

No: Councilmember Toby Nixon.

12. ITEMS FROM THE AUDIENCE

13. ADJOURNMENT

The Kirkland City Council regular meeting of May 3, 2016 was adjourned at 10:57 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: May 5, 2016
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Richard Schober
10570 Greenwood Avenue NE
Seattle, WA 98133

Amount: \$750.00

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

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lane Kawaoka Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: April 26, 2016

Subject: ANNUAL STRIPING PROGRAM (2016 PROJECT) – AWARD

RECOMMENDATION:

It is recommended that City Council award a contract for the construction of Schedules A and B for the Annual Striping Program (2016 Project) to Specialized Pavement Marking of Tualatin, Oregon, in the amount of \$228,167.50.

By taking action on this memo during approval of the consent calendar, City Council is awarding the construction contract for the Annual Striping Program (2016 Project).

BACKGROUND DISCUSSION:

The Annual Striping Program maintains the pavement markings that define the travel paths for motorists, bicyclists, and pedestrians. The 2016 Striping Project includes all arterials and collectors throughout the City (Attachment A). The project scope includes the repainting of automobile lane lines, bicycle lanes and buffers, roadway symbols, and on-street public parking lines. The work also includes replacing worn thermoplastic crosswalk markings, stops bars, turn arrows and other on-pavement symbols.

The Annual Striping Program is included in the Capital Improvement Program with a current annual budget of \$400,000 for all elements of the Project, including design, project management and administration, public outreach, inspection, and construction with construction contingency (Attachment B). To maximize the amount of work to be accomplished without exceeding the current year's budget, the Project was advertised to include a base scope of project work plus bid prices on an alternative schedule of work.

With an engineer's estimate of \$284,042 for construction of the Base Bid elements (Schedules A + B), staff advertised for contractor bids on April 14, 2016. On April 28, 2016, three bids were received with Specialized Pavement Marking, Inc., being the lowest responsive bidder, as shown in Table 1 below:

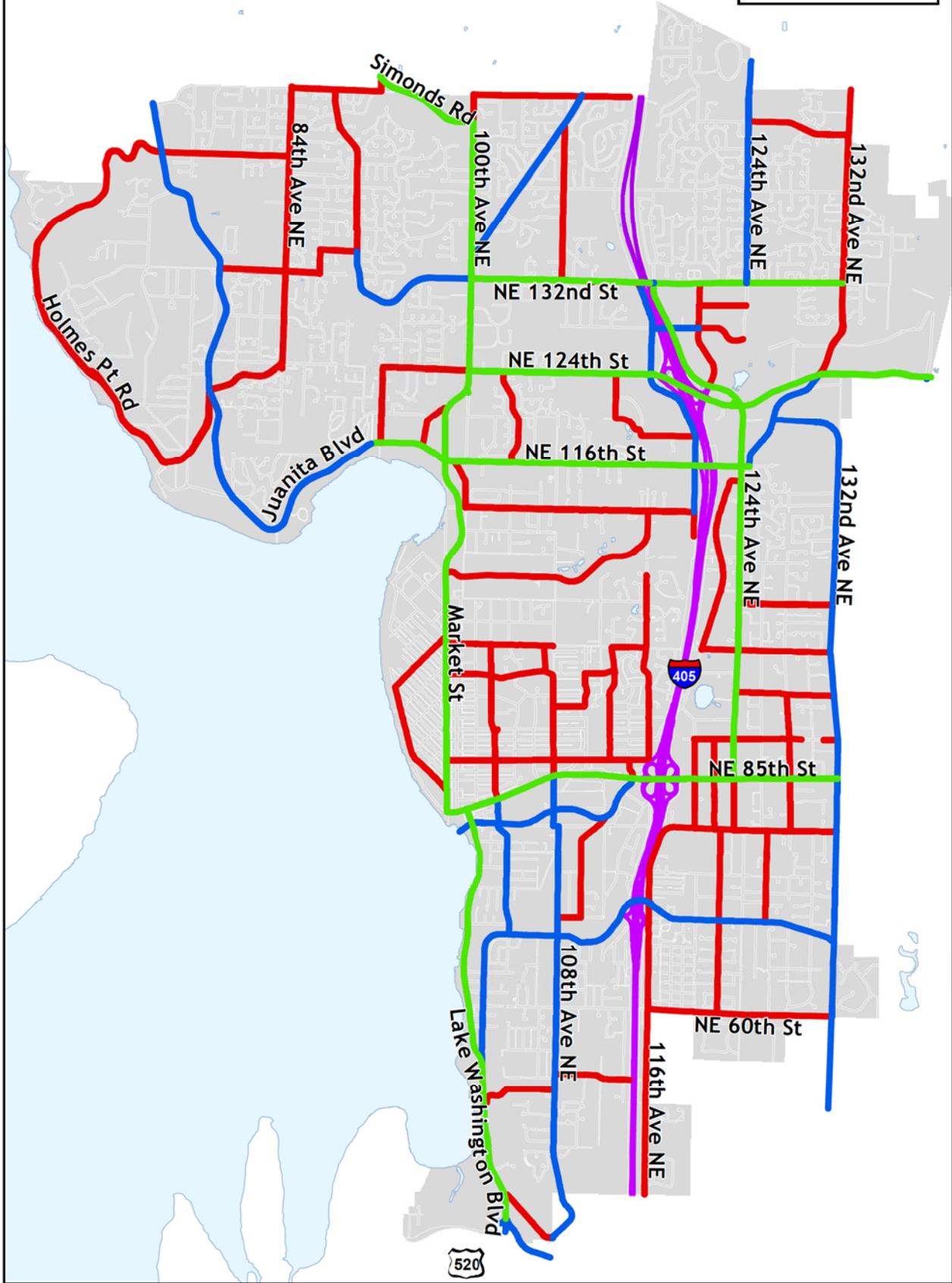
Table 1

Contractor	Schedule A	Schedule B	Schedules A + B	Schedule C	All Schedules
Specialized Pavement Marking, Inc.	\$134,277.50	\$93,890.00	\$228,167.50	\$143,205.00	\$371,372.50
<i>Engineers Estimate</i>	<i>\$159,755.00</i>	<i>\$124,288.00</i>	<i>\$284,043.00</i>	<i>\$190,026.00</i>	<i>\$474,068.22</i>
Apply A Line, Inc.	\$178,958.00	\$121,800.00	\$300,758.00	\$172,055.00	\$472,813.00
Stripe Rite, Inc.	\$182,113.00	\$127,305.00	\$300,758.00	\$190,306.90	\$499,724.90

The Base Bid, as the basis for award on this contract, consists of two schedules: Schedule A (re-painting/stripping City-wide) and Schedule B (thermoplastic on school walk routes and central downtown). A price for an Alternative Schedule C for additional work to complete the entire thermoplastic inventory was also included. The 2016 Project was bid this way so staff could make a recommendation to City Council for an award that maximizes the amount of work to be accomplished without exceeding the budget. In order to achieve this, staff recommends an award to include Schedules A and B as the elements of the current year's Program. The addition of the entire Alternative Schedule C would exceed the Project budget. Once construction begins, however, staff proposes to increase various quantities in the Alternative Schedule C to maximize work by utilizing the currently available construction and construction contingency budget (Attachment B).

With City Council's award of the construction contract at its meeting of May 17, the work will begin in June and be complete by the end of August, 2016. In advance of the work, staff will update all Project information on the City's website, along with a regularly updated construction timeline.

Attachment A – Vicinity Map
Attachment B – Project Budget Report



Street Classification and State Routes

-  Principal Arterial
-  Minor Arterial
-  Collector
-  State Routes and Interstate
-  Lakes
-  City of Kirkland



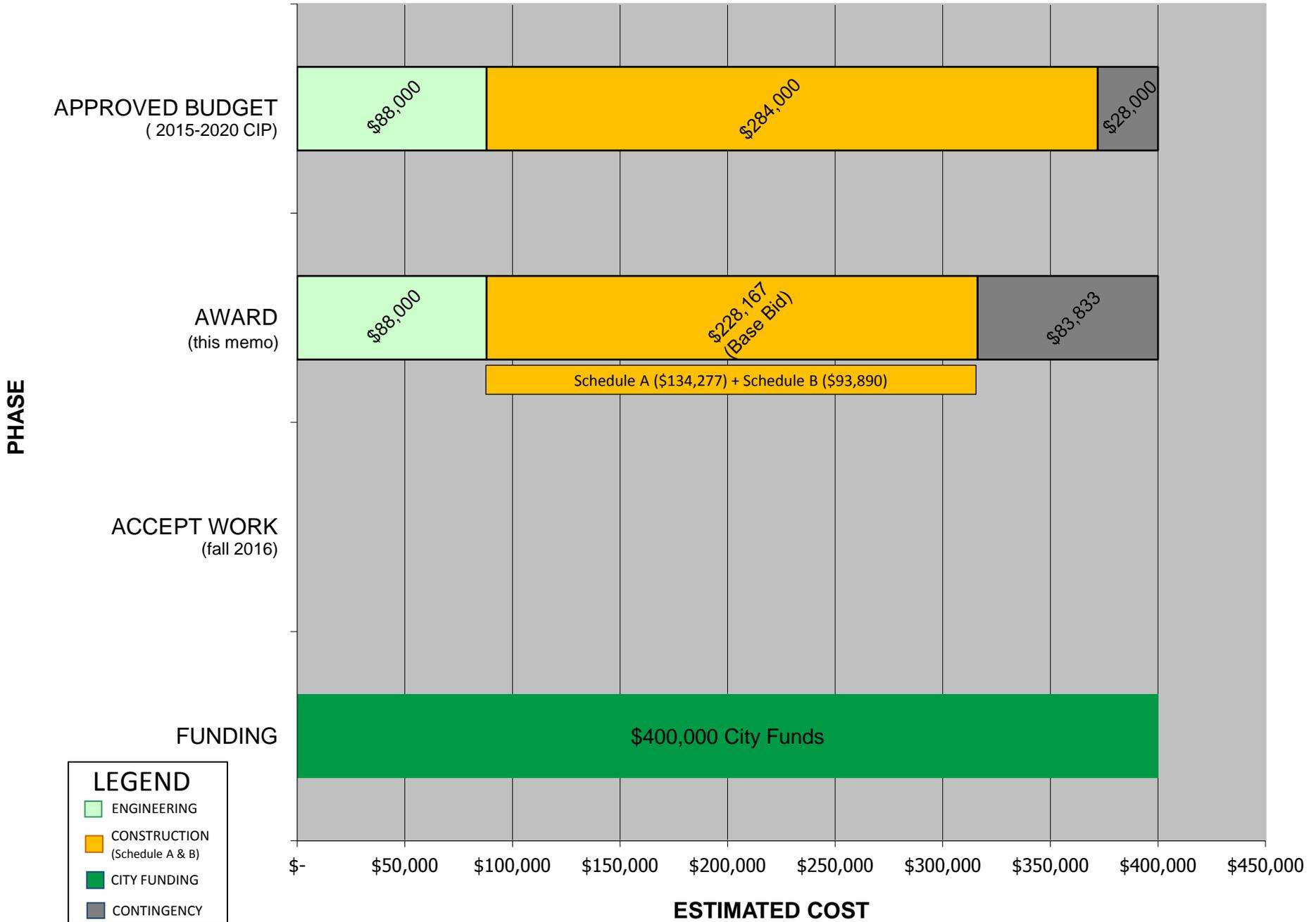
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VICINITY MAP

**Annual Striping Program (2016 Project)
(CST - 1680)**

Attachment B

PROJECT BUDGET REPORT





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: Patrick Herbig, P.E., Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: May 5, 2016

Subject: NE 124th STREET & WILLOWS ROAD NE SIGNAL REBUILD PROJECT
ACCEPT WORK

RECOMMENDATION:

It is recommended that the City Council accept the construction contract for the NE 124th Street & Willows Road NE Signal Rebuild Project to West Coast Signal, Inc., of Renton, WA, in the amount of \$132,417.43.

By taking action on this memo during approval of the consent calendar, City Council is accepting the work and establishing the lien period for the subject Project.

BACKGROUND DISCUSSION:

In August, 2014, a large commercial truck was heading east on NE 124th Street and made a right turn onto Willows Road NE. The driver made the turn too sharply and veered off the roadway, hitting a City-owned traffic signal and street light pole, causing significant damage to the pole. A police report was issued and City staff immediately contracted the commercial truck owner and their insurance company, Great West Casualty Company, South Sioux City, Nebraska, to file a claim for reimbursement.

In order to get the intersection fully operational, City signal maintenance technicians worked with a local electrical contractor to erect a temporary wood pole and re-wire the signal heads onto an aerial cable spanning the intersection. Additionally, because of the significant nature of the damage, there was a cascading effect with respect to the replacement of the pole, together with certain traffic signal controller components and associated appurtenances. In this case, the impact to a single leg of the intersection resulted in the need to replace a total of eight Accessible Pedestrian Signal (APS) push buttons at the intersection. The City of Kirkland's APS Policy requires the upgrade of all four corners of the intersection when there is an "alteration, an installation or replacement of any pole to which a pedestrian push button is attached..." Due to the policy requirements, the new upgraded APS buttons also led to a need for an upgrade to the APS button controller in the signal cabinet.

The City retained the transportation engineering firm, Transpo Group USA, Inc., Kirkland, WA, to perform engineering design and to provide documents necessary for construction of the rebuild. In addition to the APS requirements, the other necessary signal improvements, include

a new traffic signal pole and mast arm, a new pole foundation, and all associated mounting devices and other related hardware features.

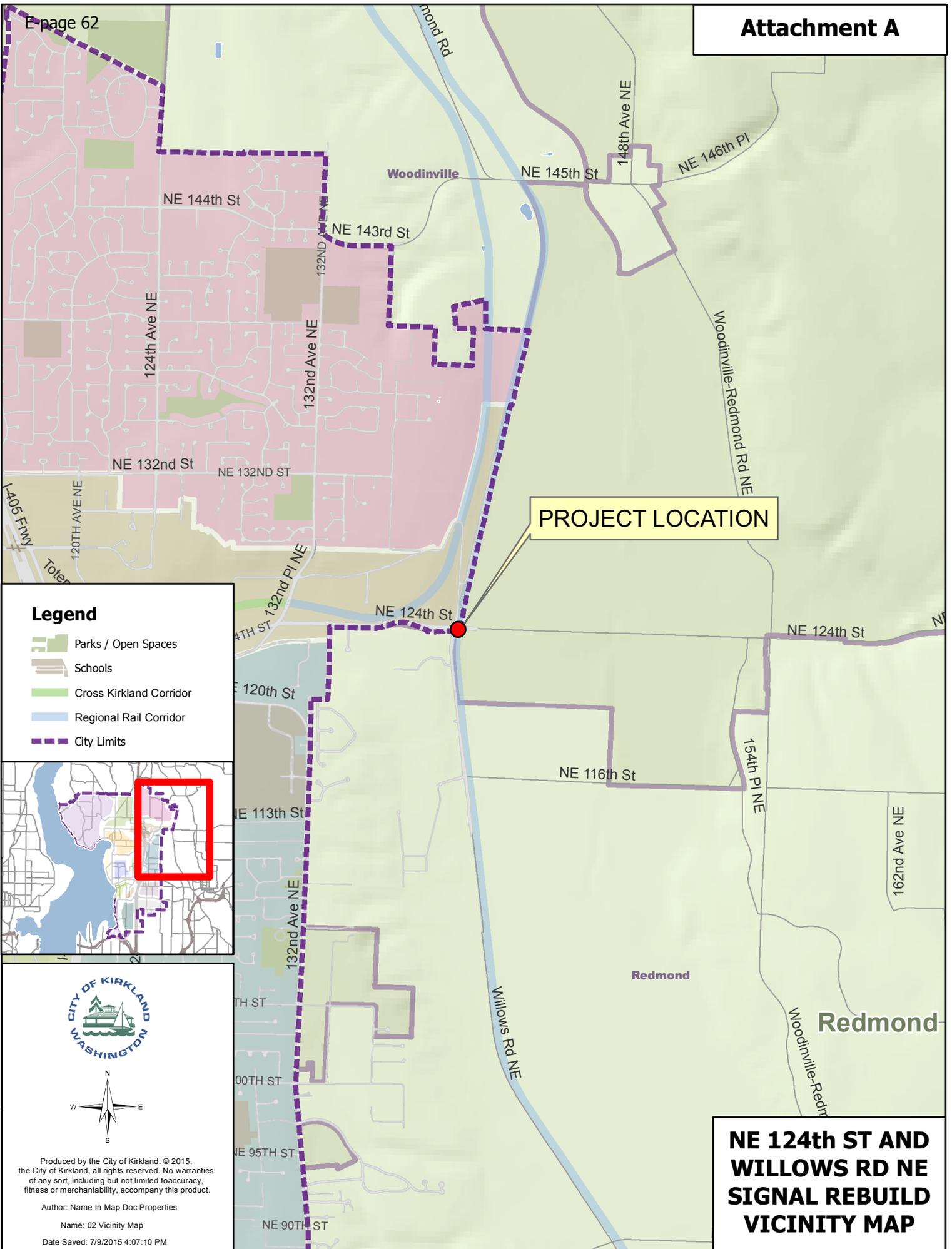
On August 3, 2015, City Council awarded a construction contract for the Project to West Coast Signal, Inc., in the amount of \$128,248. With the contract in-place, the long-lead time equipment was ordered and the physical work to install the components began in October, 2015. The Project was substantially complete on January 15, 2016; including final quantities and two change orders for differing field conditions, the total amount earned by the contractor was \$134,670.95.

Since the time of the original incident, staff has been in regular contact with the insurance company, providing timely progress updates on the placement of the temporary replacement pole and signal heads, as well as for the design, construction and project management/inspection for the permanent replacement signal pole and associated infrastructure. Insurance companies are typically most interested in settling claims as early as possible; however, the City's approach has been to fund the repairs upfront using Street (Operations/Maintenance) funds. This approach provides the City the ability to maximize the amount sought for reimbursement. The City's Street Fund is also set up anticipating that most insurance settlement matters will result in the City incurring some of the costs to repair (and including all costs involving "hit-and-runs").

Through receipt and acceptance of the City's preliminary notice of anticipated costs, the insurance company representative acknowledged and accepted that the actual expenses would be submitted for reimbursement. In total, however, the sum of all related project costs, including staff and consultant costs for project administration, design and inspection, together with both temporary and permanent construction costs, is \$207,077. Upon submission of the final amount for reimbursement, the insurance adjusted cited industry standards for normal depreciation and other associated discounts resulting in an offer to settle the claim for \$177,000. Subsequent negotiations between staff and insurance company's adjuster resulted in reaching the limits of the insured's property damage liability limit of \$200,000. The net result is an overall budget deficit of \$7,077 (3.4% of the total costs – see Attachment B).

The City has received the \$200,000 insurance settlement money for the subject Project and the overage can be absorbed within the City's Street Fund operational budget (Attachment C).

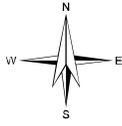
Attachment A – Vicinity Map
Attachment B – Project Budget Report
Attachment C – Fiscal Note



PROJECT LOCATION

Legend

- Parks / Open Spaces
- Schools
- Cross Kirkland Corridor
- Regional Rail Corridor
- City Limits



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Author: Name In Map Doc Properties

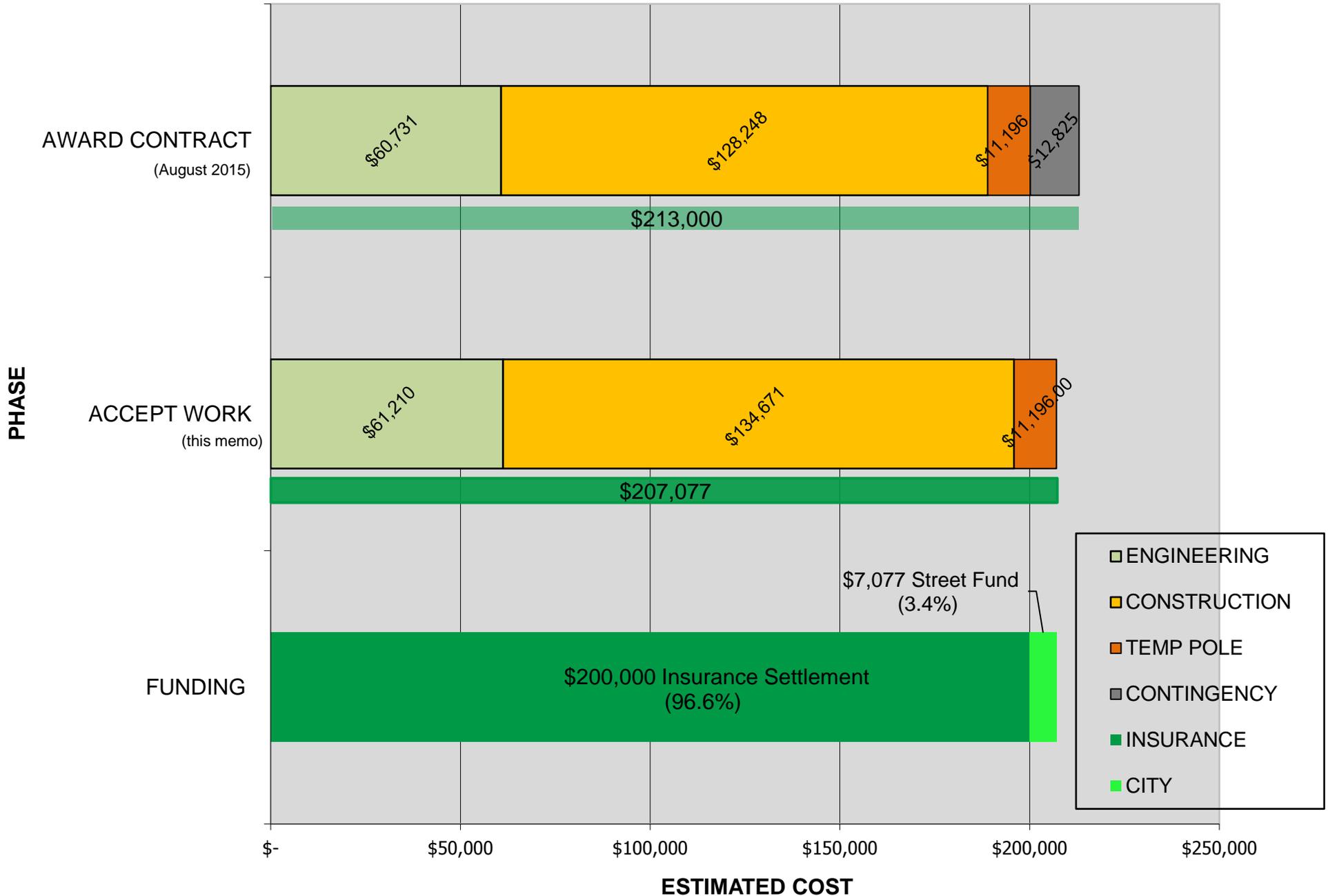
Name: 02 Vicinity Map

Date Saved: 7/9/2015 4:07:10 PM

NE 124th ST AND WILLOWS RD NE SIGNAL REBUILD VICINITY MAP

**NE 124TH ST and WILLOWS ROAD NE SIGNAL REBUILD
(APW-KD14WIL/42-15-PW)
PROJECT BUDGET REPORT**

Attachment B



FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Funding for acceptance of work for NE 124th Street & Willows Road NE Signal Rebuild. Total cost exceeds insurance proceeds by \$7,077, which can be absorbed within the Street Fund operational budget.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$7,077 from the Street Fund operational budget. The operational budget can absorb this expense.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2016 Est End Balance	Prior Auth. 2015-16 Uses	Prior Auth. 2015-16 Additions	Amount This Request	Revised 2016 End Balance	2016 Target
<i>Revenue/Exp Savings</i>	Costs within normal operational expenses for traffic signal damage repairs.						
<i>Other Source</i>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	May 3, 2016
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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: Barry Scott, Purchasing Agent
Date: May 5, 2016
Subject: INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE UNIVERSITY OF WASHINGTON

RECOMMENDATION:

It is recommended that the City Manager be authorized to execute an Intergovernmental Cooperative Purchasing Agreement with the University of Washington.

By taking action on this memo during approval of the consent calendar, the City Council is authorizing execution of the Agreement.

BACKGROUND DISCUSSION:

In 2009, the City executed an Interlocal Purchasing Agreement with the University of Washington (UW) for the specific purpose of purchasing Steelcase Furniture off of the UW's contract with Bank and Office Interiors (now OpenSquare).

The Public Works Department has now expressed an interest in using another UW contract to purchase Audio-Visual Design Services for improvements to the A/V systems at the Municipal Court. Because the 2009 agreement with the UW was for the use of only one UW contract, it is desired that we execute a new agreement with the UW which would give the City access to many other UW contracts.

This interlocal agreement will allow the City to purchase off of competitively bid contracts awarded by the UW, when it has been determined to be in the best interest of the City to do so. It will also allow the UW to purchase off of competitively bid contracts awarded by the City.

The UW has asked that we execute their standard agreement. Staff has determined that this agreement complies with the intergovernmental cooperative purchasing requirements set forth in KMC 3.85.180 and RCW 39.34. By itself, this agreement places no financial obligation on the City of Kirkland.

RESOLUTION R-5196

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE UNIVERSITY OF WASHINGTON AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

1 WHEREAS, the City of Kirkland and the University of Washington seek
2 to enter into an interlocal agreement enabling the City of Kirkland to purchase
3 goods and services through the University of Washington purchase contracts
4 and also enabling the University of Washington to purchase goods and
5 services through City of Kirkland purchase contracts to the extent permitted
6 by law; and
7

8 WHEREAS, the City Council has determined it to be in the best interest
9 of the City of Kirkland to enter into such an interlocal cooperative purchasing
10 agreement; and
11

12 WHEREAS, Chapter 39.34 RCW authorizes the City of Kirkland and the
13 University of Washington to enter into an interlocal cooperation agreement to
14 perform any governmental service, activity or undertaking which each
15 contracting party is authorized by law to perform.
16

17 NOW, THEREFORE, be it resolved by the City Council of the City of
18 Kirkland as follows:
19

20 Section 1. The City Manager is authorized and directed to execute on
21 behalf of the City of Kirkland an Interlocal Agreement substantially similar to
22 that attached as Exhibit "A", which is entitled "Intergovernmental Cooperative
23 Purchasing Agreement."
24

25 Passed by majority vote of the Kirkland City Council in open meeting
26 this ____ day of _____, 2016.
27

28 Signed in authentication thereof this ____ day of _____, 2016.

MAYOR

Attest:

City Clerk

**INTERGOVERNMENTAL COOPERATIVE PURCHASING
A G R E E M E N T**

Pursuant to Chapter 39.34 of the Revised Code of Washington and to other applicable laws, the City of Kirkland, Washington and the University of Washington, Seattle, Washington, hereby agree to cooperative governmental purchasing upon the following terms and conditions.

(1) This Agreement pertains to bids and contracts for supplies, material, equipment or services that may be required from time to time by both parties.

(2) Each of the parties from time to time goes out to public bid and contracts to purchase supplies, material, equipment, and services. Each of the parties hereby agrees to extend to the other party the right to purchase pursuant to such bids and contracts to the extent permitted by law, and to the extent agreed upon between each party and the bidder, contractor, vendor, supplier, or service provider.

(3) Each of the parties shall comply with all applicable laws and regulations governing its own purchases.

(4) Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, or service provider, and pay directly in accordance with its own payment procedures for its own purchases. Each party will indemnify and hold the other party harmless as to any claim arising out of its participation in this Agreement.

(5) Any purchase made pursuant to this Agreement is not a purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance, warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

(6) No separate legal or administrative entity is intended to be created pursuant to this Agreement. No obligation, except as stated herein, shall be created between the parties or between the parties and any applicable bidder or contractor.

(7) The Purchasing Agent for the City of Kirkland and the Purchasing Manager for the University of Washington shall be representatives of the entities for carrying out the terms of this Agreement.

(8) This Agreement shall continue in force until canceled by either party, which cancellation may be effected upon receipt by one of the parties of the written notice of cancellation of the other party.

Approved by:

City of Kirkland

University of Washington

By: _____

By: _____

Kurt Triplett

Claudia Christensen C.P.M.

Title: City Manager

Title: Procurement Manager

Date: _____

Date: _____

**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: Ryeon Tuomisto, Water Quality Program Coordinator
Jenny Gaus, Surface Water Engineering Supervisor
Kathy Brown, Public Works Director

Date: May 5, 2016

Subject: Updates to KMC Chapters 1.12 and 15.52 relating to the surface water code enforcement process and minor language changes required by the NPDES Stormwater Permit

RECOMMENDATION:

It is recommended that Council approve the attached ordinance that alters KMC Chapters 1.12 and 15.52 to update the water quality code enforcement process and to make other minor changes associated with NPDES Stormwater Permit compliance.

BACKGROUND AND DISCUSSION:

This matter was considered by Council at the May 3rd meeting ([May 3rd 2016 Council Packet, Item 11.b](#)). In response to the discussion, one change has been made to the ordinance: language in Section 15.52 was altered to clarify that "MS4" refers to the "Municipal Separate Storm Sewer System" as defined in the NPDES Stormwater Permit.

NEXT STEPS:

Staff will investigate ways to provide education and outreach regarding spring cleaning and building maintenance activities, including pressure washing, and regarding discharge of spa and pool water. Attachment A is a draft outreach piece regarding pressure washing. Staff have placed scaled-down versions of this piece on Facebook and Twitter, and will work toward placing a final version of it on the City website.

Staff will continue to provide education and technical assistance and spill cleanup as the first response to water quality problems. Fines will be used with input from the Public Works Director, Code Enforcement Officers, and the City Attorney as an additional tool in protecting the quality of Kirkland's stream lakes and swimming beaches.

Attachment A: Spring Cleaning – Pressure Washing Best Management Practices

Are you using a pressure washer as part of your spring cleaning?

It is important that nothing but rain is washed into a storm drain. Pollutants such as vehicle fluids, pet waste, cigarette butts and soaps (including bio-degradable) that are washed down a storm drain and into the City's storm drainage system are discharged directly to the nearest wetland, stream, or lake without any treatment.

Help keep pollutants out of our storm drains when you pressure wash your parking lot, driveway, or sidewalk. Here are 5 easy tips to follow:

1. Use absorbent rags to clean up oil leaks and spills
2. Sweep to pick up litter, debris, and dirt
3. Protect the storm drain with filter fabric or absorbent socks – see picture (can be purchased from a local home improvement store)
4. Use cold water only
5. Do NOT use chemical or soaps (including biodegradable soaps)



ORDINANCE O-4518

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SURFACE WATER DISCHARGE STANDARDS AND THE ENFORCEMENT OF SURFACE WATER REGULATIONS.

1 The City Council of the City of Kirkland do ordain as follows:
2

3 Section 1. Kirkland Municipal Code Section 15.52.090 is
4 amended as follows:
5

6 **15.52.090 Illicit discharges and connections.**

7 (a) Prohibition of Illicit Discharges. No person shall throw, drain, or
8 otherwise discharge, cause or allow others under its control to throw,
9 drain or otherwise discharge into the municipal storm drain system
10 and/or surface and ground waters any materials other than storm water.
11 Illicit discharges are prohibited and constitute a violation of this chapter.
12 Examples of prohibited contaminants include, but are not limited to, the
13 following:

- 14 (1) Trash or debris.
- 15 (2) Construction materials.
- 16 (3) Petroleum products including but not limited to oil, gasoline,
17 grease, fuel oil and heating oil.
- 18 (4) Antifreeze and other automotive products.
- 19 (5) Metals in either particulate or dissolved form.
- 20 (6) Flammable or explosive materials.
- 21 (7) Radioactive material.
- 22 (8) Batteries.
- 23 (9) Acids, alkalis, or bases.
- 24 (10) Paints, stains, resins, lacquers, or varnishes.
- 25 (11) Degreasers and/or solvents.
- 26 (12) Drain cleaners.
- 27 (13) Pesticides, herbicides, or fertilizers.
- 28 (14) Steam cleaning wastes.
- 29 (15) Soaps, detergents, or ammonia.
- 30 (16) Swimming pool or spa filter backwash.
- 31 (17) Chlorine, bromine, or other disinfectants.
- 32 (18) Heated water.
- 33 (19) Domestic animal wastes.
- 34 (20) Sewage.
- 35 (21) Recreational vehicle waste.
- 36 (22) Animal carcasses.
- 37 (23) Food wastes.
- 38 (24) Bark and other fibrous materials.
- 39 (25) Lawn clippings, leaves, or branches.
- 40 (26) Silt, sediment, concrete, cement or gravel.
- 41 (27) Dyes.
- 42 (28) Chemicals not normally found in uncontaminated water.
- 43 (29) Any other process-associated discharge except as otherwise
44 allowed in this section.
- 45 (30) Any hazardous material or waste not listed above.

- 46 (b) Allowable Discharges. The following types of discharges shall not
47 be considered illicit discharges for the purposes of this chapter unless
48 the director determines that the type of discharge, whether singly or in
49 combination with others, is causing or is likely to cause pollution of
50 surface water or groundwater:
- 51 (1) Diverted stream flows.
 - 52 (2) Rising ground waters.
 - 53 (3) Uncontaminated ground water infiltration – as defined in 40 CFR
54 35.2005(b)(20).
 - 55 (4) Uncontaminated pumped ground water.
 - 56 (5) Foundation drains.
 - 57 (6) Air conditioning condensation.
 - 58 (7) Irrigation water from agricultural sources that is commingled with
59 urban storm water.
 - 60 (8) Springs.
 - 61 (9) ~~Uncontaminated Ww~~water from crawl space pumps.
 - 62 (10) Footing drains.
 - 63 (11) Flows from riparian habitats and wetlands.
 - 64 (12) Discharges from emergency fire fighting activities in accordance
65 with S2 Authorized Discharges.
 - 66 (13) Non-stormwater discharges authorized by another NPDES or state
67 waste discharge permit.
- 68 (c) Conditional Discharges. The following types of discharges shall not
69 be considered illicit discharges for the purpose of this chapter if they
70 meet the stated conditions, or unless the director determines that the
71 type of discharge, whether singly or in combination with others, is
72 causing or is likely to cause pollution of surface water or groundwater:
- 73 (1) Potable water, including water from water line flushing,
74 hyperchlorinated water line flushing, fire hydrant system flushing, and
75 pipeline hydrostatic test water. Planned discharges shall be
76 dechlorinated to a total residual chlorine concentration of 0.1 ppm or
77 less, pH-adjusted, if necessary and in volumes and velocities controlled
78 to prevent resuspension of sediments in the storm water system.
 - 79 (2) Lawn watering and other irrigation runoff are permitted but shall
80 be minimized.
 - 81 (3) Dechlorinated swimming pool, spa and hot tub discharges. These
82 discharges shall be dechlorinated to a total residual chlorine
83 concentration of 0.1 ppm or less, pH-adjusted, and reoxygenized if
84 necessary and in volumes and velocities controlled to prevent
85 resuspension of sediments in the storm water system. Discharges shall
86 be thermally controlled to prevent an increase in temperature of the
87 receiving water. Swimming pool cleaning wastewater and filter
88 backwash shall not be discharged to the Municipal Separate Storm
89 Sewer System ("MS4"), as defined in the most recent version of the
90 Western Washington Phase II Municipal Stormwater Permit.
 - 91 (4) Street and sidewalk wash water, water used to control dust, and
92 routine external building wash down that does not use detergents are
93 permitted if the amount of street wash and dust control water used is
94 minimized. At active construction sites, street sweeping must be
95 performed prior to washing the street.
 - 96 (5) Non-storm water discharges covered by another NPDES permit;
97 provided, that the discharger is in full compliance with all requirements
98 of the permit, waiver, or order and other applicable laws and

99 regulations; and provided, that written approval has been granted for
100 any discharge to the storm drain system.

101 (d) Failure to Remove Pollutants from Private System. It shall be a
102 violation of this chapter for any person who commits an illicit or
103 conditional discharge in violation of the section to fail to remove the
104 pollutants from a private system that enters the municipal storm system
105 and/or surface and ground waters. In addition, it shall be a violation of
106 this chapter for any property owner on whose property an illicit or
107 conditional discharge occurs to fail to remove the pollutants from a
108 private system that enters the municipal storm system.

109 ~~(d)~~-(e) Prohibition of Illicit Connections.

110 (1) The construction, use, maintenance, or continued existence of
111 illicit connections to the storm drain system are prohibited and
112 constitute a violation of this chapter.

113 (2) This prohibition expressly includes, without limitation, illicit
114 connections made in the past, regardless of whether the connection was
115 permissible under law or practices applicable or prevailing at the time of
116 connection.

117 (3) A person is considered to be in violation of this section if the
118 person connects a line conveying sewage to the MS4, or allows such a
119 connection to continue.

120 ~~(e)~~-(f) Implementation of structural BMPs shall be required if
121 operational BMPS are not effective at reducing or eliminating an illicit
122 discharge. Guidance for design of structural BMPs is provided in Volume
123 IV of the—2005 Stormwater Management Manual for Western
124 Washington, herein incorporated by reference.

125
126 Section 2. A new Kirkland Municipal Code Section 1.12.200 is
127 added to read as follows:

128
129 **1.12.200 Special provisions relating to enforcement of KMC**
130 **Chapter 15.52 (Surface Water Utility).**

131 (a) General Requirements. This section applies to violations of KMC
132 Chapter 15.52, including illicit discharges and connections that
133 discharge into the municipal storm drain system and/or surface and
134 ground waters. Enforcement shall be conducted in accordance with
135 procedures set forth in this chapter. Special enforcement provisions
136 related to illicit discharges and connections are set forth in this section.

137 (b) Authority. It shall be the duty of the Public Works Director or
138 designee to administer the provisions of this section.

139 (c) Fines for illicit discharges and connections and other violations of
140 KMC Chapter 15.52.

141 (1) Each action or omission taken in violation of KMC Chapter 15.52 shall
142 constitute a separate violation.

143 (2) Any person who aids or abets the violation shall be considered to
144 have committed a violation for purpose of assessment of fines.

145 (3) Fines for a violation shall be determined using the Enforcement
146 Penalty Matrix (Table 1) and administered per violation.

147

Table 1. Enforcement Penalty Matrix

Enforcement Criterion	Evaluation	No (0 points)	Possibly (1 point)	Definitely (2 points)
1) Perceived Public Health Risk?				
2) Environmental Damage or Adversely Impacting Infrastructure?				
3) Willful or Knowing Violation?				
4) Unresponsive in Correcting Action?				
5) Improper Operation or Inadequate Maintenance?				
6) Failure to Obtain Necessary Permits and Approval?				
7) Economic Benefit to Non-Compliance?				
8) Repeat Violation?				

148

The Enforcement Penalty Matrix (Table 1) is comprised of a set of criteria formulated as questions for the Director to evaluate and answer. The Director uses the guidelines below to determine the total points to be assessed according to the violation. The civil penalty is determined by the total score of the matrix.

149

150

151

152

153

1. Did the violation result in a public health risk?

154

a. Answer "no" if there is no evidence to support a claim of public health risk or adverse health effects.

155

156

b. Answer "possibly" if evidence supports a claim of public health risk and there is a plausible connection between this violation and health effect.

157

158

c. Answer "definitely" if there is direct evidence linking public health risk or adverse effects with the violation.

159

160

161

2. Did the violation result in environmental damage or adversely impact infrastructure?

162

163

a. Answer "no" if there is no evidence to support a claim of environmental or infrastructure damage.

164

165

b. Answer "possibly" if environmental or infrastructure damage can be inferred from evidence or knowledge of the effects of the violation.

166

167

c. Answer "definitely" if there is direct evidence linking environmental or infrastructure damage with the violation.

168

169

170

171

3. Was the action a willful and knowing violation?

172

a. Answer "no" if the violator obviously did not know that the action or inaction constituted a violation.

173

- 174 b. Answer "possibly" if the violator should have known.
175 c. Answer "definitely" if the violator clearly knew or was
176 previously informed of the violation by the City's
177 inspectors.
- 178 4. Was the responsible party unresponsive in correcting the
179 violation?
180 a. Answer "no" if the violation was corrected as soon as the
181 responsible party learned of it.
182 b. Answer "possibly" if the violation was corrected in a less
183 timely and cooperative fashion.
184 c. Answer "definitely" if the responsible party made no
185 attempt to correct the violation.
- 186 5. Was the violation a result of improper operation or inadequate
187 maintenance? ,
188 a. Answer "no" if the violation was not the result of
189 improper operation or inadequate maintenance.
190 b. Answer "possibly" if operation and/or maintenance was
191 completed but a violation still occurred.
192 c. Answer "definitely" if the violation was a result of
193 improper operation or inadequate maintenance.
- 194 6. Did the responsible party fail to obtain and comply with the
195 necessary permits, certifications and approvals from the agency
196 with jurisdiction to operate at the time of the violation?
197 a. Answer "no" if the paperwork was complete and
198 appropriate for the job or task that caused the violation.
199 b. Answer "possibly" if the responsible party obtained and
200 received approval for some but not all of the required
201 permit(s).
202 c. Answer "definitely" if the responsible party either did not
203 obtain the necessary permits or did obtain permits but
204 did not comply with their conditions.
- 205 7. Did anyone benefit economically from non-compliance?
206 a. Answer "no" if it is clear that no one gained an economic
207 benefit.
208 b. Answer "possibly" if someone might have benefited.
209 c. Answer "definitely" if the economic benefit is
210 quantifiable.
- 211 8. Is this violation a repeat violation 5?
212 a. Answer "no" to indicate that there have been no prior
213 violations.
214 b. Answer "possibly" to indicate that there has been one
215 prior violation.
216 c. Answer "definitely" to indicate that there have been three
217 or more prior violations.

218 Once the total amount of penalty points is determined, a rating and a
219 corresponding penalty amount is established (Table 2).

220 **Table 2. Penalty Points Rating and Corresponding Penalty**
 221 **Amount**

Rating	1-2	3-4	5-6	7-8	9	10
Penalty	\$250	\$500	\$1,000	\$1,500	\$2,000	\$2,500

Rating	11	12	13	14	15+
Penalty	\$3,000	\$3,500	\$4,000	\$4,500	\$5,000

222 The Director or designee shall assess the penalty amount against the
 223 responsible party in a written notice that sets forth the nature of the
 224 violation and the determination of the penalty amount due. The Director
 225 or designee may elect not to seek fines if he or she finds that special
 226 circumstances do not warrant imposition of fines.

227
 228 In addition to penalties, the City may require the responsible party to
 229 fully remove pollutants from private storm system which enters into the
 230 municipal storm system. In the event the responsible party fails to do
 231 so in timely fashion, the City may take summary abatement action in
 232 accordance with KMC Section 1.12.060(b).

233
 234 (d) Failure to Remove Pollutant or Pay Fines. The City may issue a
 235 notice of civil violation to the responsible party who fails to pay fines or
 236 to remove pollutants from private storm system which enters into the
 237 municipal storm system according to the procedures set forth in this
 238 chapter.

239
 240 Section 3. This ordinance shall be in force and effect five days
 241 from and after its passage by the Kirkland City Council and publication
 242 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
 243 form attached to the original of this ordinance and by this reference
 244 approved by the City Council.

245
 246 Passed by majority vote of the Kirkland City Council in open
 247 meeting this ____ day of _____, 2016.

248
 249 Signed in authentication thereof this ____ day of
 250 _____, 2016.

 MAYOR

Attest:

 City Clerk

Approved as to Form:

 City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4518

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SURFACE WATER DISCHARGE STANDARDS AND THE ENFORCEMENT OF SURFACE WATER REGULATIONS.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 15.52.090 related to illicit discharges and connections.

SECTION 2. Adds a new KMC Section 1.12.200 setting forth Special provisions relating to enforcement of KMC Chapter 15.52 Surface Water Utility.

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

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2016.

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 Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tim Llewellyn, Fleet Supervisor
Kathy Brown, Public Works Director

Date: April 27, 2016

Subject: SURPLUS OF EQUIPMENT RENTAL VEHICLE/EQUIPMENT

RECOMMENDATION:

It is recommended that the City Council approve the surplus of the Equipment Rental vehicles/equipment identified in this memo and thus remove them from the City's Equipment Rental Replacement Schedule.

Approval of the consent calendar will authorize these vehicle surplus actions.

BACKGROUND DISCUSSION:

The surplus of vehicles and equipment which have been replaced with new vehicles or equipment, or which no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. Under this policy, if approved by City Council, vehicles or equipment are sold or disposed of in accordance with the Kirkland Municipal Code, Chapter 3.86, Sale and Disposal of Surplus Personal Property.

The criteria for replacement are reviewed annually for each vehicle by Fleet Management prior to making a recommendation. The following replacement criteria are considered:

- wear and tear on the engine, drive train, and transmission
- condition of the structural body and major component parts
- the vehicle's frequency and nature of past repairs
- changes in the vehicle's mission as identified by the department which it serves
- changes in technology
- vehicle right-sizing
- the impact of future alternative fuels usage
- specific vehicle replacement funding accrued

The decision to replace a vehicle requires the consensus of the Fleet Management staff (currently representing more than 120 years of experience among its six members) and the department which it serves. Vehicles should be replaced close to the point to where major repairs and expenses occur in order to maximize their usefulness without sacrificing resale value with consideration given to the vehicle's established accounting life.

The accounting life of a vehicle is the number of years of anticipated useful life to City operations. The accounting life is determined by historical averages and replacement cycles of actual City vehicles. The accounting life provides a timeline basis for the accrual of vehicle

Replacement Reserve charges, at the end of which there should be sufficient funds in the Replacement Reserve Fund to purchase a similar replacement vehicle. The accounting life is a guideline only, and the actual usage of vehicles typically varies from averages.

The City of Kirkland standard accounting life for a vehicle is 8 years or 80,000 miles, whichever comes first. This 8-year accounting life is consistent with industry standard, and is supported by FleetAnswers.com, which recently published Municipal Vehicle Replacement Trends. Among cities, the average age of replacement for cars is 6.7 years, for class 1-5 trucks it is 7.7 years, and for police vehicles it is 4 years. The City's standard for Fire Engines/Pumpers and for Fire Ladder/Aerial apparatus is 18 years.

The following equipment is recommended for surplus with this memo:

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
P120	2012	Dodge Charger	2C3CDXAT4CH255662	54089D	84,483
P127	2013	Ford Police Interceptor Utility	1FM5K8AR9DGA72416	55019D	86,801
P128	2012	Dodge Charger	2C3CDXAT7CH280152	54277D	85,547
D03-06	2003	Chevrolet Silverado 1500	1GCEC19V03Z321876	36236D	49,540

P120 and P128 are both 2012 Dodge Chargers which were assigned to Police Patrol. Both have exceeded their normal anticipated useful life by 1 year, and have achieved the replacement standard of 80,000 miles.

P127 is a 2013 Ford Expedition which was assigned to Police Patrol as a shift Sergeant/Corporal vehicle. It has met its normal anticipated useful life of 3 years, and the replacement standard of 80,000 miles.

D03-06 is a 2003 Chevrolet Silverado 1500 pickup truck which has served as the Police Investigations/Evidence vehicle for 13 years, exceeding its normal anticipated life of 8 years by 5 years.

Cc: Erin Devoto, Deputy Director
Ray Steiger, P.E., Operations Manager



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: May 5, 2016

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF MAY 17, 2016.

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 April 21, 2016, are as follows:

	Project	Process	Estimate/Price	Status
1.	2016 Annual Street Overlay Project	Invitation for Bids	\$1,800,000 - \$2,000,000	IFB advertised on 5/5 with bids due on 5/19.
2.	Police Interceptors (3) and Ford Escape (1)	Cooperative Purchasing	\$120,341.13	Order placed with Columbia Ford of Longview using WA State Contract.
3.	Cisco Equipment for Network System Upgrade	Cooperative Purchasing	\$50,270.51	Order placed with CDW-Government, Inc. of Vernon Hills, IL using WA State Contract.
4.	Annual Microsoft Select Agreement Licensing Maintenance	Cooperative Purchasing	\$61,894.40	Order placed with SoftwareOne, Inc. of Waukesha, WI using WA State Contract.

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



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Désirée Goble, Planner
Eric Shields, Planning Director

Date: May 9, 2016

Subject: Bridlestone Estates Rezone and Subdivision

QUASI-JUDICIAL

RECOMMENDATION

Staff recommends that the Council consider the quasi-judicial matter pending for the proposed Bridlestone Estates rezone, preliminary subdivision and multiple sensitive area decisions application and consider the draft ordinance that could be amended on Council direction.

1. Direct staff to return to the June 7, 2016 City Council meeting with a final ordinance to either:
 - Grant the application as recommended by the Hearing Examiner;
 - Modify and grant the application; or
 - Deny the application.
2. Alternatively, if the Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision on the application, the Council may, by motion, remand the matter to the Hearing Examiner with directions to reopen the hearing and provide supplementary findings and conclusions on the matter or matters specified in the motion.

RULES FOR CITY COUNCIL CONSIDERATION

The Council shall consider the application based on the record before the Hearing Examiner, the recommendation of the Hearing Examiner, the challenge to the recommendation, the response to the challenge to the recommendation, and the e-mails from the Challenger and Applicant identifying their concerns regarding the oral statements made to Council on May 3, 2016.

BACKGROUND DISCUSSION

Council Meeting

At the May 3, 2016 Council meeting, staff provided a presentation to Council regarding the Bridlestone Estate Rezone and Subdivision. The Challenger and Applicant also made presentations. The Challenger provided a handout to Council and Staff (see Enclosure 1). Following is a link to the Council memo and enclosures from the [May 3, 2016 Council Meeting \(Agenda Item 11A\)](#). Both the challenger and applicant had concerns regarding new information being introduced during their respective oral statements. Council allowed the challenger and applicant one day to provide a written summary of their concerns about the other's presentation, and each did (See Enclosure 2 and 3).

ENCLOSURES

- 1) Challenger's Handout
- 2) Applicant's response to Challenger's oral statements and handouts
- 3) Challenger's response to Applicant's oral statements
- 4) Draft Ordinance 4516
- 5) Hearing Examiner Recommendation and Exhibits
- 6) Legal Description

A PORTION OF THE W. 1/2 OF THE SW. 1/4, SEC. 16, TWP. 25 N., RGE 5 E., W.M.



BUILDING SETBACK (BSBL) CHART

FROM:	20'
BLAP:	17'
SIDE:	15' TOTAL BETWEEN LOTS (20' MIN.)





11000 Woodbridge Professional Bldg
Suite 400 • Shiloh, WA 98147
P: 206.276.7100 • F: 206.276.7101
www.commercial.com

PRELIMINARY PLAT

KLN CONSTRUCTION, INC.

BRIDLESTONE ESTATES

CITY OF KODIAK, ALASKA

<p>DATE: 11-14-11</p> <p>PROJECT NO.: 13-097</p> <p>PROJECT NAME: BRIDLESTONE ESTATES</p> <p>OWNER: KLN CONSTRUCTION, INC.</p> <p>DESIGNER: KLN CONSTRUCTION, INC.</p> <p>SCALE: 1" = 50'</p>	<p>116TH AVENUE NE</p> <p>15' FEET FROM CEMENT</p>
---	--

PRELIMINARY



THIS SET PLOTTED
CREATED, CHECKED AND REVISIONS

DATE: 11-14-11

PROJECT NO.: 13-097

DATE: 11-14-11

Kirkland Criteria for Horse Keeping

KZC 115.20(5) provides:

(d)(1) The applicant must provide a suitable barn to house the horses setback from adjoining lots a minimum of 40 feet, and must maintain it in a clean condition. The City may permit barns to extend into the property line in common with the abutting property; provided, that:

- i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
- ii) The barn complies with all other regulations pertaining to setbacks in that zone.

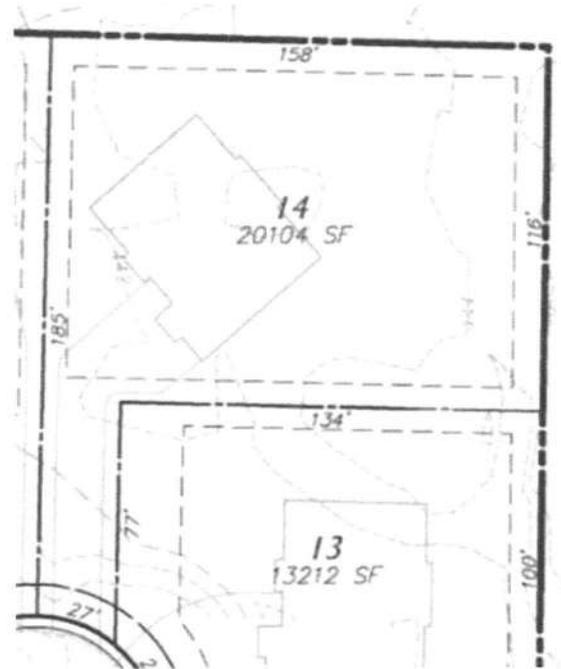
(e)(2)(a) Size – Each lot must contain an area of at least 14,500 square feet capable of being used as a horse paddock area and configured to meet the following standards:

- i) The paddock must be designed in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.
- ii) Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.

(e)(2)(b) Setbacks – Paddocks must be a minimum of 20 feet from each property line. The City may permit horse paddocks to extend into the property line in common with the abutting property; provided, that:

- i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
- ii) The paddock complies with all other regulations pertaining to setback in that zone.

Lot #14 – 20,104 square feet



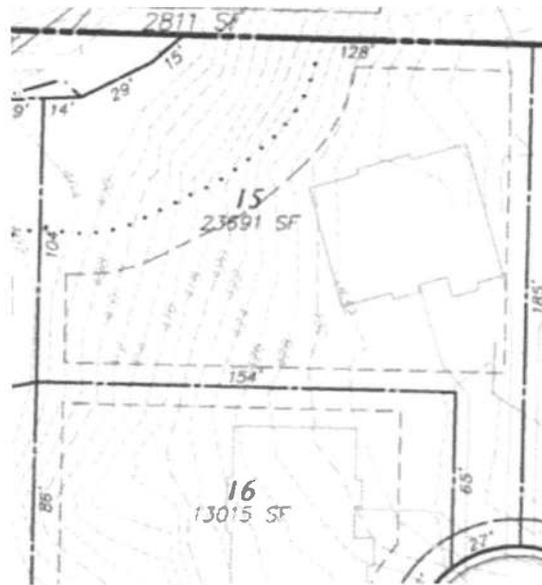
Narrow Access = 1,764 square feet

Actual usable area = 18,340 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #15 – 23,691 square feet



Narrow Access = 1,488 square feet
Wetland Buffer = 4,809 square feet
Actual usable area = 17,394 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #27 – 22,815 square feet



Narrow frontage = 4,701 square feet

Actual usable area = 18,114 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #28 – 21,442 square feet



Narrow frontage (area forward of the house) = 5215 square feet

Actual usable area = 16,997

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #33 – 22,866 square feet



Wetland buffer = 9,167 square feet

Actual usable area = 13,699 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Kevin Raymond

From: Brian Holtzclaw <brian@village-life.net>
Sent: Wednesday, May 04, 2016 4:36 PM
To: Kevin Raymond
Subject: Bridlestone Estates
Attachments: SKMBT_C552D16050409140.pdf

Mr. Raymond (and Council members),

This email is to, among other things, follow up on KLN's objection to the purported "illustrative" exhibit introduced last night by the Challengers.

KLN's objection is threefold.

First, members of the public testified generally at the public hearing before the Examiner on March 9th that lots within Bridlestone Estates could not meet the City's code requirements for horse keeping. However, no specific analysis/information to support that contention was submitted into the public record during the open record hearing. KLN pointed out to the Examiner that 6 proposed lots were over 20,000 square feet on which the City's requirements for horse keeping could potentially be met. Based on the information presented into the record, the Examiner concluded that "[a]s the subdivision is presently configured, it may be possible for a few lots to support horse keeping." HE Recommendation, C.5. at page 3. The exhibit introduced last night appears to be new substantive analysis by Challengers to refute the Examiner's findings and conclusions. The time for submitting such evidence was during the open record hearing. This exhibit is substantive, not illustrative, and therefore should be precluded from the Council's closed record consideration of this matter.

Second, the exhibit asserts that on 6 proposed lots the City's requirements cannot be met based on the house footprints shown on the preliminary plat. However, as I stated in my April 1st letter responding to the Challenge, those footprints are conceptual and do not represent what may actually be built on each lot. Accordingly, those footprints fail to demonstrate that the City's requirements for horse keeping could not be met on those lots. (Specific building plans for individual lots have not yet been identified. How a lot will be graded and how it could be laid out to support horse keeping cannot be known until building plans are selected and then reviewed by the City through the extensive building permit process. That is an entirely separate process that follows preliminary plat approval.)

Third, as I pointed out in my comments to the Council last night and in my April 1st letter, whether the City's code requirements for horse keeping can be met on any lots within Bridlestone Estates is irrelevant to determining whether the rezone criteria are satisfied because the Comprehensive Plan and Bridle Trails Neighborhood Plan (BTNP) do not require lots in this area along 116th to be of sufficient size for horse keeping (unlike other areas where this is specifically required by the BTNP, as I pointed out last night).

For these reasons, KLN respectfully renews its objection to the introduction of the Exhibit (at least pages 6-8 of the exhibit that includes Challengers' lot specific analysis) and asks that it be stricken from the Council's consideration of this matter.

Also, Ms. Lawrence interrupted my rebuttal testimony to object to my statements about the property owners' decisions to shut down their equestrian facilities previously operated on some of the parcels that are part of the Bridlestone Estates proposal. As I stated last night, the information in the record from those property owners supporting my testimony is found at Exhibits E (Declaration from Michael Crooks) and pages 16-17 of Exhibit C (March 4, 2016 email from Andrea Lorig, which I erroneously referred to in my April 1st letter as Exhibit L) from the Hearing Examiner proceeding (copies of which are attached).

Finally, I would like to make a point of clarification and additional objection for the record regarding last night's hearing. I understood from your correspondence prior to the hearing (your email dated April 12, 2016 to Ms. Lawrence and me) that the Council had decided to allow Applicant and the Challengers 10 minutes each to present argument to the Council and that Ms. Lawrence, one of the identified Challengers, was going to be speaking on behalf of the Challengers. However, the bulk of the Challengers' presentation last night was given by Andy Held. Mr. Held is not identified as one of the Challengers in the March 28, 2016 Challenge and was not identified last night as legal counsel representing the Challengers. (Mr. Held is a party of record from the Hearing Examiner proceeding but was not one of the named Challengers. The persons bringing the Challenge were Amy Supple, Jim Erckmann, Jennifer Duncan (individually and on behalf of the Lake Washington Saddle Club), Suzanne Kagen and Ms. Lawrence.) The Council stated at the outset of the meeting that the Bridlestone Estates matter was a closed record, quasi-judicial proceeding for which public testimony was not allowed. Given that Mr. Held is neither a Challenger nor legal counsel representing the Challengers, his testimony last night constituted public comment that should not have been allowed. KLN therefore objects to Mr. Held's testimony as it was public comment from a member of the public other than the identified Challengers and should have been prohibited.

Best regards,

B

Brian L. Holtzclaw
General Counsel

KLN Construction, Inc.
(425) 478-7453 (cell)
(425) 778-4111 ext. 108 (office)
www.villagelifecommunities.com



Kevin Raymond

From: Molly Lawrence <mol@vnf.com>
Sent: Thursday, May 05, 2016 12:05 PM
To: Kevin Raymond
Cc: brian@village-life.net
Subject: RE: Bridlestone Estates

Thank you Kevin. For purposes of the record, I believe it is important to note that the Challengers contest the Applicant's objections, particularly the new objection raised regarding Mr. Held. As Mr. Held explained, he was speaking on behalf of the Challengers. I am unaware of any restriction in the City's regulations limiting the Challenger's representative to a lawyer; we regularly use land use planners, rather than attorneys, as party representatives before local jurisdictions. Mr. Held's participation was comparable. He did not provide any new evidence not already in the record.

Obviously, we have responses to each of the applicants other objections as well, but will withhold (without waiver) those for the time being unless requested by the City.

Thank you.
Molly Lawrence
For the Challengers

From: Kevin Raymond [mailto:KRaymond@kirklandwa.gov]
Sent: Thursday, May 05, 2016 9:03 AM
To: Molly Lawrence
Cc: brian@village-life.net
Subject: Fwd: Bridlestone Estates

Brian, thank you for your email. Molly, this is for your information only. Brian gave me permission to forward this to you. The City Council does not require anything further from the parties at this time.

Thanks.

Kevin

Sent from my iPhone

Begin forwarded message:

From: Brian Holtzclaw <brian@village-life.net>
Date: May 4, 2016 at 4:35:49 PM PDT
To: Kevin Raymond <KRaymond@kirklandwa.gov>
Subject: Bridlestone Estates

Mr. Raymond (and Council members),

This email is to, among other things, follow up on KLN's objection to the purported "illustrative" exhibit introduced last night by the Challengers.

KLN's objection is threefold.

First, members of the public testified generally at the public hearing before the Examiner on March 9th that lots within Bridlestone Estates could not meet the City's code requirements for horse keeping. However, no specific analysis/information to support that contention was submitted into the public record during the open record hearing. KLN pointed out to the Examiner that 6 proposed lots were over 20,000 square feet on which the City's requirements for horse keeping could potentially be met. Based on the information presented into the record, the Examiner concluded that "[a]s the subdivision is presently configured, it may be possible for a few lots to support horse keeping." HE Recommendation, C.5. at page 3. The exhibit introduced last night appears to be new substantive analysis by Challengers to refute the Examiner's findings and conclusions. The time for submitting such evidence was during the open record hearing. This exhibit is substantive, not illustrative, and therefore should be precluded from the Council's closed record consideration of this matter.

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Third, as I pointed out in my comments to the Council last night and in my April 1st letter, whether the City's code requirements for horse keeping can be met on any lots within Bridlestone Estates is irrelevant to determining whether the rezone criteria are satisfied because the Comprehensive Plan and Bridle Trails Neighborhood Plan (BTNP) do not require lots in this area along 116th to be of sufficient size for horse keeping (unlike other areas where this is specifically required by the BTNP, as I pointed out last night).

For these reasons, KLN respectfully renews its objection to the introduction of the Exhibit (at least pages 6-8 of the exhibit that includes Challengers' lot specific analysis) and asks that it be stricken from the Council's consideration of this matter.

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Best regards,

B

Brian L. Holtzclaw
General Counsel

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www.villagelifecommunities.com

ORDINANCE O-4516

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND APPROVAL OF A REZONE, PRELIMINARY SUBDIVISION, AND MULTIPLE SENSITIVE AREA DECISIONS AS APPLIED FOR BY KLN CONSTRUCTION, INC. IN DEPARTMENT OF PLANNING AND BUILDING FILE NOS. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, SAR15-00580 AND SETTING FORTH CONDITIONS OF APPROVAL.

1 WHEREAS, the Department of Planning and Building received
2 an application, pursuant to Process IIB, for a Rezone ("REZ"),
3 Preliminary Subdivision ("SUB"), and multiple Sensitive Area Decisions
4 ("SAR") as filed by KLN Construction, Inc. ("Applicant") for a 35 lot
5 development within a Single-Family Residential (RS/R SX) 35 zone
6 known as Bridlestone Estates Rezone and Subdivision ("Development").
7 The application is contained in Department of Planning and Building File
8 Nos. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, and
9 SAR15-00580 (collectively, "Application"); and

10 WHEREAS, pursuant to the City of Kirkland's Concurrency
11 Management System, Kirkland Municipal Code Title 25, a concurrency
12 application was submitted to the City of Kirkland ("City"), reviewed by
13 the responsible Public Works official, the concurrency test applied for
14 and successfully passed, and a concurrency test notice issued; and

15 WHEREAS, pursuant to the State Environmental Policy Act,
16 chapter 43.21C RCW, and the Administrative Guidelines and local
17 ordinance adopted to implement it, an environmental checklist was
18 submitted to the City, reviewed by the responsible official of the City,
19 and a determination of non-significance was issued; and

20 WHEREAS, the environmental checklist and determination have
21 been available and have accompanied the Application through the entire
22 review process; and

23 WHEREAS, the Application was submitted to the Kirkland
24 Hearing Examiner who held a hearing on March 9, 2016; and

25 WHEREAS, the Kirkland Hearing Examiner after her public
26 hearing and consideration of the recommendations of the Department
27 of Planning and Building adopted Findings, Conclusions and
28 Recommendation dated March 16, 2016 ("Recommendation")
29 recommending approval of the Application and issuance of a Process IIB
30 Permit subject to the specific conditions set forth in the
31 Recommendation; and

32 WHEREAS, the City Council, in a regular meeting, considered
33 the environmental documents received from the responsible official of
34 the City, together with the Recommendation of the Hearing Examiner
35 and the record developed in connection with the March 9, 2016 hearing;
36 and

43 WHEREAS, the Section 130.45 of the Kirkland Zoning Ordinance
44 requires approval of the application for a rezone to be made by
45 ordinance,
46

47 NOW, THEREFORE, the City Council of the City of Kirkland do
48 ordain as follows:
49

50 Section 1. The Findings, Conclusions, and Recommendation of the
51 Kirkland Hearing Examiner dated March 16, 2016 and filed in Department of
52 Planning and Building File Nos. REZ15-00575, SUB15-00572, SAR15-
53 00573, SAR15-00574, and SAR15-00580, a copy of which is attached to
54 this ordinance as Exhibit A and incorporated herein by this reference,
55 are adopted by the Kirkland City Council.
56

57 Section 2. The City Council approves the Application for a rezone
58 preliminary subdivision, and multiple sensitive area decisions subject to
59 the conditions set forth in the Findings, Conclusions, and
60 Recommendation referenced in Section 1 of this ordinance.
61

62 Section 3. The Process IIB Permit shall be issued to the Applicant
63 subject to the conditions set forth in the Findings, Conclusions, and
64 Recommendations adopted by the City Council in Section 1 of this
65 ordinance.
66

67 Section 4. The real property within the city of Kirkland and
68 described in more detail in Exhibit B to this ordinance is rezoned from
69 RS 35 and RSX 35 to RS 12.5. Exhibit B is incorporated herein by this
70 reference.
71

72 Section 5. The Director of the Planning and Building Department
73 is directed to amend the official Kirkland Zoning Map, Ordinance No.
74 2699, as amended, to conform with this ordinance, indicating thereon
75 the date of ordinance adoption. Copies of this ordinance shall be filed
76 with the Planning and Building Department and the office of the City
77 Clerk.
78

79 Section 6. Nothing in this ordinance shall be construed as excusing
80 the Applicant from compliance with any federal, state or local statutes,
81 ordinances or regulations applicable to this Application, other than
82 expressly set forth in this ordinance.
83

84 Section 7. Failure on the part of the Applicant as the holder of the
85 Process IIB Permit issued hereby to meet and maintain strict compliance
86 with the standards and conditions to which the Process IIB Permit is
87 subject shall be grounds for revocation in accordance with Ordinance
88 No. 3719, as amended, the Kirkland Zoning Ordinance.
89

90 Section 8. This ordinance shall be in full force and effect five (5)
91 days from and after its passage by the City Council and publication
92 pursuant to Kirkland Municipal Code 1.08.017, in the summary form
93 attached to the original of this ordinance and by this reference approved
94 by the City Council as required by law.
95

96 Section 9. A complete copy of this ordinance, including the
97 Findings, Conclusions and Recommendation adopted by reference, shall

96 be certified by the City Clerk, who shall then forward a certified copy
97 thereof to the King County Department of Assessments.

98
99 Section 10. A certified copy of this ordinance, together with the
100 Findings, Conclusions, and Recommendation adopted by reference,
101 shall be attached to and become a part of the Process IIB Permit
102 provided to the Applicant as permittee.

103
104 Passed by majority vote of the Kirkland City Council in open
105 meeting this _____ day of _____, 2016.

106
107 Signed in authentication thereof this _____ day of
108 _____, 2016.

MAYOR

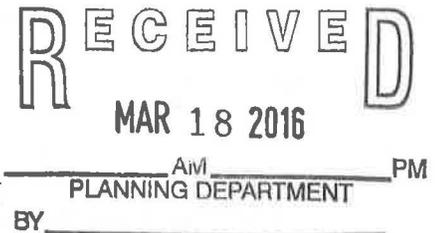
Attest:

City Clerk

Approved as to Form:

City Attorney

DRAFT



**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Cher Anderson, KLN Construction, Inc.

FILE NO: SUB15-00572

APPLICATION:

1. Site Location: 4600 – 4646 116th Avenue NE

2. Requests: The applicant requests approval of a rezone and preliminary subdivision as follows:
 - a. Rezone the 17.59 acre subject property from RS/RSX 35 (single-family residential, minimum lot size of 35,000 square feet (s.f.)) to RS 12.5 (single-family residential, minimum lot size of 12,500 s.f.).
 - b. Subdivide the property into 35 lots for construction of single-family homes. Access to the lots will be provided via a new public access road off of 116th Avenue NE.
 - c. Fill and “paper fill” a portion of a wetland to provide vehicular access that meets City requirements. Proposed compensatory mitigation includes wetland creation, restoration, and enhancement.
 - d. Reduce the wetland buffer only where necessary to provide access to the remainder of the property. Mitigation is proposed through enhancement.
 - e. Install a stream culvert to create vehicular access and install utilities that comply with the City’s requirements.
 - f. Discharge stormwater using a piped outfall to the wetland buffer.
 - g. Install a bioswale along the south side of the new access road to treat stormwater runoff prior to water reaching stream/wetlands or their associated buffers.

3. Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

4. Key Issues:
 - Compliance with rezone criteria
 - Compliance with subdivision criteria
 - Compliance with various sensitive area criteria

Hearing Examiner Recommendation

File: SUB15-00572

Page 2 of 11

- Equestrian and pedestrian access to Bridle Trails State Park

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on March 9, 2016, at 7:00 p.m. in the Peter Kirk Room, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Planning and Building Department. The Examiner visited the site in advance of the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code ("KZC") or Kirkland Municipal Code ("KMC") unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

A. Site Description

The reference to "Attachment 2, Sheet 2 of 14" on page 5 of the Staff Report (at II.A.1(4)) is corrected to read Attachment 2, Sheet 3 of 14. With that correction, the Facts and Conclusions on site development and zoning, and on neighboring development and zoning, set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. The Sablewood development, located to the north of the subject property, is zoned RS 12.5 and has lot sizes ranging from 10,500 to 19,353 square feet.

2. Cor Sun Ranch Estates to the south is zoned RSX 35 and has lots sizes ranging from 28,002 to 47,502 square feet.
3. Only one of the 40 lots to the south of the subject property and within the Kirkland city limits has a paddock area.

B. History

The Facts and Conclusion on the subject property's tax history, set forth in Subsection II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusion.

C. Public Comment

The Facts and Conclusion on public comment set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. Public comments at the hearing reiterated some of the concerns expressed in the comment letters included in the record as Attachment 5 to the Staff Report, particularly those expressing opposition to the requested rezone as failing to comply with the applicable Neighborhood Plan and threatening the area's equestrian lifestyle.
2. Some members of the public emphasized that the market for "horse properties" remains strong but that such properties are in short supply in the area. They pointed out that the lots in the Cor-Sun development to the south of the subject property allow keeping of horses only with special approval of an architectural control committee. *See* Exhibit I at 3. They also stated that the Zoning Code would prohibit the keeping of horses on most of the lots in the development for the subject property.
3. The lots in the proposed subdivision range in size from 12,506 to 24,752 square feet. Six of the lots exceed 20,000 square feet.
4. KZC 115.20.5.b(3) provides that in zones other than "RS 35 and RSX 35 within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park," the City may approve the keeping of up to two horses on lots less than 35,000 square feet using Process I in Chapter 145 KZC and specific setback regulations.
5. Conclusion: As the subdivision is presently configured, it may be possible for a few of the lots to support horse keeping. *See* Attachment 2 to the Staff Report, Sheet 11 of 14.

Hearing Examiner Recommendation

File: SUB15-00572

Page 4 of 11

D. State Environmental Policy Act and Concurrency

The Facts and Conclusion on this application set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

E. Approval Criteria

1. REZONE

a. Facts:

- (1) Zoning Code section 130.40 states that a quasi-judicial rezone may be approved only if:
 - Conditions have substantially changed since the property was given its present zoning or the proposed rezone implements the policies of the comprehensive plan; and
 - The proposed rezone is compatible with the existing land uses in the immediate vicinity of the subject property; and
 - The proposed rezone bears a substantial relationship to the public health, safety, or welfare; and
 - The proposed rezone is in the best interest of the community of Kirkland; and
 - If the rezone is to place or remove an overlay zoning designation on the Zoning Map, the proposal meets the applicable designation criteria of chapters 70 through 80 of the Zoning Code.
- (2) Figure BT-1 on page XV.C-2 of the Neighborhood Plan designates the subject property for low density residential development, 1-3 dwelling units per acre. *See* Attachment 9 to the Staff Report. Table LU-3 in the Land Use Section of the Comprehensive Plan lists RS 35,000 as the comparable zoning classification for low density residential development "Up to 1 d/a," and RS 12,500 as the comparable zoning classification for low density residential development "Up to 3 d/a". The applicant seeks RS 12,500 zoning and proposes a development density of 2 dwelling units per acre.
- (3) Historical information regarding annexation, land use designation, and zoning on the subject and adjoining properties includes the following:
 - (a) On February 21, 1989, Ordinance 3158 was signed agreeing to the property owners' petition for annexation. The annexation included the entire subject property, Cor-Sun Ranch Estates, and the properties located on the east side of Cor-Sun Ranch Estates and west of Bridle Trails State Park. At the time of annexation the entire area was zoned RS 35.
 - (b) Sablewood, the adjoining subdivision to the north of the subject property, was originally part of the City of Houghton and zoned for approximately 12 dwelling units per acre. After the cities of Houghton and Kirkland consolidated,

the property was downzoned, but the downzone was overturned in court. A subsequent development proposal was denied pursuant to SEPA, and an appeal followed. Ultimately, a negotiated agreement led to the property being rezoned to RS 12.5 in 1985, and the Sablewood subdivision was approved in 1987.

- (c) Cor-Sun Ranch Estates, to the south of the subject property, was already developed when it was annexed into the City of Kirkland in 1989. Based on size alone, most of the lots in Cor-Sun are large enough to keep a horse without any special Zoning Code review or process although, as noted, covenants require a special approval by an architectural review committee. No horses or paddock areas are visible on the aerial maps for Sablewood or Cor-Sun Ranch Estates. *See* Attachment 8 to the Staff Report.
- (d) One residential parcel between Cor-Sun Ranch Estates and Bridle Trails State Park shows evidence of a paddock area and active horse use. In 2008 a stable and paddock area was located on the most southeasterly property between Cor-Sun Ranch Estates and Bridle Trail State Park. It has been demolished and the site is currently unimproved.

(4) Comprehensive Plan policies relevant to the rezone include the following:

- (a) Land Use Policy LU-2.2: Use land efficiently, facilitate infill development or redevelopment, and where appropriate, preserve options for future development.

This land use policy supports a rezone to a maximum of three units per acre as designated on Comprehensive Plan Figure BT-1, the Bridle Trails Land Use Map. *See* Attachment 9 to the Staff Report.

- (b) Land Use Policy LU-2.3: Ensure an adequate supply of housing units ... to meet the required growth targets through efficient use of land.

If developed to the maximum allowed development potential under the Comprehensive Plan of 3 units per acre, the property could provide 15 dwelling units more than the number that could be provided under the existing zoning designation of 1 unit per acre. *See* Section II.F.1 of the Staff Report. (As noted, the development proposal is for two dwelling units per acre.)

- (c) Land Use Policy LU 4.3: Continue to allow for new residential growth throughout the community, consistent with the basic pattern of land use in the City.
- (d) Natural Environment Policy NE-1.8: Strive to minimize human impact on habitat areas.

As discussed in Sections II.E.3 through II.E.8 of the Staff Report, if the rezone is approved, multiple existing encroachments into the critical areas and their associated buffers would be removed, and the proposed project would conform to critical areas regulations. The northern access, which bisects Wetland B, would be reestablished as wetland, and the southern access, which is between Wetlands B and C, would become wetland buffer. Additional wetland and buffer mitigation would compensate for new encroachments proposed with the development.

- (e) The introduction to the Comprehensive Plan addresses the relationship between the Citywide Elements of the Plan and the Neighborhood Plans:

The Neighborhood Plans allow a more detailed examination of issues affecting smaller geographic areas within the City and clarify how broader City goals and policies in the Citywide Elements apply to each neighborhood. It is intended that each neighborhood plan be consistent with the Citywide Elements. However, because many of the neighborhood plans were adopted prior to the 1995 Plan update, portions of some of the neighborhood plans may contain inconsistencies. Where this is the case, the conflicting portions of the Citywide Elements will prevail.

- (f) Under the vision statement for the Bridle Trails Neighborhood Plan, it is explained that the “primary policy direction for this neighborhood is to *maintain the low-density residential character with some areas containing large lots capable of keeping horses.*” Emphasis added.
- (g) The Neighborhood Plan addresses specific geographic areas, including:
- (1) an area east of I-405 with “relatively new” residential developments, where new residential development “*should be low density (up to five dwelling units per acre);*”
 - (2) the single-family area north of the State Park and south of NE 70th Street, which “contains some large lots capable of keeping horses,” and in which “[r]esidential sites ... should be designed to allow sufficient space to provide ... for horses, and to appropriately buffer development bordering equestrian areas;”
 - (3) the Bridlewood Circle, Silver Spurs Ranch, and Bridle View areas, which “should remain *at a very low density (one dwelling unit per acre)* with private stable facilities permitted;” and
 - (4) the area “southwest of Bridle Trails State Park and adjacent to 116th Avenue NE,” which includes the subject property and is described as an area that, at the time the Neighborhood Plan was adopted, “*contains low-density*

residential development (one to three dwelling units per acre) and large stable facilities. Existing equestrian access to Bridle Trails State Park from this area should be preserved.”

Emphasis added.

- (h) The Neighborhood Plan then addresses “[p]roblems with utilities and traffic in the area southwest of the State Park and adjacent to 116th Avenue NE. It states that the extension of water and sewer services should always be a condition of development in the area, and that “higher-density residential uses” would increase traffic volumes, noise and hazards and should not be permitted. “Based upon the above considerations, development in this area should be limited to *low-density equestrian-oriented residential (one to three dwelling units per acre)*. In addition, the existing stable facilities should be encouraged to remain”

Emphasis added.

- (5) As noted above, the area to the north of the subject property was developed at a density of 3 dwelling units per acre (RS 12.5 zoning), and the area to the south of the subject property was developed at a density of 1 dwelling unit per acre (RSX 35 zoning). The proposal would be developed at a density of two dwelling units per acre.
- (6) The proposal would preserve the subject property’s existing equestrian/pedestrian access to Bridle Trails State Park.
- b. Conclusions: The proposed rezone is consistent with the criteria set forth in KZC 130.40:
- (1) The proposed rezone would implement the Comprehensive Plan’s Land Use policies supporting infill housing and ensuring an adequate housing supply. It would also protect the wetlands and streams and their associated buffer to the maximum extent possible, including removing existing non-conforming wetland encroachments and bringing non-conforming wetland buffers into conformance with existing regulations, thereby implementing policies in the Plan’s Natural Environment element.
- (2) The rezone would also implement the Bridle Trails Neighborhood Plan. It is clear from the explanatory statement under the vision statement that maintenance of the low-density residential character in the area is key, and that “some areas” should continue to maintain large lots for horses. The Neighborhood Plan expressly directs that in the single family area north of the State Park and south of NE 70th Street, residential sites within areas that are equestrian-oriented should be designed to allow for keeping horses. It also expressly directs that Bridlewood Circle, Silver Spurs Ranch and Bridle View should remain at “very low” residential density, which is stated to be one dwelling unit per acre. But for the area in question, southwest of the State Park along 116th Avenue NE, both “low density development and equestrian facilities should be

permitted.” “Low density” is repeatedly explained as being from one to three dwelling units per acre.

The Neighborhood Plan’s discussion of “very low density” as one dwelling unit per acre and “low density” as one to three dwelling units per acre is consistent with the comparable zoning classifications for those densities listed in Table LU-3 of the Comprehensive Plan. Thus, the Neighborhood Plan does not conflict with the Comprehensive Plan.

- (3) The rezone would be compatible with existing land uses in the immediate vicinity of the subject property. Properties to the north and south are developed with low-density residential development and, with one exception, the lots are not used for keeping horses.
- (4) The rezone bears a substantial relationship to public health, safety, or welfare because the proposal will create infill residential development while meeting the goals and policies of the Comprehensive Plan, including the applicable Neighborhood Plan.
- (5) The proposed rezone would be in the best interest of the community of Kirkland because it would increase the housing stock, thereby assisting the City in meeting its housing targets while protecting the stream and wetlands to the maximum extent possible.
- (6) The rezone will not place or remove an overlay zoning designation on the Zoning Map.

2. PRELIMINARY PLAT

3. CRITICAL AREAS

The Facts and Conclusions concerning the proposal’s consistency with the approval criteria for a preliminary subdivision and with critical area requirements are set forth in Subsections II.E.2 through II.E.3 through II.E.8 of the Staff Report and are adopted by reference as the Hearing Examiner’s Findings and Conclusions.

F. Development Regulations

The Facts and Conclusions on the proposal’s consistency with applicable development regulations are set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner’s Findings and Conclusions.

G. Comprehensive Plan

The proposal’s consistency with the Comprehensive Plan is addressed above in Section E.

H. Development Standards

The Fact and Conclusion on this matter set forth at Subsection II.H of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

I. Process IIB Decisional Criteria

As noted above, the application for the rezone, preliminary subdivision and sensitive area approvals is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan, and it is also consistent with the public health, safety and welfare. It therefore meets the requirement of KZC 152.70.3.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the entire application subject to the conditions set forth in Section I.B of the Staff Report.

Entered this 16th day of March, 2016.


Sue A. Tanner
Hearing Examiner

EXHIBITS:

The following exhibits were entered into the record:

- | | |
|-----------|---|
| Exhibit A | Department's Advisory Report with Attachments 1 through 17 |
| Exhibit B | Department's PowerPoint presentation |
| Exhibit C | Packet of public comments sent to the Department after release of Department recommendation |
| Exhibit D | Illustrative Site Plan, Site Enlargements & Photos, Engineering Plans & Sections, Vicinity Map and Site Vicinity Enlargement (total 5 sheets) |
| Exhibit E | Declaration of Michael Crooks, former owner of subject property |
| Exhibit F | Traffic data for 116 th Ave.NE/NE 60 th St. before and after start of I-405 tolling |
| Exhibit G | Illustration of "paper fill" of wetland |
| Exhibit H | Comments of Jennifer Duncan |
| Exhibit I | Protective Covenants – Plat of Con-Sun Ranch Estates |
| Exhibit J | Illustration re balancing development with community character |
| Exhibit K | Enlarged aerial photos of Con-Sun Ranch Subdivision |
| Exhibit L | Comments of Ann Shilling |
| Exhibit M | Comments of Molly Lawrence |
| Exhibit N | Comments of Jim Erckmann |

Hearing Examiner Recommendation

File: SUB15-00572

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Exhibit O Comments of Mary Decher
Exhibit P Comments of Deborah Giddings
Exhibit Q Comments of Jessica Reaves
Exhibit R Comments of Jana Hobbs
Exhibit S Comments of Klara Lukacs
Exhibit T Comments of Andrea Lorig, former owner of subject property

PARTIES OF RECORD:

Cher Anderson, KLN Construction, Inc., applicant
Brian Holtzclaw, attorney-at-law, on behalf of applicant
Jim Erckmann
Jennifer Duncan
Suzanne Kagen
Amy Supple
Molly Lawrence
Mary Decher
Rob Hemingson
Carolyn Adams
Jana Hobbs
Gavin Wissler
Andy Held
Ann Shilling
Lynn Erckmann
Kay Brossard
Mehri Kaufman
Alice Prince
Suki Steiner
Amy Itkin
Paula Munson
Parties of Record prior to hearing
Planning and Building Department
Department of Public Works

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or

testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., March 28, 2016, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

Under KMC 22.16.010, "Final plat – Submittal – Time limits," if the final plat is not submitted to the City Council within the time limits set forth in RCW 58.17.140, it shall be void.

Link to Exhibit A:

http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/Hearing_Examiner_Meeting_Information.htm

March 9, 2016 Meeting Packet (This can be viewed by clicking on the links to the four parts of the staff recommendation for the March 9, 2016 meeting.)

Link to Exhibit B through D:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part1.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit E through I:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part2.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit J through L:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part3.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit M through T:

http://www.kirklandwa.gov/Assets/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part4.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

PARCEL # 162505-9017:

THE EAST 397.36 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS PER DRIVEWAY EASEMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 6367183;

ALSO TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES AS STATUTORY WARRANTY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 8708201403;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9021:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.;

EXCEPT THE EAST 214 FEET THEREOF;

EXCEPT THE NORTH 15 FEET THEREOF;

AND EXCEPT THE WEST 30 FEET THEREOF FOR 116TH AVE NE AS ESTABLISHED BY ORDER OF ESTABLISHMENT RECORDED IN COUNTY COMMISSIONER'S RECORDS BOOK 33, PAGE 175;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9022:

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION NORTH 88° 18' 48" WEST 1,055.61 FEET FROM THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 88° 18' 48" EAST 658.25 FEET;

THENCE SOUTH 01° 02' 42" WEST PARALLEL TO THE EAST LINE OF SAID SUBDIVISION 327.52 FEET TO THE SOUTH LINE THEREOF;

THENCE NORTH 88° 21' 20" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION 655.90 FEET;

THENCE NORTH TO THE POINT OF BEGINNING;

PARCEL # 162505-9031:

THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THE WEST 30 FEET FOR 116TH AVENUE NORTHEAST AS ESTABLISHED IN VOLUME 33 OF COMMISSIONERS RECORDS ON PAGE 175;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9034:

THE EAST 214 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE NORTH 15 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 214 FEET THEREOF; AND

EXCEPT THAT PORTION THEREOF LYING WITHIN 116TH AVENUE NORTHEAST.



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: Kari Page, Neighborhood Services Coordinator
Marilynne Beard, Deputy City Manager
Kathy Brown, Public Works Director

Date: May 4, 2016

Subject: NEIGHBORHOOD SAFETY PROGRAM (NSP)

RECOMMENDATION:

Staff is recommending that the City Council 1) approves the recommended Neighborhood Safety Program (NSP) projects for 2016 by motion, and 2) receives early feedback on the 2015 Citywide Program.

BACKGROUND DISCUSSION:

The City Council authorized the Neighborhood Safety Program as a way to help "reenergize neighborhoods through partnerships on capital project implementation..." In 2014, representatives from the Kirkland Alliance of Neighborhoods (KAN) and other neighborhood leaders worked with City staff to develop and implement the Pilot Neighborhood Safety Program (NSP). In June of 2014, the City Council authorized the implementation of the ongoing Citywide Program.

Program Goals:

- Provide an incentive for neighborhood participation.
- Address safety needs.
- Foster neighborhood self-help and build a sense of community.
- Increase collaboration within a neighborhood, between neighborhoods, and with City government.
- Leverage funding with match contributions and/or other agency grants.
- Collaborate with businesses, schools, Parent Teacher Student Associations (PTSA's), Cascade Bicycle, Feet First, Kirkland Greenways, and other organizations.
- Create an equitable distribution of improvements throughout the City.

Funding: With the authorization of the ongoing NSP, the Council identified two funding sources for projects:

1. Streets Levy pedestrian and bicycle safety (\$150,000/year).
2. Walkable Kirkland Initiative (\$200,000/year) 2015 through 2021.

Process:

1. Suggest a Project map: The interactive "Suggest a Project" map was used as the central clearing house for all suggestions made in each neighborhood. This tool has been a popular means of communication for Kirkland citizens, resulting in five hundred requests over the past three years. A database is used to track the status of suggestions from the public. The volume of input indicates the success of the program in terms of soliciting public input, but the unanticipated number of requests has been difficult for staff to manage. Public Works is developing a new Walkable Kirkland work program to manage the increased policy emphasis on non-motorized transportation. This work program will include a process for actively monitoring and reporting status of Suggest a Project.
2. Neighborhood prioritization and project selection: Each individual neighborhood reviewed the projects suggested in its area—in some cases added additional projects—and then prioritized the projects. Each neighborhood's prioritization process was different (for example some used the neighborhood meeting forum and others used an online survey). The selection of projects for 2016 was completed in the fall/winter of 2015
3. Scoping and cost estimating: Staff experts were used to help scope the projects, recommend the most appropriate solution for the safety concerns, and develop cost estimates. Instead of an open house style workshop, where staff interacts with all of the neighborhood project sponsors at one time, staff met independently with each of the neighborhoods. Some projects were dropped and others were refined. On February 9, twenty applications were submitted from twelve of the thirteen neighborhoods. Staff reviewed the Totem Lake "Suggest a Projects" to find a viable candidate for this neighborhood.
4. Project selection: A NSP Panel with representatives from the city's eleven active neighborhood associations reviewed and prioritized the project proposals. Staff provided a rigorous technical review and score for each project. The two independent rankings were combined to create the final funding recommendation. See Attachment A for the NSP Panel criteria and Attachment B for the technical criteria. The Panel is recommending fourteen of the twenty projects for funding, see Table 1.

Of the projects that are not recommended for the NSP, staff is recommending (Project #6) ADA ramps and crosswalk at the west end of Kirkland Avenue (next to Marina Park) be funded through the Annual Sidewalk Maintenance Program. In addition, the intersection study at NE 132nd Street and 136th Ave NE (Project #14) is recommended to be funded by a planned "Quasi-Judicial" private development in the area (a 28 lot subdivision called Calvert Planned Unit Development). This development may also be funding solutions to the intersection problems identified in the application.

Individual NSP project should be less than \$50,000, however some projects are over the \$50,000 project limit including four rapid flashing beacons and one walkway project. Rapid flashing beacons are popular and effective tools for improving safety and closely align with the NSP Program goals. However, the thriving economy has been pushing the costs up the last couple of years. Staff will look into ways to lower the costs or possibly raise the NSP project limit so these projects will continue to qualify under this program. The walkway project was bumped over \$50,000 after the

application was submitted when staff decided the project was too large for our City crews and would need to be done by competitive bid. The added costs cover design and contingencies built into projects going out to bid. Instead of penalizing the neighborhood for our change in implementation strategy, the project was allowed.

5. Council approval: Following a briefing on each of the projects, staff is seeking final City Council approval of the project list at the May 17, 2016 Council meeting. The final proposed project ranking is shown in Table 1 on the following page. Attachment C is a map of 2016 project proposals.

Timeline: To identify projects before the summer construction season and comb through requests for potential Safe Walk Routes to School grants before the grant deadlines, the program starts in the fall and is compressed to be finished in early spring. The timeline for the NSP was as follows:

2016 Neighborhood Safety Program Schedule

Project Ideas Due: No later than December 1, 2015

Staff/neighborhood meetings: January 21 & 25, 2016

Applications Available: Beginning January 21, 2016

Application Due: No later than February 9, 2016

Staff Technical Review: February 9–March 9, 2016

Panel Review: March 9, 2016

Panel Decision: March 23, 2016

Public Works, Parks and Human Services Committee: April 6, 2016

Transportation Commission: April 27, 2016

City Council Decision: May 17, 2016

Projects Announced: By end of May, 2016

Projects Complete: June 1, 2017

Next steps: After completing most of the 2014 and 2015 NSP projects using Job Order Contract (JOC) and Small Works Roster (SWR) procurement processes, staff has learned where efficiencies can be made and how to expedite completion of these small but important projects. For example, equipment (like rapid flashing beacons) can be purchased in advance (prior to contractor procurement) resulting in time and cost savings. There may also be efficiencies by using in-house engineers for some of the design elements. Using City crews for appropriate projects is another strategy.

Table 1: Combined Neighborhood Safety Program Panel and Technical Staff evaluation ranking.

2016 Neighborhood Safety Program Project Recommendations		Cost Estimate	
Priority	Description	NSP Fund	Other
	Funded		
1	Intersection study for Kirkland Way and Railroad Ave	\$ 7,500	
2	Intersection study for 124th Ave NE and NE 80th Street (<i>School Walk Route</i>)	\$ 7,500	
3	Stair connection near 2nd Ave at the CKC	\$ 12,600	
4	Extruded curb along 87th Ave NE and 134th Street (<i>Partial School Walk Route</i>)	\$ 55,760	
5	Crosswalk island on 124th Ave NE at 142nd Place (<i>School Walk Route</i>)	\$ 34,000	
6	New crosswalk with ramps on Kirkland Ave at Marina Park *	\$ -	\$6,600
7	Sight distance improvement at 15th Ave and 4th Street (<i>School Walk Route</i>)	\$ 21,250	
8	Rapid Flashing Beacon on Market Street at 7th Ave W	\$ 59,983	
9	Rapid Flashing Beacon on 108th Ave NE at 62nd Street (<i>Partial School Walk Route</i>)	\$ 80,638	
10	Trail lighting and gravel on walkway to NE 126th Street from NKCC (<i>School Walk Route</i>)	\$ 22,500	
11	Gravel walkway along 8th Street South and Railroad Ave to the CKC	\$ 36,307	
12	Asphalt walkway along 7th Ave between 6th & 8th Streets (<i>School Walk Route</i>)	\$ 10,800	
13	Trail connection at the end of 111th Ave NE to the CKC (<i>School Walk Route</i>)	\$ 1,320	
14	Intersection study at NE 132nd Street and 136th Ave NE (<i>School Walk Route</i>) **	\$ -	\$7,500
	Total Funded	\$ 350,158	\$14,100
	Unfunded		
15	Rapid Flashing Beacon on NE 70th Street at 120th Ave NE (<i>School Walk Route</i>)	\$ 58,283	
16	Crosswalk and extruded curb on Slater Ave NE at NE 108th Place	\$ 22,610	
17	Gravel walkway along 110th Ave NE and 100th Ave NE	\$ 22,560	
18	New crosswalk and ramps on NE 118th Street at 11730 block	\$ 28,900	
19	Streetlight(s) on NE 103rd PL at 128th Ave NE	\$ 18,500	
Over Neighborhood Limit	Rapid Flashing Beacon on 84th Ave NE at NE 141st Street (<i>School Walk Route</i>)	\$ 58,283	
	Unfunded	\$ 209,136	
	Total Applications	\$ 573,394	

* Recommended to be funded by the Annual Sidewalk Maintenance Program

** Recommended to be funded by a private development (Planned Unit Development)

As part of the NSP process, neighborhoods also recommend projects for the [State Safe Routes to School](#) grant process. The following project ideas have been submitted to the City's grants committee and are being evaluated for the 2016 State School Walk Route grant application program. Not all of these ideas (signage) would need to be part of a grant application and could be evaluated and prioritized for City funding.

A.G. Bell Elementary

- Crosswalk: 106th Avenue NE at NE 112th Street
- Crosswalk: 104th Avenue NE at NE 112th Street

A.G. Bell Elementary *(not on school walk route)*

- Crosswalk: NE 114th Place adjacent to 108th Avenue NE
- Sidewalk: 108th Avenue NE between NE 112th Street and NE 116th Street

Juanita Elementary

- Sidewalk: NE 134th Street from 98th Avenue NE to trail easement (plus signage)
- Sidewalk: 98th Avenue NE from NE 137th Street to NE 134th Street (plus signage)
- Sidewalk: NE 135th Street/NE 136th Street from 91st Place NE to existing sidewalk on NE 136th Street

Juanita Elementary *(not on school walk route)*

- Crosswalk: NE 128th Street adjacent to 100th Avenue NE
- Crosswalk: NE 130th Place adjacent to 100th Avenue NE
- Sidewalk: NE 120th Street from 97th Avenue NE to 93rd Avenue NE
- Bike lanes: 100th Avenue NE gaps at Juanita-Woodinville Way south to NE 132nd Street
- Bike Lanes: 100th Avenue NE gaps at NE 124th Street south to NE 120th Place

Juanita High School

- Walkway: NE 125th Place at 104th Avenue NE trailhead/walk path to Juanita High School property

Peter Kirk Elementary

- Sidewalk: 4th Street between 18th and 19th Avenues
- Sidewalk: 19th Avenue between Market and 4th Streets

Carl Sandburg Elementary

- Sidewalk and lighting: 122nd Place from Juanita Drive to 84th Avenue NE
- Sidewalk: 132nd Street between 84th and 87th Avenues NE

Mark Twain Elementary

- Sidewalk: N.E. 90 Street from 128 Avenue N.E. to 124 Avenue N.E.

Helen Keller Elementary

- Crosswalk: NE 137th Place on 108th Avenue NE
- Sidewalk: NE 137th Place from Juanita/Woodinville Way NE to 108th Avenue NE
- Signage: 104th Place NE @ NE 137th Place – stop sign or yield sign
- Crosswalk: NE 134th Street adjacent to 108th Avenue NE

Panel feedback on the process: Overall, the Citywide process went well and resulted in important, feasible and meaningful safety projects. The following feedback was provided by the Panel (quotes):

- That was fun and very informative. It's a great neighborhood program.
- It gives neighborhoods a sense that their priorities are taken seriously.
- It helps us realize that there may be projects in other parts of the city that are more urgent than the needs in our immediate neighborhood.
- It builds relationships both within and between neighborhoods.
- Thank you for the opportunity to represent my neighborhood and to help play a small role in improving the safety of our entire community. This program not only helps to identify small scale safety improvement projects throughout the city, but it facilitates community engagement and I've enjoyed meeting some of my amazing neighbors and our great city staff. If I were to change anything, it would be to allow for a similar process for larger scale safety improvement projects, such as sidewalks. It's exciting to see the improvements from last year's program. I look forward to seeing this year's improvements and hope to have the opportunity to continue to serve on the NSP panel again in future years!
- This has been a great stimulus to get our neighborhood to discuss unsafe situations and what really constitutes a safety problem for the community.
- As a result of this process and my personal involvement, I now regularly am contacted about possible safety issues.
- The Neighborhood Safety projects were well thought out with strong support from the participants. The review process was very comprehensive and the ranking of projects was judged fair by the participants.
- This program provides a great platform to give residents in my neighborhood a way to think about ways to improve our community, get engaged, and then to make a difference. I'll be looking forward to taking part in this process again next year!

2014 & 2015 Project Status: As you may recall, the prospering economy translated into very high initial bids for the 2014 projects. As a result, the first round of Job Order Contract (JOC) bids were rejected. The decision was made to try the second JOC contractor and to experiment with the Small Works Roster (SWR) to learn more about the bid market. By July, a second JOC was on board and costs came in within reason (slightly higher than the estimates but lower than the initial JOC bids). Staff is pleased to announce that nearly all of the 2014 and 2015 projects are complete. See Attachment D for a map of the 2014 and 2015 projects. You will receive a report on the status of the 2014 and 2015 projects at the May 17 Council Meeting. Staff is looking into ways to celebrate the completion of these projects as well as installing small permanent plaques or signs to indicate the projects were a result of the grassroots NSP.

The only outstanding project for 2014 is the Cross Kirkland Corridor (CKC) trail connection at Forbes Creek Drive. The new owners and property manager appear to be motivated to consider a pedestrian easement so this project can be finalized. The easement is being reviewed by the Resort at Forbes Creek at this time. If all parties reach agreement this spring, the trail could be improved as early as this summer.

NSP and the Cross Kirkland Corridor: With the 2016 projects, the NSP will have improved seven popular connections to the CKC (totaling \$181,000 plus volunteer contributions). Not counting the South Kirkland Park and Ride and the NE 124th Street/Totem Lake Boulevard connections, an additional eight small connections have been

improved since the construction of the Interim Trail. See Attachment E for a breakdown of all expenses related to the CKC. The City has leveraged approximately \$10M of outside funds and allocated approximately \$13M of City funds toward the CKC since and including the purchase just four years ago.

The funding of the CKC has been a tremendous success story. Of the \$24M either spent (as of April 2015) or pending, only \$118K for three NSP projects (or slightly less than half of a percent) has been from the General Fund.

NSP funded CKC Connections

- Trail Connection at Forbes Creek Drive
- Stairs from NE 68th Street
- Stairs and bridge connection from 116th Avenue NE
- Improved connection from NE 60th Street
- Walkway Improvement 2nd Ave
- Walkway Improvement 8th Street South at Railroad Ave
- Walkway Improvement 111th Ave NE at CKC

Capital Improvement Program funded CKC Connections

- Stairs at NE 64th Street and the CKC
- Stairs at Terrace Park
- Stairs at Crestwoods Park/Cotton Hill
- Stairs at NE 55th Street
- Walkway and bridge to the Houghton Shopping Center
- Walkway next to Google from 6th Street
- Walkway next to Google to Lakeview Elementary School
- Walkway next to Google at 7th Street

CONCLUSION

Staff is requesting City Council approval by motion of the recommended Neighborhood Safety Program (NSP) projects for 2016. With the City Council's approval of the proposed projects, planning and construction can begin with the goal of completion by June 2017.

2016 Neighborhood Safety Program Neighborhood Panel Criteria	Score						
<p>Neighborhood and Community Benefit (0-20 points) The neighborhood and community benefit is clearly explained. The project will address a recognized community safety need (especially with a vulnerable population) and will result in a lasting positive community impact.</p>							
<p>Neighborhood Association Support (0-15 points) Project was reviewed by the Neighborhood Association and received a priority ranking:</p> <table data-bbox="159 554 337 659"> <tr> <td>Priority 1</td> <td>10</td> </tr> <tr> <td>Priority 2</td> <td>5</td> </tr> <tr> <td>None</td> <td>0</td> </tr> </table>	Priority 1	10	Priority 2	5	None	0	
Priority 1	10						
Priority 2	5						
None	0						
<p>Project Readiness and Feasibility (0-15 points) The Neighborhood Association Project Coordinator attended the Neighborhood Safety Program (NSP) workshop and understood the necessary aspects for project implementation, completion, and ongoing maintenance. Project Coordinator submitted Project Scope/Cost Estimate Worksheet prepared by City staff with the application.</p>							
<p>Community Support (0-10 points) There is demonstrated community support and participation for the project (e.g. business(es), community organizations, schools, PTSAs)</p>							
<p>Project Partnerships (0-10 bonus points) Community organizations, business partners, and residents will contribute funds and/or volunteer hours to the project and their roles have been clearly identified.</p>							
<p>Total Score (60 points + up to 10 bonus points possible)</p>							

Neighborhood Safety Program Technical, Transportation, and Safety Criteria	Score
EXISTING CONDITIONS	
<p>Safety: How safe is the roadway/facility today? <i>(Note: use documented accidents along proposed project for relative).</i></p> <ul style="list-style-type: none"> • Roadway/facility meets design standards 0 • Certain areas of the roadway/facility below design standards 10 • Overall roadway/facility is below design standards 15 • Certain areas of the roadway/facility are potentially hazardous and substandard 20 • Overall roadway/facility is potentially hazardous and substandard 25 	
<p>Volume: What are the existing volumes of traffic (not applicable if in a park)?</p> <ul style="list-style-type: none"> • Volume is low 0 • Volume is moderate 5 • Volume is high 10 	
<p>Speed: What are the existing speeds of traffic (not applicable if in a park)?</p> <ul style="list-style-type: none"> • Speed is low 0 • Speed is moderate 5 • Speed is high 10 	
<p>Existing Facility: What are the existing nonmotorized conditions? (invert scores for crosswalks) (not applicable in a park)</p> <ul style="list-style-type: none"> • Sidewalk, paved shoulder, or gravel path on both sides 0 • Sidewalk, paved shoulder, or gravel path on one side 10 • No shoulder or sidewalk either side (must walk in vehicle lane) 25 	
<p>Use: How much existing nonmotorized use is there?</p> <ul style="list-style-type: none"> • Low nonmotorized use 0 • Moderate nonmotorized use 10 • High nonmotorized use 15 • Vulnerable population in proximity 20 • Vulnerable population in proximity and high pedestrian use 25 	
ANTICIPATED SAFETY IMPROVEMENT	
<p>Safety: The project maintains or enhances the safety of the following modes?</p> <ul style="list-style-type: none"> • Bicycle 0-10 • Pedestrian 0-10 • Vehicular 0-10 • Transit/HOV 0-10 	
<p>Gap: The project extends, adds or completes a nonmotorized system.</p> <ul style="list-style-type: none"> • Does not extend or add to an existing nonmotorized system 0 • Moderately extends or adds to an existing nonmotorized system 10 • Significantly extends or adds to an existing nonmotorized system 20 	

<p>Link: The project connects to other multimodal facilities (e.g., CKC, high capacity or other transit stops or stations).</p> <ul style="list-style-type: none"> • Does not link to other multimodal facilities (e.g., CKC, high capacity or other transit station) 0 • Does complement or link to other multimodal facilities (e.g. CKC, high capacity or other transit station) 10 	
<p>Volume of Use: The project addresses current nonmotorized needs in the community (e.g., gaps in the system, safety issues).</p> <ul style="list-style-type: none"> • Has or will have low level of usage in the community (e.g., is easily accessible to only a small portion of the neighborhood) 0 • Has or will have moderate level of usage in the community (e.g., is accessible to a fair-sized portion of the neighborhood, but not the most densely populated area) 10 • Has or will have high level of usage in the community (e.g., is easily accessible to a high density area or to a large porportion of the local community) 20 	
<p>Type of Use: The project provides access for a vulnerable population (i.e. park, elementary school, mobility challenged, wheelchairs, retirement homes, hospital, Boys & Girls Club, Senior Center)?</p> <ul style="list-style-type: none"> • No surrounding facilities will access 0 • Facility within 8 to 15 blocks (½ to 1 mile) 5 • Facility within 4 to 8 blocks (¼ to ½ mile) 10 • Facility within 4 blocks (¼ mile) 15 • One facility accessed directly 20 • More than one facility accessed directly 25 	
CONSISTENCY WITH PLAN(S)	
<p>Does the project provide a missing segment or element of an existing incomplete network which is specifically identified in the Comprehensive Plan, the Non-Motorized Transportation Plan or is an approved school safe walk route?</p> <ul style="list-style-type: none"> • Project is not in any plan 0 • Project is identified as a priority 10 • Project is in the Comprehensive Plan, or TMP, Active Transportation Plan, Capital Facilities Element of Kirkland's, or Capital Improvement Program, Cross Kirkland Corridor MP, another plan 20 <p>Is the project identified in a neighborhood plan or does the project support the goals of the neighborhood plan and/or park plan?</p> <ul style="list-style-type: none"> • Does not support goals or conflicts 0 • No impact on goals of the plan 10 • Identified in the plan or supports the goals of the plan 20 	
<p>Does the conceptualized design of the project meet generally accepted practices and standards including American Disability Act (ADA)?</p> <ul style="list-style-type: none"> • No 0 • Yes 10 	
MAINTENANCE	
<p>How does the project impact existing City maintenance needs?</p> <ul style="list-style-type: none"> • Greater than existing 0 • Same 5 • Less than existing 10 	
OTHER FUNDING	
<p>Does the project meet the criteria for funding from another City or grant program?</p> <ul style="list-style-type: none"> • School Walk Route • CIP project 	

<ul style="list-style-type: none">• Annual Crosswalk Program• Annual Pavement Marking• Sidewalk Maintenance• Overlay• CKC• Other_____	
TOTAL SCORE	

2016 Neighborhood Safety Program Project Recommendations		Cost Estimate	
Priority	Description	NSP Fund	Other
Funded			
1	Intersection study for Kirkland Way and Railroad Ave	\$ 7,500	
2	Intersection study for 124th Ave NE and NE 80th Street (School Walk Route)	\$ 7,500	
3	Stair connection near 2nd Ave at the CKC	\$ 12,600	
4	Extruded curb along 87th Ave NE and 134th Street (Partial School Walk Route)	\$ 55,760	
5	Crosswalk island on 124th Ave NE at 142nd Place (School Walk Route)	\$ 34,000	
6	New crosswalk with ramps on Kirkland Ave at Marina Park *	\$ -	\$6,600
7	Sight distance improvement at 15th Ave and 4th Street (School Walk Route)	\$ 21,250	
8	Rapid Flashing Beacon on Market Street at 7th Ave W	\$ 59,983	
9	Rapid Flashing Beacon on 108th Ave NE at 62nd Street (Partial School Walk Route)	\$ 80,638	
10	Trail lighting and gravel on walkway to NE 126th Street from NKCC (School Walk Route)	\$ 22,500	
11	Gravel walkway along 8th Street South and Railroad Ave to the CKC	\$ 36,307	
12	Asphalt walkway along 7th Ave between 6th & 8th Streets (School Walk Route)	\$ 10,800	
13	Trail connection at the end of 111th Ave NE to the CKC (School Walk Route)	\$ 1,320	
14	Intersection study at NE 132nd Street and 136th Ave NE (School Walk Route) **	\$ -	\$7,500
Total Funded		\$ 350,158	\$14,100
Unfunded			
15	Rapid Flashing Beacon on NE 70th Street at 120th Ave NE (School Walk Route)	\$ 58,283	
16	Crosswalk and extruded curb on Slater Ave NE at NE 108th Place	\$ 22,610	
17	Gravel walkway along 110th Ave NE and 100th Ave NE	\$ 22,560	
18	New crosswalk and ramps on NE 118th Street at 11730 block	\$ 28,900	
19	Streetlight(s) on NE 103rd PL at 128th Ave NE	\$ 18,500	
Over Neighborhood Limit	Rapid Flashing Beacon on 84th Ave NE at NE 141st Street (School Walk Route)	\$ 58,283	
Unfunded		\$ 209,136	
Total Applications		\$ 573,394	

Project Type

Walkway

Intersection

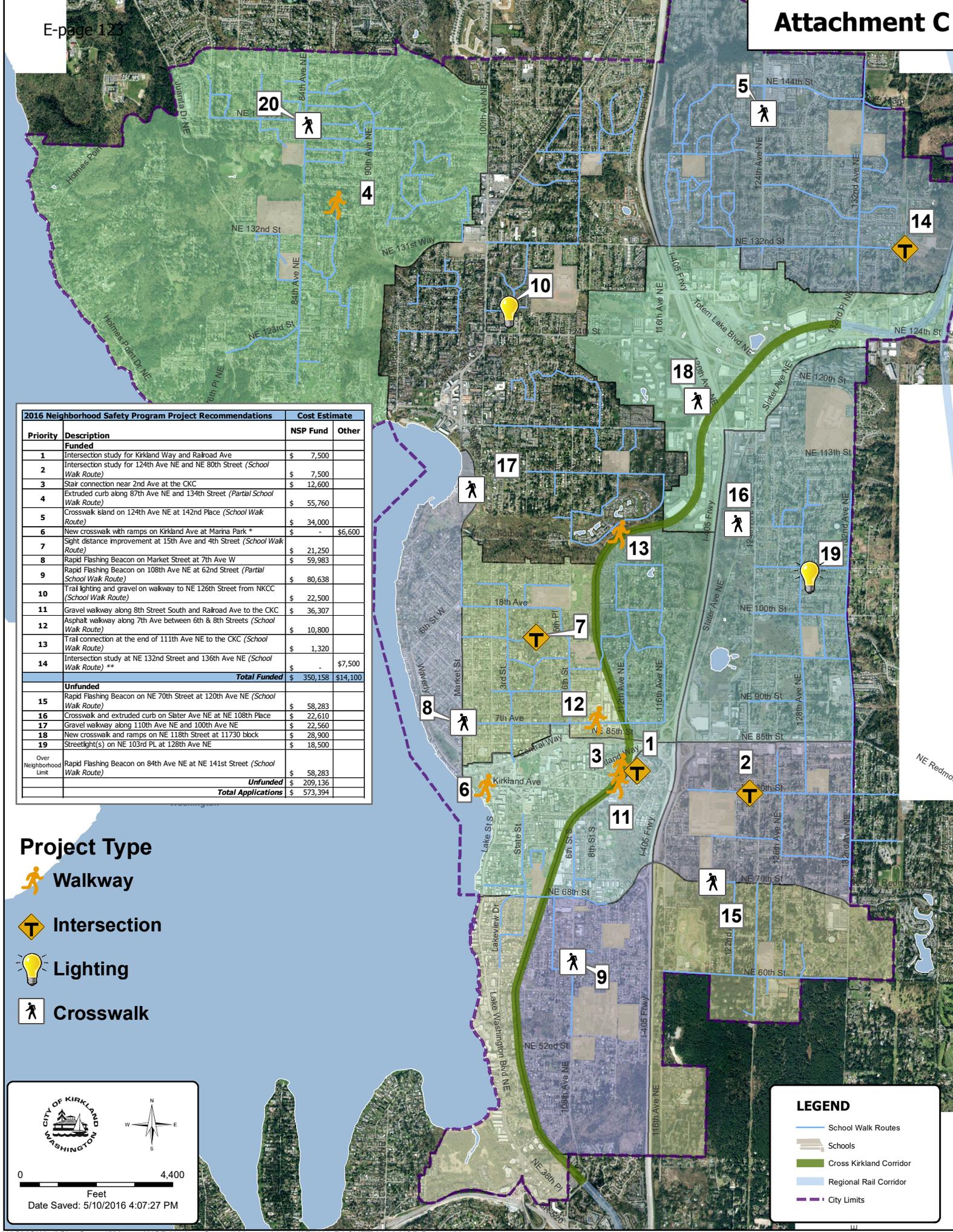
Lighting

Crosswalk

0 4,400
Feet
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LEGEND

- School Walk Routes
- Schools
- Cross Kirkland Corridor
- Regional Rail Corridor
- City Limits



Cross Kirkland Corridor Projects as of April 2016

DESCRIPTION	EXPENSES BY FUNDING SOURCE			
	CITY	GRANT	PRIVATE	TOTAL
COMPLETE				
Corridor Acquisition				
Repurposing Park Projects (<i>Real Estate Excise Tax (REET) 1</i>)	\$ 1,539,328.51			\$ 1,539,328.51
Repurposing Transportation projects (<i>REET 2</i>)	\$ 1,000,000.00			\$ 1,000,000.00
REET Reserves (<i>\$500K reimbursed from Wash. Wildlife & Rec Program</i>)	\$ 1,500,000.00			\$ 1,500,000.00
Surface Water Utility (<i>Surface Water Utility</i>)	\$ 1,000,000.00			\$ 1,000,000.00
King County Parks Levy		\$ 210,845.75		\$ 210,845.75
Subtotal Acquisition	\$ 5,039,328.51	\$ 210,845.75	\$ -	\$ 5,250,174.26
Interim Trail (including rail salvage)				
Cross Kirkland Corridor (<i>REET 2, Park Levy and includes credit of \$89,902.62 from rail salvage</i>)	\$ 689,767.47	\$ 415,493.52	\$ 550.00	\$ 1,105,810.99
Cross Kirkland Corridor (<i>State Public Works Board Grant</i>)		\$ 1,393,905.89		\$ 1,393,905.89
Cross Kirkland Corridor (<i>Congestion, Mitigation and Air Quality Grant</i>)		\$ 1,024,347.69		\$ 1,024,347.69
CKC Totem Lake Blvd Rail Removal (<i>REET 2</i>)	\$ 14,775.32			\$ 14,775.32
Total Interim Trail (including rail salvage)	\$ 704,542.79	\$ 2,833,747.10	\$ 550.00	\$ 3,538,839.89
Surface Water Projects				
Cross Kirkland Corridor (<i>Surface Water Utility</i>)	\$ 196,563.51	\$ 207,352.90		\$ 403,916.41
Master Plan and Staff Coordination				
Cross Kirkland Corridor Master Plan (<i>REET 2/Park Levy</i>)	\$ 500,000.00			\$ 500,000.00
Private Development				
SRM/Feriton Spur (<i>Private Funding</i>)			\$ 3,200,000.00	\$ 3,200,000.00
TOTAL COMPLETE	\$ 6,440,434.81	\$ 3,251,945.75	\$ 3,200,550.00	\$ 12,892,930.56

DESCRIPTION	BUDGET BY FUNDING SOURCE			
	CITY	GRANT	PRIVATE	TOTAL
IN PROGRESS				
Surface Water Projects				
CKC Emergent Projects Opportunity Fund (<i>Surface Water Utility</i>)	\$ 100,000.00			\$ 100,000.00
CKC Surface Water Drainage at Crestwoods Park (<i>Surface Water Utility</i>)	\$ 190,000.00	\$ 150,000.00		\$ 340,000.00
Total Surface Water Projects Costs	\$ 290,000.00	\$ 150,000.00	\$ -	\$ 440,000.00
Large Connections				
Cross Kirkland Corridor Connection - NE 52nd St Connection (<i>REET 2/ Washington State Department of Commerce</i>)	\$ 100,000.00	\$ 1,036,900.00		\$ 1,136,900.00
S. Kirkland TOD - CKC (<i>REET 2/State Appropriations/King County</i>)	\$ 950,000.00	\$ 1,450,000.00		\$ 2,400,000.00
NE 124th St / 124th Ave NE Pedestrian Bridge Design (<i>Impact Fees/Congestion, Mitigation, and Air Quality Grant</i>) *	\$ 5,602,800.00	\$ 923,000.00		\$ 6,525,800.00
CKC Bridge to Houghton Shopping Center (<i>REET 1</i>)	\$ 175,000.00			\$ 175,000.00
Neighborhood Safety Program Connections (2014, 2015, 2016) (<i>REET2/Streets Levy/General Fund</i>)	\$ 181,721.00			\$ 181,721.00
CKC Emergent Projects Opportunity Fund (<i>REET 1</i>)	\$ 100,000.00			\$ 100,000.00
Subtotal Large Connections	\$ 7,109,521.00	\$ 3,409,900.00	\$ -	\$ 10,519,421.00
Non Interim Trail (Art Integration, Counters, Small Connections)				
CKC Non-Interim Trail (less Kalakala \$60,536) (<i>REET 1</i>)	\$ 103,437.21			\$ 103,437.21
TOTAL IN PROGRESS	\$ 7,502,958.21	\$ 3,559,900.00	\$ -	\$ 11,062,858.21
GRAND TOTAL (COMPLETE AND IN PROGRESS)	\$ 13,943,393.02	\$ 6,811,845.75	\$ 3,200,550.00	\$ 23,955,788.77

Note: Council approved maintenance costs of \$170,000 per year (\$100K from the Park Levy/\$70K from REET Flexibility and Surface Water)

* \$923,000 in secured grant funding -- \$5.8M in additional grant funding being sought (purple)



CITY OF KIRKLAND
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Stephen Padua, AICP Transportation Planner
David Godfrey, P.E. Transportation Engineering Manager
Kathy Brown, Public Works Director

Date: May 5, 2016

Subject: King County Metro Transit Long Range Plan

RECOMMENDATION:

It is recommended that the City Council review and approve a comment letter (Attachment A) to the King County Executive concerning the Metro Transit Long Range Plan (LRP).

BACKGROUND DISCUSSION:

Staff from Metro Transit presented a summary of the Draft LRP to Council at the May 3, 2016 Council meeting. In keeping with the request for comments from Metro, Council directed City of Kirkland staff to prepare a letter based on the questions and comments that were raised at the May 3 Council meeting.

A draft letter has been prepared that includes the following considerations for Metro as the LRP is finalized and implemented:

1. The types of partnerships with local jurisdictions that are necessary to implement the LRP need more definition.
2. Future transit service needs to be suited to the adjacent existing and planned land use.
3. Metro needs to better define their role in supporting Transit Oriented Development.
4. The future transit service network will require more transfers for transit riders to connect with regional centers; therefore, Metro needs to ensure a seamless transfer experience with provision and coordination of appropriate capital and service elements.
5. Kirkland residents depend on frequent direct service to Downtown Seattle, so changes to current service need to be clearly communicated and coordinated with the community. Also, future service must be of high quality.
6. Sound Transit is planning a study of high capacity transit (HCT) on the Cross Kirkland Corridor (CKC) and it will include an analysis of the appropriate mode for the corridor. The LRP should take into consideration the possibility that BRT could be the preferred mode and that Metro BRT service could use the CKC in the future.

The following highlights of the Draft LRP are presented as background.

Over the next 24 years, Metro's annual service is planned to increase by 2.3 million annual service hours, from 3.5 million hours today to 5.8 million hours in 2040. This expansion brings frequent service to within a half mile of 70 percent of the county's population and is expected to grow the percentage of commuters who use transit to 24 percent from the 14 percent that exists today.

The general philosophy for the LRP is that projected regional growth can only be supported by transit connections that are more frequent and more reliable. Kirkland's Transportation Master Plan also supports this philosophy. The future transit network must expand frequent and fast services to more areas in order to provide more convenient transportation options.

The future network will require more transfers for transit riders throughout the region. Growing ridership will need major investments to upgrade transit facilities and increase the number of regional hubs that have the capacity to operate the increase in services. These investments will require more partnerships with all stakeholders so Metro has the financial and social support necessary achieve the ambitious goals defined in LRP. Lastly, the LRP is a living document which aims to coordinate with local comprehensive plans so Metro can better integrate more efficient service with supportive land use. More information is available [at Metro's plan website \(http://www.kcmetrovision.org/\)](http://www.kcmetrovision.org/).

In the future network, there are three major categories of service:

- **Frequent Service**, which includes RapidRide lines, will run all day during normal operating hours with a peak frequency of 5 minutes and 15 minute frequency for non-peak service.
- **Express Service** focuses on connecting regional centers and will operate with fewer stops than frequent service, with a peak frequency of 15 minutes and 30 minutes during non-peak operations.
- **Local Service** will provide fixed services with a frequency of 60 minutes or better, but will also allow more flexible transit options to tailor services to the needs of the local community.

The attached draft comment letter provides input from the City of Kirkland on all three types of service in the LRP.

May 17, 2016

King County Executive Dow Constantine
c/o Council Administrator
516 3rd Avenue
Seattle, WA 98104

Dear Executive Constantine:

1 The City of Kirkland appreciates the opportunity to provide feedback on the King County Metro
2 Transit Long Range Plan (LRP). The plan sets forth a compelling vision for future transit.

3 In order to achieve a livable and sustainable community, our region must have access to
4 convenient and frequent transportation options. The current population for Kirkland is 83,460
5 and it is expected to grow to 95,000 by the year 2035. The majority of this growth will be
6 focused within Kirkland's regional growth center in Totem Lake, and in Downtown Kirkland. For
7 these centers to meet growth management requirements and effectively move people, transit is
8 essential. Kirkland's signing of the Puget Sound Regional Council's Growing Transit Communities
9 Strategy is an example of our City's commitment to transit service that supports regional
10 growth.

11 The Kirkland City Council is pleased that the LRP supports the goals and policies adopted in
12 Kirkland's Transportation Master Plan (TMP). Policies in both documents strive to achieve
13 plentiful, reliable and equitable transit service for all of our residents, improve connections to
14 the region, and minimize our impact on the environment with investments in "green"
15 infrastructure and a more environmentally friendly bus fleet. Both plans also support
16 partnerships and the use of innovative technology to improve transportation. Kirkland has
17 committed to advancing Intelligent Transportation Systems in order to improve efficiencies of
18 traffic management processes and support the integration of frequent transit service in
19 Kirkland.

20 The combination of the new frequent, express, and local services will operate all-day to better
21 connect more Kirkland residents with regional centers and major destinations. The addition of
22 two RapidRide lines through Kirkland will enrich these connections to regional centers and
23 support the growth within our own centers. Kirkland supports Metro's commitment to focus on
24 more flexible services within all service types. Flexible services and the advancement of
25 technological innovations will significantly improve access to transit for the populations with the
26 highest need, and provide more efficient services to more of Kirkland's residents. Kirkland is
27 particularly interested in working with Metro to explore innovations in transit technology to
28 enhance the rider experience as the new transit system is implemented.

29 The City of Kirkland offers the following considerations for refinements to the LRP as it is
30 finalized:

31 1. The City of Kirkland is anxious to work with Metro to better understand the types of
32 partnerships necessary to implement the LRP. The capital needs to implement the plan

- 33 seem ambitious, but we recognize the proposed changes are necessary to ensure
34 mobility in Kirkland and our region. Kirkland would like to work closely with Metro to
35 understand the investments necessary to support future transit service in our
36 community.
- 37 2. Metro needs to carefully consider the local and regional non-motorized connections in
38 each jurisdiction when considering transit expansion. Coordination of non-motorized
39 connections with transit facilities will mitigate the parking demand related to the
40 increase in transit ridership.
- 41
- 42 3. We understand the LRP is a living document and the routes proposed in the transit
43 network represent conceptual connections. Metro should coordinate carefully with
44 Kirkland to ensure the new service types and route locations are tailored to land use
45 throughout the city.
- 46
- 47 4. Kirkland is interested in exploring Transit Oriented development (TOD) projects and
48 would like to partner with Metro to determine potential locations. In the LRP, Metro
49 should consider refining their role in partnerships with local jurisdictions.
- 50
- 51 5. We recognize the future transit network will require more transfers for transit users. In
52 order for this transfer-based environment to be successful, route timing and frequency
53 should minimize wait times between route transfers. Transit facilities should continue to
54 be upgraded with the latest real-time information technology and transit stop amenities
55 to enhance the rider experience. Metro needs to ensure a seamless transfer experience
56 for transit riders in Kirkland and throughout the system.
- 57 6. Many Kirkland residents rely on a frequent and seamless connection to Downtown
58 Seattle for their daily commute and as a connection to other services and conveniences.
59 Metro needs to better communicate the coming changes to the Seattle connections and
60 work closely with Kirkland to determine the type of changes that not only maintains, but
61 improves, the quality of trips between Kirkland and Seattle.
- 62 7. As the regional network expands, Kirkland envisions the role for the South Kirkland Park
63 and Ride to become a major transit hub which will support frequent and reliable services
64 to Seattle. Metro should consider connecting more routes which run along SR-520 to the
65 South Kirkland Park and Ride.
- 66 8. Sound Transit is contemplating a study of high capacity transit (HCT) on the Kirkland-
67 owned segment of the Eastside Rail Corridor, known as Cross Kirkland Corridor. One of
68 the outcomes of the study will be a selection of the appropriate HCT mode. If BRT is
69 the mode selected, it will create an ideal corridor for Metro service and the LRP should
70 take this potential outcome into consideration.
- 71 Thank you again for the opportunity to review and comment on the LRP. Please do not hesitate
72 to contact City Manager Kurt Triplett or me if you have any questions or require clarification on
73 any of this feedback. The City of Kirkland is excited to work with Metro in the near future to

Letter to Executive Constantine

May 17, 2016

Page 3

74 begin implementation of the necessary transit service to help Kirkland and other jurisdictions in
75 the region to thrive.

Sincerely,

Kirkland City Council

Amy Walen
Mayor

DRAFT



CITY OF KIRKLAND
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Erin Tramontozzi, Emergency Preparedness Coordinator
Joe Sanford, Fire Chief

Date: May 5, 2016

Subject: 2015 Comprehensive Emergency Management Plan Update

RECOMMENDATION:

It is recommended that City Council approves the attached resolution adopting the 2015 update of the Comprehensive Emergency Management Plan (CEMP).

A copy of the full text of the 2015 CEMP Update can be found here:

<http://www.kirklandwa.gov/Assets/Emergency+Preparedness/PDF/2015+CEMP.pdf>

BACKGROUND DISCUSSION:

In order to be eligible for emergency and recovery funds from the State of Washington as well as the Federal Emergency Management Agency (FEMA), the City is required to produce a Comprehensive Emergency Management Plan (CEMP) and to update the plan every four years. The plan under consideration for adoption is an update to the 2010 CEMP that is currently used as the City's emergency operations plan.

The CEMP establishes a mutual understanding of authority, responsibilities, and functions within the City of Kirkland and provides a basis for incorporating essential governmental and nongovernmental agencies into the emergency management structure. The plan outlines the City's capability to handle a disaster and the organizational structure under which readiness, response and recovery activities will take place. It discusses guidelines on how City departments organize, direct, control, and coordinate their actions to continue to deliver essential functions during emergencies or disasters. The plan uses the Incident Command System (ICS), a command and control structure implemented during an emergency or disaster.

The 2015 update, as with previous editions, coordinates with the National Response Framework, the Washington State CEMP and the King County Regional Disaster Plan. It also establishes the structure for an organized and effective response to multi-agency emergencies and disasters that occur within the City. The plan defines common assumptions and policies, establishes a shared concept of operations, and pre-assigns functional responsibilities to appropriate city departments, community-based organizations, government agencies and the private sector. Through the implementation of this plan, the resources and capabilities of these various sectors can be more

efficiently utilized to minimize the loss of life and property and to protect the environmental and economic health of the City.

As previously stated, the plan functions as the basis for all emergency operations and all activities undertaken by the City to prepare for, respond to, and recover from emergencies and disasters whether natural or human-caused. Specifically, it contains:

- A city profile
- Roles and responsibilities of all City departments before, during and after an emergency
- A description of the City's use of the National Incident Management System (NIMS) in all aspects of emergency management
- Local, state, federal and community partners and their roles in emergency management
- Roles and responsibilities of each emergency support function (ESF).

For each city department, roles and responsibilities are divided into those that are the responsibility of the department during the "readiness" phase of emergency management, the "response" phase, and the "recovery" phase. Readiness includes both preparedness and mitigation. In addition, a section on "common responsibilities" outlines the actions to be taken by all departments, such as regular preparedness training, participation in exercises, and the development of internal, department-specific procedures for the execution of emergency management responsibilities.

Local, state, federal and community partners, such as King County, the State of Washington, the Red Cross, and Lake Washington School District, are included to describe the partnership(s) that may be critical to effective response and recovery. The plan describes the role it is anticipated each partner would play, the resources made available to the City through these partnerships, and specific actions that would be taken by partner organizations during readiness, response and recovery phases.

The plan also outlines specific response capabilities and responsibilities of City government, such as the opening and operation of the Emergency Operations Center (EOC), preparing damage assessments following an incident, and securing funding to facilitate city-wide recovery following a major disaster.

Why 2015?

Kirkland's last update was completed in 2010, and therefore an update to the plan should have been completed in 2014. However, the current update was not completed until 2015 (five years after the last update) since the effort was tabled until an Emergency Manager and Emergency Preparedness Coordinator could be put in place within the Fire Department. After this time, the plan update began in earnest and was completed in less than a year. Partners at the State level involved in the review and approval of the plan were kept apprised of our continual progress towards completing the update in a timely manner.

What was Updated?

While every component of the CEMP was overhauled to reflect changes within the City and within the field of emergency management, the plan was also reviewed by each City department to ensure that roles and responsibilities described in the plan were in keeping with current capabilities and expectations. Major updates to the 2015 plan include:

- A new "City Profile" section

- Updates to communications plans to reflect the use of social media for community engagement and situational awareness
- A revision of all plan components to reflect the 2011 annexation of Juanita, Finn Hill and Kingsgate.

Prior versions of the CEMP did not include a city profile, and therefore one was added to 2015 plan to describe the City's geography, climate, natural and manmade hazards, and demographics. The city profile pays particular attention to the portion of the population with access and functional needs, those who are experiencing homelessness, and those below the poverty line so that our comprehensive approach to emergency management includes those most vulnerable and who are likely to be in most need of services following a disaster.

The plan update also includes changes that reflect the 2011 annexation of Juanita, Finn Hill and Kingsgate. Changes to priority snow removal routes, firefighting districts (with the incorporation of District 41 into the City of Kirkland fire district), population change, and all maps contained in the plan are examples of updates made to reflect the annexation.

The CEMP update was submitted to the State of Washington and was reviewed for consistency with the National Response Framework, the National Incident Management System, and the Washington State Comprehensive Emergency Management Plan. It was approved in September, 2015. We now recommend it for adoption by Council.

How was the Plan Edited?

A red-lined version of the CEMP does not exist for the 2015 version or for any previous versions. The State of Washington dictates the format in which they will receive the CEMP and changed that format between the 2011 update and the 2015 update (as well as between the 2004 and 2011 updates), making a red-line edit infeasible. However, the following explains the kinds of changes that the Office of Emergency Management made for the 2015 plan. It is by no means exhaustive but provides insight into what was accomplished through the editing process. Changes to the City itself (JFK annexation), changes in personnel, and even changes in society such as the introduction of social media required significant amounts of editing.

- At times, sections were added or completely deleted. Sections that were found to be duplicative were deleted and sections such as the City Profile and the ESF Introduction were created from scratch.
- At other times, changes in vocabulary were made (such as Fire and Building Department becoming Fire Department and Building Services; Homeland Security Advisory System to National Terrorism Advisory System).
- In some cases, information was rearranged to make the text clearer and to avoid duplicating things that had been documented elsewhere. The most salient example of rearrangement can be found in the Basic Plan's arrangement of specific responsibilities of each department. Whereas the 2011 update lists these responsibilities as a single bulleted list for each department, the 2015 version divides each department's responsibilities into the categories of "readiness", "response", and "recovery".
- Regular editing for grammar, spelling, typos, and formatting were also necessary.

Examples of changes made to the CEMP are attached to this memo.

Future Updates

The CEMP is a living document that requires continual revision and adjustment. While the 2015 update made significant strides in revising and improving the City's emergency and disaster policies and procedures, future updates will go even further and include new information, clarifications, and recommendations made by the State during their review.

1) Vulnerable Populations: The State's review of the Plan has directed our focus towards more detailed planning for vulnerable populations. While the 2015 Update, for the first time, identifies the City's vulnerable populations, the Plan does not clearly identify specific actions that would be taken to assist vulnerable populations in the event of an emergency or disaster. Specifically, the State has asked that the City provide descriptions as to how the City will manage the evacuation of people with:

- access and functional needs
- people with disabilities
- culturally diverse populations
- the aging population.

The Office of Emergency Management has approached this need by cultivating partnerships with statewide and county-wide coalitions, and local community based organizations that provide services such as emergency transportation, emergency preparedness for those with access and functional needs, and specific resources for seniors. These include the following:

- Hopelink
- Alliance of People with Disabilities
- Hero House
- Disability Advocacy Group – statewide coalition
- Liaison with the Kirkland Senior Council
- Public Health – Seattle King County Vulnerable Populations Action Team.

Through these partnerships, OEM has begun to formulate a comprehensive plan for addressing the needs of the City's most vulnerable during an emergency or disaster and will continue to do so moving forward.

2) Delegation of Authority: Delegation of authority is an action the City plans for to accomplish essential tasks by empowering subordinates in the absence of their immediate supervisors. Tasks and duties of the primary position holder are granted to a subordinate, transferring the responsibility and accountability to them. The CEMP utilizes the pre-existing lines of succession in the City of Kirkland.

In an emergency or disaster, pre-existing delegations are critical for issuing a local proclamation of emergency. This is a process by which the Mayor and/or City Council issue a proclamation that a state of disaster or severe emergency exists in the City. This is the first step toward a state and federal declaration, which would activate eligible State and Federal disaster relief programs for the City and the public. Although response operations will begin immediately with City resources, this proclamation must be issued before County, State, and/or Federal assistance can be requested. If the Mayor is absent, the line of succession will be the Deputy Mayor and then the Council member with the most consecutive years of service on the Council at the time the emergency occurs.

RCW 35A.13.030 states that the "mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular

administrative duties, but in time of public danger or emergency, *if so authorized by ordinance*, shall take command of the police, maintain law, and enforce order (emphasis added). RCW 35A.13.080 states that the "city manager shall... see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency." The COOP and COG will clarify the role(s) and responsibilities of the City Council, the City Manager and Deputy Managers, and all Department Directors with respect to the delegation of authority during an emergency or disaster. The table below shows the current lines of succession for the City Manager and City Council. The Incident Commander may be any one of the following depending on the nature of the specific emergency or disaster.

Line of Succession	
City Manager's Office	City Council
City Manager	Mayor
Deputy CM	Deputy Mayor
Deputy CM	Councilmember
City Attorney	

Incident Commanders (Incident Specific)
Fire Chief
Police Chief
Director of Public Works
Emergency Manager

Determining lines of succession for individual departments is the responsibility of the department's leadership as is noted in the "Emergency Management Concepts" section of the Basic Plan. The Office of Emergency Management is currently assisting departments in making line of succession determinations as part of ongoing work towards a Continuity of Operations Plan (COOP).

Excerpts From City of Kirkland 2015 Comprehensive Emergency Management Plan Update

1.) Side-by-side excerpts from the 2010 and 2015 CEMPs

2010 CEMP	2015 CEMP
<p>B. City Departments Common Responsibilities</p> <p>The following common responsibilities are for all city departments. This is not all inclusive list but includes critical responsibilities that are necessary for mitigation, preparedness, response, and recovery from an emergency or disaster.</p> <p>1. Create an emergency response plan within the department and develop procedures, instructions and policies in accordance with the provisions of this Plan. Preparation activities should include:</p> <ol style="list-style-type: none"> a. Establish departmental and individual responsibilities as indicated in this plan, identifying emergency tasks. b. Work with other city departments to enhance cooperation and coordination, and eliminate redundancy. Departments having shared responsibilities should work to complement each other. c. Responsible for the development and testing of the Department Business Continuity Plan in coordination with the Office of Emergency Management. d. Establish education and training programs so that each division, section, and employee will know exactly where, when and how to respond. e. Develop site specific plans for department facilities as necessary. f. Train staff to perform emergency tasks. g. Identify, categorize and inventory all available departmental resources. h. Develop procedures for mobilizing and employing additional resources. 	<p>VI. ROLES AND RESPONSIBILITIES</p> <p>A. <u>Common Responsibilities</u></p> <p>The following common responsibilities are for all city departments regarding readiness, response, and recovery actions for all hazards. The Office of Emergency Management (OEM) will work with each department as requested to achieve these objectives.</p> <p>1. <u>Readiness</u></p> <p>Response activities include planning, training and exercising:</p> <p>a. <u>Planning</u></p> <ul style="list-style-type: none"> • Identify departmental and individual responsibilities as indicated in the Comprehensive Emergency Management Plan. • Pinpoint, categorize, and inventory all available departmental resources and develop procedures for mobilizing and employing additional resources if needed. • Review departmental activities required in the Continuity of Operations Plan (COOP) which ensures that the City is able to continue performance of essential functions under a broad range of circumstances and the Continuity of Government Plan (COG) which are the procedures outlined to establish defined actions that allow the City to continue its essential operations. • Have all employees and volunteers register with Alert Sense and keep incident contact information up-to-date.

<p>i. Prepare damage assessment information in a timely manner and submit to Finance as requested.</p> <p>j. Develop and implement policies, procedures, and instructions as appropriate to an emergency incident, to include:</p> <ul style="list-style-type: none"> • Provide for 24-hour contact. • Provide up-to-date emergency contact information • Communicate situational report to the Emergency Operations Center (EOC). <p>2. Each city department will support the City's Office of Emergency Management</p> <p>a. Directors and City Manager/Assistant City Manager will serve as the Policy group when needed by the Emergency Operation Center (EOC).</p> <p>b. Fill positions in the Emergency Operation Center (EOC) as identified in the EOC procedural manual.</p> <p>c. In coordination with the Office of Emergency Management, ensure that Department staff is trained to fulfill the identified EOC responsibilities.</p> <p>d. In coordination with the Human Resources Department, ensure that each staff position's job description reflects the incumbent's responsibilities to the emergency organization.</p> <p>e. Assign staff to the Emergency Management Action Team (EMAT) Committee.</p> <p>f. Participate in emergency plans development and review.</p>	<ul style="list-style-type: none"> • Emphasize mitigation as a practice in all planning functions. • Assign one staff member of the department to the Emergency Management Action Team Committee (EMAT). • Provide feedback to OEM yearly on needed changes to departmental sections of this plan. <p>b. <u>Training</u></p> <ul style="list-style-type: none"> • Work with OEM to provide training for individuals and departments on personal and family preparedness and organizational roles and responsibilities during an incident. • Ensure that every City employee (except seasonal workers) takes 3 emergency management courses each year (either online or in person). • Ensure that individuals will report training to OEM via e-mail. <p>c. <u>Exercises</u></p> <ul style="list-style-type: none"> • Work with OEM to provide department-specific training related to incident-specific functions. • Ensure that each employee of the city (except seasonal workers) participates in one disaster readiness or response exercise every year. <p>2. <u>Response</u></p> <p>Response activities include activating and staffing the Emergency Operations Center (EOC), performing department-specific operations, or electronic support of incident-specific activities from a remote location.</p> <p>a. <u>Activate and staff the EOC</u></p> <ul style="list-style-type: none"> • Each assigned employee will report to or electronically check into the EOC as soon as possible.
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	<ul style="list-style-type: none">• City employees will fill positions in the EOC as identified on the EOC roster.• EOC staff may expect up to a 12-hour shift and must be prepared to shelter on site if the incident requires (the EOC is family-friendly and can supply minimum food/water/sleeping supplies). <p>b. Prepare damage assessment information and submit to the Finance Section in a timely manner.</p> <p>c. Work with all city departments to enhance cooperation and coordination of response operations.</p> <p>d. Be flexible and anticipate that day-to-day activities may be suspended with resources diverted to operational-period incident-specific priorities.</p> <p>3. <u>Recovery</u></p> <p>Recovery activities include both short-term and long-term operations to restore the City to pre-incident operation levels.</p> <p>a. Transition from response operations to recovery operations as the incident demands.</p> <p>b. Anticipate that some portion of department and employee functions may involve long-term recovery work for a period of several years.</p>
--	---

2.) Example of new content added to the 2015 update:

pp. 7-10 of Basic Plan, Section 4, Community Profile

D. Identification of Vulnerable Populations

The City of Kirkland provides day-to-day and emergency services for the whole community. Certain populations within the community may be considered at high risk or vulnerable to all hazards and threats as described below:

Risk	Vulnerable Population
High	Persons with constant, full-care needs for survival, such as infants or surgical patients.
Medium	Persons or groups with identifiable access and functional needs that can be met through reasonable accommodation (e.g. persons with limited English language proficiency, persons in wheelchairs).
Low	Anyone with limited or no access to information systems or other essentials (e.g. no access to telecommunications, food, water, or shelter).

For the City of Kirkland CEMP, vulnerable populations that can be identified ahead of an emergency or disaster fall into three categories: 1) persons using adult care services, 2) childcare services, and 3) persons with limited English proficiency. Adult care services include the following: assisted living for elderly care; adult daycare centers; activity centers for disabled persons; senior citizens activity centers; assisted living; senior housing; and retirement communities. These facilities service approximately 11% (5,299 persons) of the total population. Childcare services include: child daycare (in-home and commercial establishments primarily engaged in providing preschool or pre-kindergarten education); Headstart programs; and babysitting services. These facilities service an under-5 population of 2,938 (or 6% of the total population).

Adult Care Service Providers	39 Facilities
Childcare Service Providers	62 Facilities
Limited English Proficiency	6.8% or 3,138 persons 5 years and older

3.) Example of new content added to align with State policies:

pp. 16-17, Basic Plan, Section five: Concept of Operations, Part E: Emergency Operations Center

2. EOC Activation Levels

The EOC may be activated at different levels depending on the size or type of the event and the staffing required to properly address the incident. Below is a description of the 3 activation levels used by the Kirkland EOC.

Activation Level	Description	Minimum Staffing Requirements
Level 3 (monitor)	<ul style="list-style-type: none"> • Small incident or event • One site • Two or more departments involved • <i>Potential</i> threat of: Flood Severe storm Interface fire Escalating incident 	<ul style="list-style-type: none"> • Emergency Manager or designee • Public Information Officer • Liaison Officer • Operations Section Chief
Level 2 (partial activation)	<ul style="list-style-type: none"> • Moderate event • Two or more sites • Multiple departments involved • Major scheduled event (e.g., conference or sporting event) • Limited evacuations • Resource support required 	<ul style="list-style-type: none"> • Emergency Manager • Public Information Officer • Liaison Officer • Section Chiefs (as required) • Limited activation of other EOC staff (as required)
Level 1 (full activation)	<ul style="list-style-type: none"> • Major event • Multiple sites • Regional disaster • Multiple agencies involved • Extensive evacuations • Resource support required 	<ul style="list-style-type: none"> • Emergency Manager • Policy Group • All EOC functions and positions

3. Alternate EOC Facility

In the event that the EOC, located at Kirkland City Hall, cannot be used for emergency management operations, the Kirkland Justice Center at 11740 NE 118th St, Kirkland, WA, will serve as the alternate location of the EOC.

4.) Examples of new content describing use of social media:

ESF 2: Communications

"The Communications Program Manager and the EOC PIO team will send emergency public safety information through conventional methods such as e-mail to local media broadcasters and may choose to publish this information on the City's website and/or social media accounts."

ESF 12: Energy, Preparedness Activities

- "Disseminate public information regarding high wind watches and warnings and winter storm watches and warnings via the City website and social media platforms."

ESF 15: Public Affairs

"During non-activated EOC incidents, public information will be coordinated between the Communications Program Manager and the Office of Emergency Management (OEM). During incidents that require emergency public information from the City, the City will monitor both traditional media outlets as well as social media to gain situational awareness and may employ a Virtual Operations Support Team (VOST) in support of this effort. The VOST will fall under the Public Information Officer in the EOC chain of command."

"The City of Kirkland PIO staff will post emergency public information to the City's website and social media accounts (Twitter and Facebook) as well as to the Regional Public Information Network (RPIN) as deemed appropriate."

"The City Communications Program Manager (City Manager's Office) is designated as the lead Public Information Officer (PIO) for the Emergency Operations Center (EOC). Additional PIO support will be determined by the size and scope of the incident and may include public affairs and social media specialists who will work under the direction of the PIO and the Incident Commander."

ESF 15: Public Affairs: E. Responsibilities, Lead Agency - City Manager's Office

- "Use City communications resources to disseminate information including the City website, social media accounts, and television stations."

RESOLUTION R-5184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
ADOPTING THE 2015 UPDATE OF THE CITY OF KIRKLAND
COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

1 WHEREAS, RCW 38.52.070 authorizes and directs local
2 jurisdictions to establish a local organization for emergency
3 management and to develop and maintain a local comprehensive
4 emergency management plan; and
5

6 WHEREAS, in order to be eligible for emergency and recovery
7 funds from the State of Washington and the Federal Emergency
8 Management Agency, the City is required to produce a Comprehensive
9 Emergency Management Plan (CEMP) and to update the plan every four
10 years; and
11

12 WHEREAS, the City of Kirkland has previously prepared a CEMP
13 which functions as the basis for all emergency operations and all
14 activities undertaken by the City to prepare for, respond to, and recover
15 from emergencies and disasters whether natural or human-caused; and
16

17 WHEREAS, the last update of the City of Kirkland CEMP was
18 completed in 2010; and
19

20 WHEREAS, the 2015 Update of the CEMP was submitted to the
21 State of Washington and reviewed for consistency with the National
22 Response Framework, the National Incident Management System and
23 the Washington State Comprehensive Emergency Management Plan and
24 was approved in September 2015.
25

26 NOW, THEREFORE, be it resolved by the City Council of the City
27 of Kirkland as follows:
28

29 Section 1. The 2015 Update of the City of Kirkland
30 Comprehensive Emergency Management Plan is hereby adopted.
31

32 Passed by majority vote of the Kirkland City Council in open
33 meeting this ____ day of _____, 2016.
34

35 Signed in authentication thereof this ____ day of _____,
36 2016.

MAYOR

Attest:

City Clerk

**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: May 6, 2016

Subject: Authorization to Use Eminent Domain for Fire Station No. 24 Property Acquisition

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance authorizing staff to proceed with acquisition of property by eminent domain for property commonly known as 9820 NE 132nd Street, Kirkland, Washington, ("Property") in connection with the Fire Station No. 24 Project.

BACKGROUND DISCUSSION:

The City annexed portions of the Juanita, Finn Hill and Kingsgate neighborhoods on June 1, 2011 ("Annexation"). Prior to Annexation, the City entered into an Interlocal Agreement ("Interlocal") with King County Fire Protection District No. 41 ("District"), which provided fire services in North Kirkland. The District was dissolved after Annexation, and the City agreed to continue and take over certain District projects intended to improve response times in North Kirkland.

One of those projects was construction of a new Fire Station No. 24 (at a new location) to replace the existing Fire Station 24. The Interlocal originally contemplated construction of a single fire station to replace Fire Station No. 24 and Fire Station No. 25. After Annexation, the City retained consultants to prepare a Fire Strategic Plan and a Standards of Coverage Study. After extensive study and public input, the City Council determined that the most effective way to increase service and reduce response times in North Kirkland is to retain existing Fire Station No. 25 and construct a new Fire Station No. 24 near Juanita Elementary School. The City Council also found that this approach was consistent with the purpose and intent of the District Interlocal through findings included in the adoption of Kirkland Resolution No. 5156.

The City Council initially authorized the use of eminent domain with respect to four residential parcels in the area through Kirkland Ordinance No. 4512. During due diligence, the City learned that those properties were burdened by a covenant restricting the properties to single-family residential use. As a result, the City elected to not proceed with siting Fire Station No. 24 at that location and now seeks to construct Fire Station No. 24 on the Property.

A site map and table identifying the property is attached hereto as Attachment A. The Property is currently used as a Rite Aid store and is located directly to the west of the Goodwill store. It is important to note that the Goodwill store is on a separate parcel. City staff anticipates that the City's acquisition of the Property will not adversely impact the operations of the Goodwill store.

City staff has commenced negotiations with the owner of the Property. The owner is receptive to having the City acquire the Property, but the existence of a long-term ground lease and sublease on the Property complicates the acquisition process. City staff will continue efforts to close this transaction on a negotiated basis. However, eminent domain proceedings may be necessary for the City to complete the acquisition of the Property.

RCW 8.12 authorizes and empowers Cities to condemn land and property for improvements such as those proposed for this project. Condemnation authority is not granted to public entities as a coercive measure. Rather, it allows for the acquisition of property for projects deemed to be in the public's interest. The eminent domain statutes were written to prevent unreasonable demands from being placed on public entities and to afford property owners fair market value for their property.

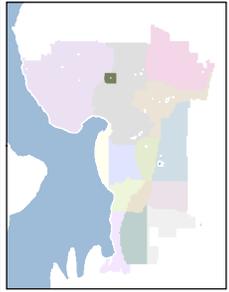
NE 134th St

NE 133rd Pl

NE 132nd St

Rite Aid Site Map

- Buildings
- Parks / Open Spaces
- Schools
- Parcels
- Lakes



Author: Name In Map Doc Properties
 Name: OskarReyRequest-050616
 Date Saved: 5/6/2016 4:12:35 PM



ORDINANCE O-4519

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF FIRE STATION NO. 24 WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

1 WHEREAS, the City annexed portions of the Juanita, Finn Hill
2 and Kingsgate neighborhoods on June 1, 2011 ("Annexation"); and

3
4 WHEREAS, prior to Annexation, the City entered into an
5 Interlocal Agreement ("Interlocal") with King County Fire Protection
6 District No. 41 ("District") in which the City agreed to continue and take
7 over certain District projects intended to improve response times; and

8
9 WHEREAS, on October 20, 2015, the City Council adopted
10 Resolution No. 5156 in which it found that construction and operation
11 of a new Fire Station No. 24 to replace the existing Fire Station No. 24
12 was consistent with the purpose and the intent of the Interlocal; and

13
14 WHEREAS, the City previously identified a proposed site for Fire
15 Station No. 24, conducted negotiations with the owners of the four
16 properties that comprised the proposed site and authorized the City to
17 acquire the four properties in eminent domain pursuant to Ordinance
18 No. 4512; and

19
20 WHEREAS, the City subsequently determined that development
21 of the previous site as a fire station was not feasible; and

22
23 WHEREAS, the City has identified a new proposed site for Fire
24 Station No. 24; and

25
26 WHEREAS, the City has provided notice to the affected property
27 owner of this final action authorizing condemnation pursuant to RCW
28 8.25.290;

29
30 NOW, THEREFORE, the City Council of the City of Kirkland do
31 ordain as follows:

32
33 Section 1. The land and property rights within the City of
34 Kirkland, King County, Washington, described in Exhibit A to this
35 Ordinance and incorporated herein, which are necessary for the public
36 purpose of construction and operation of a fire station, are hereby
37 condemned, appropriated and taken for such public purposes, subject
38 to the making or paying of just compensation to the owners thereof in
39 the manner provided by law.

40 Section 2. The expense of acquiring said property rights shall
41 be paid for from the bond proceeds from the debt issued by the District
42 prior to Annexation.

43
44 Section 3. The City Attorney or designee is authorized and
45 directed to begin and prosecute legal proceedings in the manner
46 provided by the law to purchase, condemn, take, appropriate, and
47 otherwise acquire the land and other property rights and privileges
48 necessary to carry out the purposes of this Ordinance.

49
50 Section 4. This ordinance shall be in force and effect five days
51 from and after its passage by the Kirkland City Council and publication
52 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
53 form attached to the original of this ordinance and by this reference
54 approved by the City Council.

55
56 Passed by majority vote of the Kirkland City Council in open
57 meeting this ____ day of _____, 2016.

58
59 Signed in authentication thereof this ____ day of
60 _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT "A"
Legal Description

That portion of the south 495 feet in width of the southeast quarter of the southeast quarter of Section 19, Township 26 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at the southeast corner of said section;
Thence North 88°50'28" West, along the south line thereof, 467.90 feet;
Thence North 0°45'11" East, parallel to the east line of said section 42.00 feet to the north margin of Northeast 132nd Street and the true point of beginning of this description;
Thence North 88°50'28" West, along said north margin 242.10 feet;
Thence North 0°45'11" East 453.01 feet to the south line of Sparkman & McLean No. 3, Div. No. 1, according to the plat thereof, recorded in Volume 89 of Plats, page 71, in King County, Washington;
Thence South 88°50'28" East, along said south line, 242.10 feet;
Thence South 0°45'11" West, 453.01 feet to the true point of beginning.

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PUBLICATION SUMMARY
OF ORDINANCE O-4519

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF FIRE STATION NO. 24 WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

SECTION 1. Authorizes condemnation of property necessary for the public purpose of construction and operation of a fire station.

SECTION 2. Provides that the expense of acquiring said property rights shall be paid for from the bond proceeds from the debt issued by King County Fire Protection District No. 41 prior to Annexation.

SECTION 3. Authorizes the City Attorney to initiate condemnation proceedings to acquire the property necessary for the public purpose.

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 _____, 2016.

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

City Clerk