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# CITY OF KIRKLAND

## CITY COUNCIL



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

### *Vision Statement*

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

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

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, July 16, 2013

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Totem Lake Park Master Plan Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Kirkland Senior Council Special Presentation
8. *CONSENT CALENDAR*
  - a. *Approval of Minutes:* July 2, 2013

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

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

**QUASI-JUDICIAL MATTERS**

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

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

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

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

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

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

*c. General Correspondence*

*d. Claims*

*e. Award of Bids*

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

- (1) 2011 Emergency Sewer Construction Project (ESP), Shoreline Construction Inc., Woodinville, WA

*g. Approval of Agreements*

*h. Other Items of Business*

- (1) 2012 Annual Transportation and Park Impact Fees Report
- (2) Resolution R-4988, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owners Keith Tougas and Kate Savitch.
- (3) Resolution R-4989, Approving the Subdivision and Final Plat of Wisti Lane Being Department of Planning and Community Development File No. SUB13-01028 and Setting Forth Conditions to Which Such Subdivision and Final Plat shall Be Subject.
- (4) Report on Procurement Activities

9. *PUBLIC HEARINGS*

10. *UNFINISHED BUSINESS*

*a. Public Disclosure Ordinance and Resolution:*

- (1) Ordinance O-4414 and its Summary, Relating to the Establishment of a New Chapter 3.15 in the Kirkland Municipal Code, Access to Public Records.
- (2) Resolution R-4987, Relating to Compliance With the Public Records Act, Specifically, Adopting Public Records Act Rules, Issuing a Formal Order That Maintaining an Index Would be Unduly Burdensome, Ordering Publication of this Resolution and the Public Records Act Rules and Appointing the City Clerk as the Public Records Officer.

11. *NEW BUSINESS*

- \* *a. Ordinance O-4415, Relating to Land Use, Approval of a Preliminary (and Final) PUD and Preliminary Subdivision as Applied for by Toll WA, LP in*

Department of Planning and Community Development File No. SUB12-00560 and Setting Forth Conditions of Said Approval.

12. *REPORTS*

*a. City Council*

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

*b. City Manager*

- (1) 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**  
Department of Parks & Community Services  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Jennifer Schroder, Director  
Michael Cogle, Deputy Director

**Date:** July 3, 2013

**Subject:** Totem Lake Park Master Plan Update

### **RECOMMENDATION:**

That the City Council receives an update on the Totem Lake Park Master Plan process and reviews proposed park design program elements.

### **BACKGROUND DISCUSSION:**

#### **Totem Lake Business District Revitalization a High City Priority**

In December of 2010 the City Council adopted Resolution R-4856, approving a Preliminary Action Plan for revitalizing the Totem Lake Business District and directing City departments to reprioritize work tasks accordingly. In response, the Park Board in 2011 forwarded recommendations to the Council regarding potential park-related projects. One of these recommendations was for the City to develop a master plan for the Totem Lake Park property.

The Urban Land Institute also recommended in 2011 that Totem Lake Park be developed as a catalyzing strategy along with development of the Cross Kirkland Corridor to help create a "sense of place" in Totem Lake. The ULI report said "The Lake itself can become the heart of a redeveloping neighborhood and a place with which Totem Lake residents, existing and new, can truly identify."

In February 2013 the City Council formally adopted the City's 2013 – 2014 Work Program, which included emphasis on Totem Lake revitalization:

*"Revitalize the Totem Lake Business District through continued implementation of the Totem Lake Action Plan to further the goals of Financial Stability and Economic Development."*

In March 2013 the City Council approved funding in the amount of \$120,000 to create a Totem Lake Park Master Plan. Working in conjunction with the property owner, King Conservation District, the goal is to develop an overall plan for future park and recreation improvements to the Lake property.

## **Totem Lake Park Master Plan Context and Project Goals**

Totem Lake Park is a 17-acre site located in the heart of the Totem Lake Urban Center. Owned by the King Conservation District and co-managed by the City of Kirkland, the lake has been known by several names over the years, but became known as Totem Lake in 1973 after the opening of the nearby shopping mall. The Park is comprised primarily of wetlands, and the lake itself encompasses about 4 acres of the property.

Totem Lake is physically located at the heart of its namesake neighborhood, yet it is anything but the heart of the community that surrounds it. It has become a lost treasure as projects and properties around it have been developed. The keys to unlocking the site's riches and re-engaging it into the surrounding fabric is embedded in the following elements that will form a basis for the Master Plan process:

### ***What...there's a lake in Totem Lake?***

The lake and wetland itself is a gem, but it seems very few people in the surrounding community know it's even there. There is limited access to the site with development and natural barriers walling off the site from all sides. The Master Plan process provides an opportunity to develop a strong sense of place that can become a catalyst for a new vision and new development that can revitalize the greater Totem Lake community.

### ***It's not just a place; it's a starting point and a destination.***

With its location along the forthcoming Cross Kirkland Corridor, both projects can leverage each other, with the whole of their benefits being greater than the sum of the parts. When viewed in tandem with the future regional connections provided by the trail, the park can become a trailhead or destination for those using the trail.

### ***Enhance the human experience while enhancing ecological performance.***

Totem Lake Park is an ecological gem, yet with some obvious impacts from the urban areas that surround it. One of the critical opportunities of this project will be designing a plan that can enhance the human experience of the park, opening it up to become an icon of the community, even as we work to enhance the ecological performance of the lake and wetland.

### ***An economic catalyst.***

Although the park itself may not drive economic development strategies, it is a catalyst that can help bring people to the area. If done right, surrounding development could enable Totem Lake Park to become a destination that then supports other services. In addition, being adjacent to and developed as a vital portion of the Cross Kirkland Corridor, the site brings a unique opportunity to provide services for trail users.

### ***Honor and build on the history.***

Shorelines within the region were commonly used by Native Americans for their rich resources. A research effort will be performed to identify if there was a presence of Native Americans in the area or if there are other historic elements of the former railway that may affect future development. This information may be helpful in telling the story

of the site, and will need to be identified for possible federal or state grants. The neighborhood's agricultural past can also be celebrated through historic interpretation.

***Reach beyond the park.***

Circulation and neighborhood connections are a crucial link to keep the site vital. A big consideration will be regional connections that are possible with the development of the Cross Kirkland Corridor.

### **Master Plan Process**

The Parks and Community Services Department has hired The Berger Partnership (Berger) to help develop the Totem Lake Park Master Plan. Berger has overseen a number of public park projects in the region, including most recently Magnuson Park in Seattle, Confluence Park in Issaquah, and Tollgate Farm Park in North Bend. Berger also developed the master plan for the Redmond Central Connector and is currently lead consultant for the Cross Kirkland Corridor Master Plan.

Key subconsultants working with Berger bring a wealth of local knowledge to the project, and include Kirkland-based The Watershed Company for environmental science and permitting tasks, and Bellevue-based CH2M Hill for civil engineering. CH2M Hill has also been working with the City of Kirkland on flood control issues in the Totem Lake area.

The master plan process will be broken into the following major phases:

- I. Site Analysis (April – June)
- II. Develop Design Program (June – July)
- III. Develop Design Alternatives (August – October)
- IV. Final Schematic Design (November – December)

### **Site Analysis & Preliminary Park Design Program**

Attached is a summary report from Berger, which outlines the design team's work on the project to date, including site reconnaissance and observations, public input, and a preliminary design program. A public park planning workshop was held on June 1 and additional public input was received as part of the City's June 8 Community Planning Day.

The design program describes the overall vision, programming components, and design considerations for the project. It forms the basis for development of a final schematic design for the property.

Based on site and neighborhood analysis and context, design considerations, and community input, the design team recommends the following items to be considered for the Totem Lake Park Master Plan Design Program:

1. Provide a loop trail that enhances and energizes the site.
2. Provide appropriate amenities to support use of the site (benches, signage, environmental and historical interpretation, seating areas, etc.).

3. Develop a connection in cooperation with Seattle City Light at the utility easement and with local property owners on the "north hill" to allow adjacent community users to access the site.
4. Study and recommend parking opportunities and improved pedestrian access.
5. Provide improved pedestrian connections at Totem Lake Blvd and N.E. 124<sup>th</sup> Street.
6. Develop the CKC to enhance the experience of Totem Lake Park and provide connections to surrounding businesses.
7. Study the development of an upland parcel or parcels for future center, parking, and link to Totem Lake Mall properties.
8. Explore further how adjacent parcels could be re-developed to strengthen and support the programming of the park.
9. Develop a vegetation and wildlife management plan that looks to diversify the existing vegetation, remove invasive species and support a diverse population of wildlife (consider stewardship and work with KCD).
10. Make recommendations on how to improve water quality and how management of the site may help alleviate future flooding issues.
11. Consider how public art could be incorporated into the planning process to energize the site and create an awareness of the lake.
12. Develop and maintain views and access to open water but don't provide for boating activities due to the limited size of the lake.

### **Next Steps**

July 16 – City Council Study Session: Project Report & Review of Preliminary Design Program

August 6 – Request City Council Approval of Park Design Program

September TBA - Schematic Design Alternatives Workshop

October 19 – Community Planning Day – Review Draft Preferred Schematic Plan

Nov/Dec – Finalize Preferred Schematic Design & Park Master Plan

Attachment

# Totem Lake Park Master Plan

## Draft Summary Report

July 3rd, 2013





## Project Introduction and History:

Totem Lake Park is an underutilized asset at the heart of the Totem Lake neighborhood. The master plan process gives a unique opportunity to explore how the lake can become a gem at the heart of the surrounding community.

History around the lake before its present day use as a retail center focused on the former railroad and agriculture. Hay fields, assorted crops and orchards were prevalent around the site. There is little recorded information of Native American use in the area. Lake Wittenmyer was the first recorded name for the lake, named after Walt Wittenmyer, a former logger and city clerk for the City of Kirkland. In 1964 the name changed to Lake Watsine for unknown reasons. Most people referred to the lake as Mud Lake until Totem Lake Mall opened in 1973 and the name officially changed to Totem Lake to match the Native American theme of the adjacent mall.

Heavily impacted by farming and development over time, the lake successfully reestablished itself with native vegetation. A few invasive species are established in the area, but they are not prevalent throughout the site. Ninety species of birds, long eared owl, deer, beaver, muskrat, raccoons, coyotes, turtles, bullfrogs and fish have all been seen or reported on site. Urban runoff caused several issues with sedimentation and water quality while flooding is an issue due to clogged outfall pipes and the downstream effects of beaver activity in the Juanita Creek drainage basin.

Aerial photographs from 1936 reveal the open water portion of the lake was much larger than its present day condition. There is an unconfirmed rumor that peat mining changed the lake's shoreline. It is also possible the drainage pattern changed and the water level lowered when I-405 or the mall were developed. Longtime local residents recall a "floating island" of vegetation which moved around the lake. This island has not been seen for several years. A boat ramp used to be at the southeast shore of the lake (near the present day location of Big-O Tires).

Totem Lake Park covers 17 acres originally part of the Totem Lake Mall property. The mall's developer donated the land to the King Conservation District (KCD) in 1973. At present the site is co-managed by KCD and the City of Kirkland.



1936 aerial image courtesy of King County Imap



Present day aerial image courtesy of King County Imap



Mother and children at Totem Lake courtesy of Eastside Heritage Collection

## Master Planning Process:

The first phase of work is scheduled to run from March to August 2013 with a goal of setting a design program to re-envision Totem Lake Park. The second phase of work runs from approximately August through December 2013 and will turn the park program into two or three design alternatives which will then be vetted down to one master plan through a public process with input from the Park Board, City Staff and City Council.

## Phase 1 - Park Programming

The project kicked off with a site walk around the lake on Thursday, April 4. Attendees included city staff, Park Board members, KCD representatives, and members of the design team.

The following opportunities and constraints were discussed on the tour:

1. The trail and boardwalks should loop or connect around the lake.
2. A connection to the Cross Kirkland Corridor (CKC) would support the site.
3. It is hard to see the lake from surrounding properties or roadways and many people don't even know it's there.
4. Sidewalks along Totem Lake Boulevard are narrow and uninviting to pedestrians.
5. There is currently no onsite parking. Parking is allowed on a private drive at the park access boundary. Current signs are confusing.
6. The health of the lake and its adjacent wetland is good. Although low in biodiversity, the site provides habitat for several species of birds, beaver, turtles and fish, to name a few. Prime conditions for wildlife viewing and supporting other programs.
7. Recurring restoration work parties have removed invasive species and planted native plants.
8. Consider how the site is a catalyst to surrounding development. Look for opportunities to create a gateway at Totem Lake Boulevard as part of the development of CKC.
9. Safety and security is a big concern. There were issues with camping on the site in the past.



In preparation for the first public meeting, The Watershed Company completed a wetland delineation report identifying all critical areas on the site. The report identified the lake and its associated wetland to be approximately 18 acres. The park site itself is 17 acres, so the associated wetland and buffers go beyond park property. This report also identified drainages running parallel to the CKC and a separate wetland to the south of the lake on property owned by King County.

Outreach to surrounding property owners started in this phase to engage and allow those immediately adjacent to the site an opportunity to provide input or share insight for future park improvements. At this time, we have only heard from one surrounding property owner, Brian Lurie of Yuppie Pawn. The project team continues to reach out and is working in conjunction with ongoing meetings with Totem Lake residents and businesses at Café Veloce.

**June 1 Public Park Planning Workshop:**

The first public meeting was held on Saturday, June 1 at the Yuppie Pawn parking lot adjacent to the park site. Approximately 25 to 30 members of the local community along with select Park Board members and park staff attended. Jenni Creveling of The Watershed Company led two tours of the lake and wetland complex. The tours gave community members an opportunity to see how diverse and intact the natural area is. For several folks this was the first time they had been to the site and seen the lake.

The design team set up three stations titled Reveal Ecology, Reveal Recreation and Culture, and Re-Imagine Totem Lake. The first two stations provided information about the site and its surrounding environment and asked participants to provide any information they felt was missing or other observations relevant to the project. The final station asked for attendees to share their vision for Totem Lake Park. Information was recorded on tags pinned to the boards. These were then synthesized along with verbal conversations held at the meeting into emerging themes.

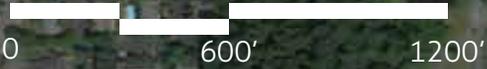






Totem Lake is the headwaters of a much larger natural system (a tributary of the Juanita Creek Drainage Basin). The lake and surrounding areas are classified as a depressional wetland approximately 18 acres in size. The open water portion, Totem Lake, comprises approximately 3 acres of the total wetland area. Native vegetation within the wetland includes native scrub-shrub, emergent and aquatic bed plants. Invasive plants are present, including Purple loosestrife, reed canary grass and Himalayan Blackberry. Totem Lake is an ecological gem, yet with some obvious impacts from the urban areas that surround it. One of the critical opportunities of this project will be designing a plan that can enhance the human experience of the park, opening it up to become an icon of the community, even as we work to enhance the ecological performance of the lake and wetland.

**What observations do you have to add?**



# Totem Lake Park Reveal Recreation & Culture

It's not just a place; it's a starting point. If there was improved site access and connections to the surrounding community, could Totem Lake be revealed as the central park of the neighborhood? What would help strengthen the Lake as a destination?

An economic catalyst: Would you like to sit out on a patio for brunch looking out over the lake on a sunny morning? Surrounding development could enable Totem Lake Park to become a destination that then supports other services.

- (A) Totem Lake Park
- (B) Surrounding Properties
- (C) Totem Lake Mall
- (D) Cross Kirkland Corridor
- (E) Evergreen Hospital
- (F) Neighborhood

Poster presented at June 1st Public Meeting

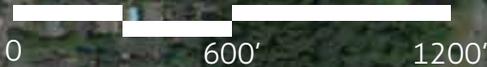
Mudd Lake, one of many names in Totem Lake history, has a story to tell. Starting with a vast forest and cultures of Native Americans, the area has transitioned from agriculture and railroads to automobiles, modern development and industry. The landscape around the lake over the past 100 years has seen a dramatic change. Totem Lake is physically located at the heart of its namesake neighborhood, yet it is anything but the heart of the community that surrounds it.

What...there's a lake in Totem Lake? Did you know there was a lake here? Limited access to the site surrounded by development and natural barriers make it hard to get here. There is a great opportunity to develop a strong sense of place that can become a catalyst to revitalize the greater Totem Lake Community.

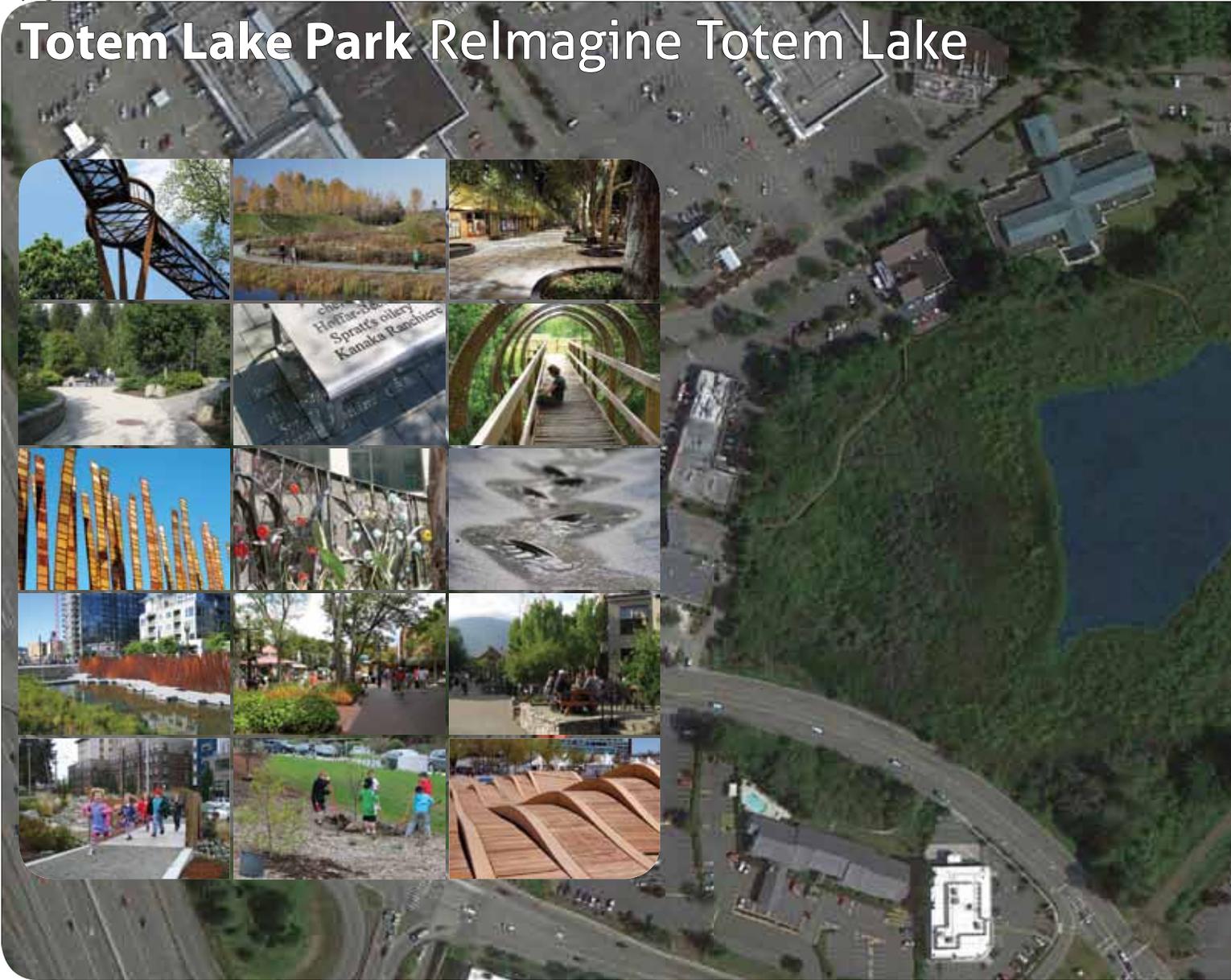
Honor and build on the history: Agriculture was prevalent around the lake during early days of Kirkland, and the railway has left its imprint on the shores as well. How can this help build character for the site?

Reach beyond the park! With its location along the forthcoming Cross Kirkland Corridor, the Park brings a unique opportunity to provide connections to businesses and amenities for trail users.

**What activities, existing or new, would bring you to Totem Lake?**



# Totem Lake Park ReImagine Totem Lake



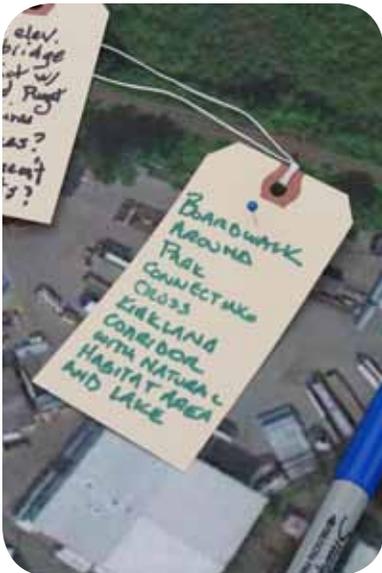
Poster presented at June 1st Public Meeting



Finding the magic is the trick to successful places, from the design through implementation. The ultimate solution for Totem Lake is about finding what's unique and building on it to make this a great place to be. With this in mind, we have one simple question for you:

**Share your vision for Totem Lake.**

0 250' 500'



## Emerging Themes from Public Meeting 1:

1. Provide a loop trail with minimal impacts to wildlife habitat and ecology. (Strong support for maintaining what's there and building from it.)
  - a. Include a connection through the site to the mall, which would be a better experience than walking along Totem Lake Blvd.
  - b. Safety and security are a concern and need to be addressed.
2. Install viewing platforms to the north or at locations around the lake to view the open water and wildlife. (Confirm if views to Mt. Rainier are possible.)
3. Provide access/connections to the adjacent neighborhood (CKC, SCL Right-of-Way, and steep hillside open space to the northeast).
4. Improve pedestrian crossing/gateway at CKC, Totem Lake Boulevard and 124<sup>th</sup> Street (grade separated):
  - a. Consider "all-way crossing" like at Pike Place Market.
5. Create more upland for additional amenities: wetland education center, parking, picnicking, lawn, etc. (Acquire adjacent property(s)?)
6. Program to remove invasive species/site stewardship. (Establish a friends of group?)
7. Make the site accessible, providing seating areas, benches, and interpretive elements.
8. Gain support for the park site from the surrounding businesses to preserve the wetland/lake.
9. Create viewpoints by developing a vegetation management plan to allow views into the site.
10. Consider if access to the water for human powered boats is desirable.

The project was presented to the Park Board on April 10 and June 12 to review what was learned and the outcome of the public meeting.

## Recommended Park Program:

Based on site and neighborhood analysis and context, design considerations, and community input, the design team recommends the following items be considered for the Totem Lake Park Master Plan Design Program:

1. Provide a loop trail to enhance and energize the site.
2. Provide appropriate amenities to support use of the site (benches, signage, interpretation, seating areas, etc.).
3. Develop a connection in cooperation with SCL at the utility easement and with local property owners on the “north hill” to allow adjacent community users to access the site.
4. Study and recommend parking opportunities and improved pedestrian access.
5. Provide improved pedestrian connections at Totem Lake Blvd. and 124<sup>th</sup> Street.
6. Develop the CKC to enhance the experience of Totem Lake Park and provide connections to surrounding businesses.
7. Study the development of an upland parcel(s) for future center, parking, and link to Totem Lake Mall properties.
8. Explore further how adjacent parcels could be redeveloped to strengthen and support the programming of the park.
9. Develop a vegetation and wildlife management plan to diversify existing vegetation, remove invasive species, and support a diverse population of wildlife (consider stewardship and work with KCD).
10. Make recommendations on how to improve water quality and how site management may help alleviate future flooding issues.
11. Consider how public art could be incorporated into the planning process to energize the site and create an awareness of the lake.
12. Develop and maintain views and access to open water but don't provide for boating activities due to the limited size of the lake.



## Next Steps:

Based on input from the work session, Park Program Elements will be tweaked and then presented for Council adoption on August 6.

Additional work in process after receiving input from the community includes studying utility franchise agreements with Seattle City Light and King County Metro to determine how trails and program elements could occur in the utility right-of-ways. The team will also continue to make contact with surrounding property owners to include them in the planning process.



## Cultural Resources:

A quick review of the state's cultural resources database identifies no recorded sites or historic buildings within the parcel. However, no surveys were conducted on the parcel (some nearby for road construction). The site is considered "very high risk" for cultural resources in the probability model since it includes a shoreline Native Americans may have utilized. If the project seeks state or federal funding for the project, the Department of Archeology and Historic Preservation (DAHP) will require a site survey.

It is recommended this be further studied after a preferred master plan is adopted prior to completion of the first phase of construction.

## End of Report





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

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Jennifer Schroder, Director Parks and Community Services  
Sharon Anderson, Human Services Coordinator  
Dave Wagar, Secretary, Kirkland Senior Council  
Betty Stevens, Vice Chair, Kirkland Senior Council

**Date:** July 16, 2013

**Subject:** Special Presentation by the Kirkland Senior Council

## **RECOMMENDATION**

That the City Council receives an update on the recent and upcoming activities of the Kirkland Senior Council (KSC). Dave Wagar, Secretary, and Betty Stevens, Vice Chair, will be making the presentation.

## **BACKGROUND**

### **VIVA Volunteers! Fair – April 6, Peter Kirk Community Center**

On Saturday, April 6, the KSC hosted the first VIVA Volunteers! Fair. The goal of the fair was to connect organizations with new volunteers of all ages. Planning partners included Hopelink, Lake Washington School District, Greater Kirkland Chamber of Commerce and the City of Kirkland. The Fair included guest celebrity speakers, presentations and demonstrations on Fraud Prevention, Identity Theft, Understanding Health Care Coverage, Healthy Eating, Time Banking, and many other topics.

Twenty-eight volunteer organization recruited from the over 230 people who attended. The event was such a success that Viva Volunteers! Fair has been scheduled for April 5, 2014.

### **2013 Seniors Are Artists Too! – August 8-19, Kirkland Merrill Gardens**

The community is welcomed to attend the Senior Council's 5<sup>th</sup> Annual Seniors are Artists Too! art show This annual event showcases the artistic creations of Eastside Seniors age 50 and older.

The exhibit will run from August 8 to August 19 in the Kirkland Merrill Gardens lobby; 201 Kirkland Ave. Mediums on display will include oils, water-colors, acrylic paint, quilting, photography, and sculptures.

Sponsored by the KSC and Merrill Gardens the public is invited to celebrate the kick-off of the exhibit at a reception on Thursday, August 8 from 6-8 pm.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
July 02, 2013

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

Council agreed to add a legislative update under Unfinished Business as item 10.b. on the agenda.

3. STUDY SESSION
  - a. NE 85th Corridor Project Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett and Interim Director of Public Works Pam Bissonette.

4. EXECUTIVE SESSION
5. HONORS AND PROCLAMATIONS
  - a. Park and Recreation Month Proclamation

Park Board Chair Sue Keller accepted the proclamation from Mayor McBride and Councilmember Kloba.

6. COMMUNICATIONS
  - a. Announcements
  - b. Items from the Audience
  - c. Petitions

7. SPECIAL PRESENTATIONS

a. Kirkland 2035 Update # 4

Deputy City Manager Marilynne Beard provided an update on recent and upcoming public outreach and communication efforts relating to the Kirkland 2035 plan updates.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) June 17, 2013 Special Meeting

(2) June 18, 2013

b. Audit of Accounts:

Payroll \$2,668,961.96

Bills \$4,590,527.53

run #1219 check #544327

run #1220 checks #544328 - 544469

run #1221 check #544496

run #1222 checks #544497 - 544556

run #1223 checks #544557 - 544571

run #1224 checks #544572 - 544617

run #1225 checks #544618 - 544797

c. General Correspondence

d. Claims

e. Award of Bids

(1) The contract for Rapid Flashing Beacon (RFB) Crosswalks Near Emerson High School, and Between John Muir Elementary and Kamiakin Middle School, was awarded to Westwater Construction of Black Diamond, WA, in the amount of \$61,350.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Accepting Cultural Arts Commission Resignation

Commission member Trent Latta's resignation was acknowledged.

(2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Resolution R-4986, Adopting the 2013 Urban Forestry Strategic Management Plan

Planning and Community Development Deputy Director Paul Stewart provided an overview of the plan and activities to date. Urban Forester Deb Powers presented highlights of the proposed plan and reviewed the recommendation.

Motion to Approve Resolution R-4986, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2013 URBAN FORESTRY STRATEGIC MANAGEMENT PLAN."

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

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

- b. Legislative Update #11

Intergovernmental Relations Manager Lorrie McKay provided an update on Council's legislative priorities.

11. NEW BUSINESS

- a. Ordinance O-4413 and its Summary, Relating to Zoning, and Land Use; Amending Zoning Provisions Relating to Commercial Uses and Zones; Amending the Following Chapters of the Kirkland Zoning Ordinance 3719, as Amended: 25, 27, 40, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 60, 105, and 142; and Approving a Summary Ordinance for Publication, File No. CAM13-00185.

Planning Supervisor Jeremy McMahan reviewed the proposed amendments and Planning Commission recommendation and responded to Council questions. Planning and Community Development Director Eric Shields and Planning Commission Vice Chair Glenn Peterson were also available to answer questions.

Motion to Approve Ordinance O-4413 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE; AMENDING ZONING PROVISIONS RELATING TO COMMERCIAL USES AND ZONES; AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719, AS AMENDED: 25, 27, 40, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 60, 105, AND 142; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00185."

Moved by Councilmember Amy Walen, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

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

## 12. REPORTS

### a. City Council

#### (1) Finance and Administration Committee

Councilmember Walen reported that at the committee's June 25 meeting they reviewed proposed revisions to the investment policy.

#### (2) Public Safety Committee

Councilmember Sweet will provide a report at the next council meeting.

#### (3) Community Planning, Housing and Economic Development Committee

Have not met.

#### (4) Public Works, Parks and Human Services Committee

Deputy Mayor Marchione reported that at the committee's June 25 meeting they reviewed the draft report formats for the Proposition 1 and Proposition 2 Parks levies; received a preview of the presentation on the urban forest management program; received a report on the meeting between the City of Kirkland and the Lake Washington School District on child and family support partnerships; update on the work program about managing single-use plastic bags in the community.

#### (5) Regional Issues

Councilmembers shared information regarding the recent Association of Washington Cities conference; tour of the new Friends of Youth facility; International Making Cities Livable Conference on Reshaping Suburbia into Complete Healthy Communities; Cascade Water Alliance Board meeting;

Celebrate Kirkland events and City staff kudos; book bags from Kirkland Library Board; Mental Illness and Drug Dependency (MIDD) Oversight Committee; Eastside Rail Corridor Regional Advisory Council; Comcast interview of Councilmember Nixon on public records; Sound Cities Association Public Issues Committee meeting; Municipal Resources Services Center newsletter article on Cities' preparation for implementation of Initiative 502; Friends of Youth ribbon cutting event at Youth Haven; Metropolitan Solid Waste Advisory Committee/Factoria Transfer Station issue; Seattle Pride Parade; Totem Lake Conversations event; request for staff report on Totem Lake area conduit connectivity; discussion on trenching policy updates.

b. City Manager

(1) City Council Meetings with the Neighborhoods

City Manager Kurt Triplett provided a synopsis of the report and recommendation, with which Council concurred.

(2) Calendar Update

Public Disclosure Ordinance and Public Records Act Resolution will be presented at the July 16 meeting; August 2nd Council meeting has been cancelled; December 3rd Council meeting has been cancelled and the December 17th Council meeting has been moved to December 10th.

(3) Camp Unity Permit Status

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of July 2, 2013 was adjourned at 9:25 p.m.

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City Clerk

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Mayor



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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** July 3, 2013  
**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) Nettleton Commons  
c/o Brink Property Management  
11555 SE 8<sup>th</sup> Street #130  
Bellevue, WA 98004

**Amount:** \$76.65

**Nature of Claim:** Claimant states damage to irrigation system resulted from City sidewalk project.

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



## CITY OF KIRKLAND

### Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

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

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#### MEMORANDUM

**To:** Kurt Triplett, City Manager

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

**Date:** July 16, 2013

**Subject:** 2011 Emergency Sewer Construction Project – Accept Work

#### RECOMMENDATION:

It is recommended that the City Council accept the construction of the 2011 Emergency Sewer Construction Project (ESP), as constructed by Shoreline Construction Inc., of Woodinville, Washington, and establish the statutory 45 day lien period.

#### BACKGROUND DISCUSSION:

The ESP helps safeguard the environment from poorly maintained or failed private sewer septic systems, and a program to extend sewer main lines to those areas of Kirkland with older and/or failing septic systems was first developed in 1998. Currently, there remains an estimated 900 Kirkland properties with active septic systems. Through the ESP, sewer system infrastructure is currently in place to serve approximately a third of those properties.

The scope of the 2011 ESP project included the installation of new sanitary sewer main in the following Kirkland neighborhoods (Attachment A):

Bridle Trails:

Area 1 - 116th Ave NE, from NE 55th St to NE 60th St, including 115th Pl NE

Area 2 - 126th Ave NE, from NE 60th St to NE 65th St.

North Rose Hill:

Area 3

- a) 126th Ave NE, from NE 85th to NE 87th Ct.
- b) NE 90th St, from 124th Ave NE to 126th Ave NE
- c) NE 91st St, from 125th Ave NE to 126th Ave NE

Area 4 - NE 104th St, from 129th Ave NE to 130th Ave NE

With a biennial program budget of \$1,400,000, the 2011 ESP beneficiary area was approved by City Council at their regular meeting of September 20, 2011. On November 15, 2011, Council awarded the construction contract to Shoreline Construction Inc. in the amount of \$831,445.00. The total amount

paid to the contractor for the work was \$762,563.07, including two change orders totaling \$15,722.12; efficiencies in the construction process and reductions in the qualities of materials led to an overall contract savings of \$84,600 (Attachment B). The extended time period for completion of the project was related to the involvement of the state and federal governments in the transfer of an easement to the City which took approximately one year.

The 2011 Project included the installation of 3,961 lineal feet of new sewer main and provided 53 new sewer connections to the City's Sewer System. The 2011 Program individual assessments are set at \$20,503. To date, six properties of the benefitting 53 have hooked up to the new sewer main, and seven property owners have signed agreements to repay their assessments. Arrangements still need to be made with the remaining 40 property owners.

Under the authority of the ESP Program, benefitting property owners are assessed a proportionate share of all Program costs. At the completion of the improvements, property owners are given the option of: 1) making a full payment of the assessment at the time it is generated, 2) entering into a low interest (currently 1.77 %) loan agreement with the City to pay back their share of the construction cost over a ten year period, or 3) waiting 10-years before doing anything. In any scenario, total payment of each assessment is due within 20-years. City ordinance does not require hooking up to the sewer unless a property owner's septic tank fails.

From the Program's 1998 inception, through the 2011 Program year, over 28,800 lineal feet (5.5 miles) of new sewer main has been built. Included within that 5.5 miles of new main line, a total to 512 side sewer connections have been made available with 292 property owners electing to pay their assessments in-full, with another 119 entering into payment contracts. 101 property owners have functioning septic systems and have chosen to not connect. Of the 512 side sewer connections made available, 220 properties have connected to the City's sewer system (Attachment C).

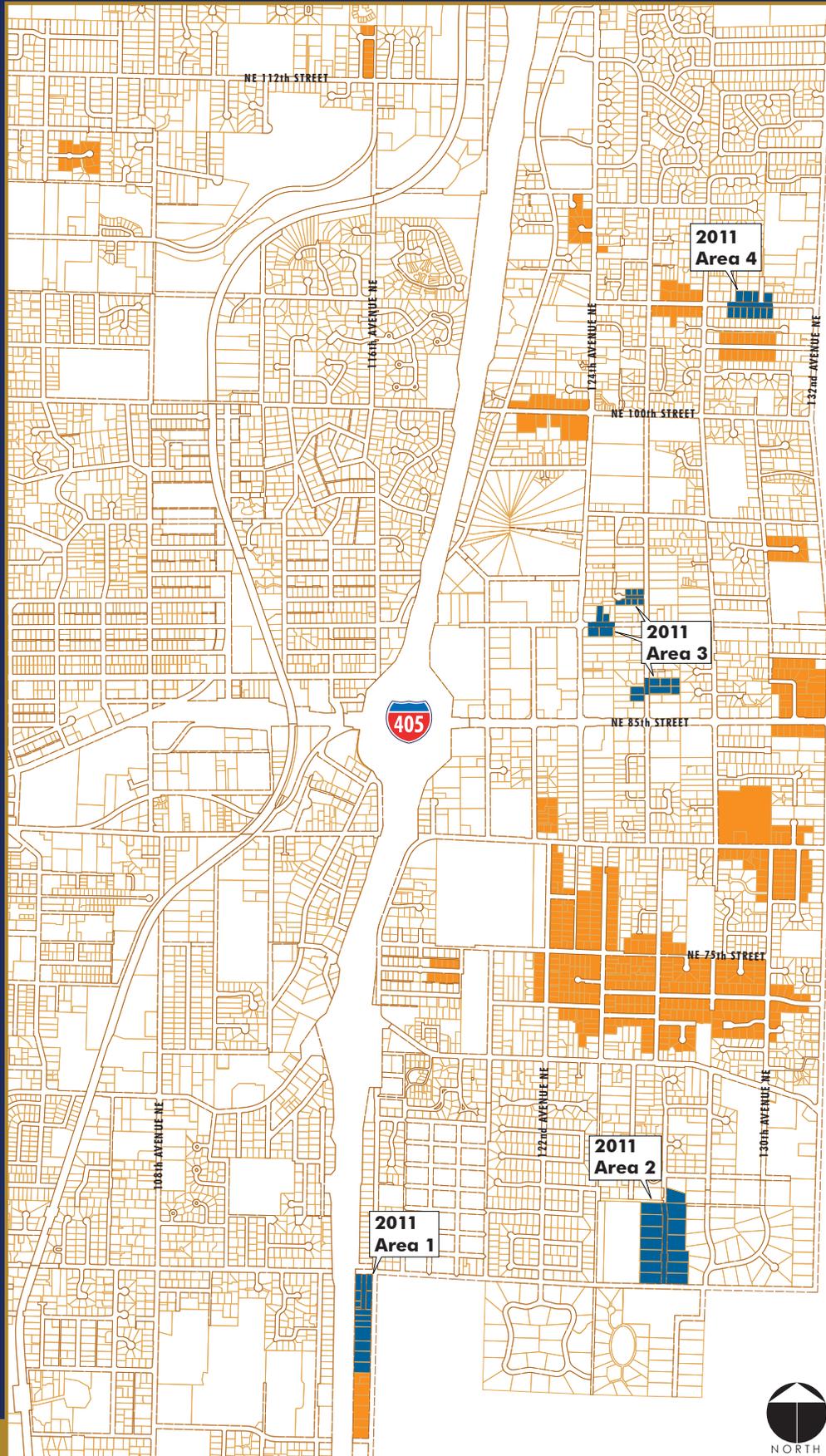
Attachment A - Vicinity Map

Attachment B - Project Budget Report

Attachment C - Current Program and Financial Overview



## Program History



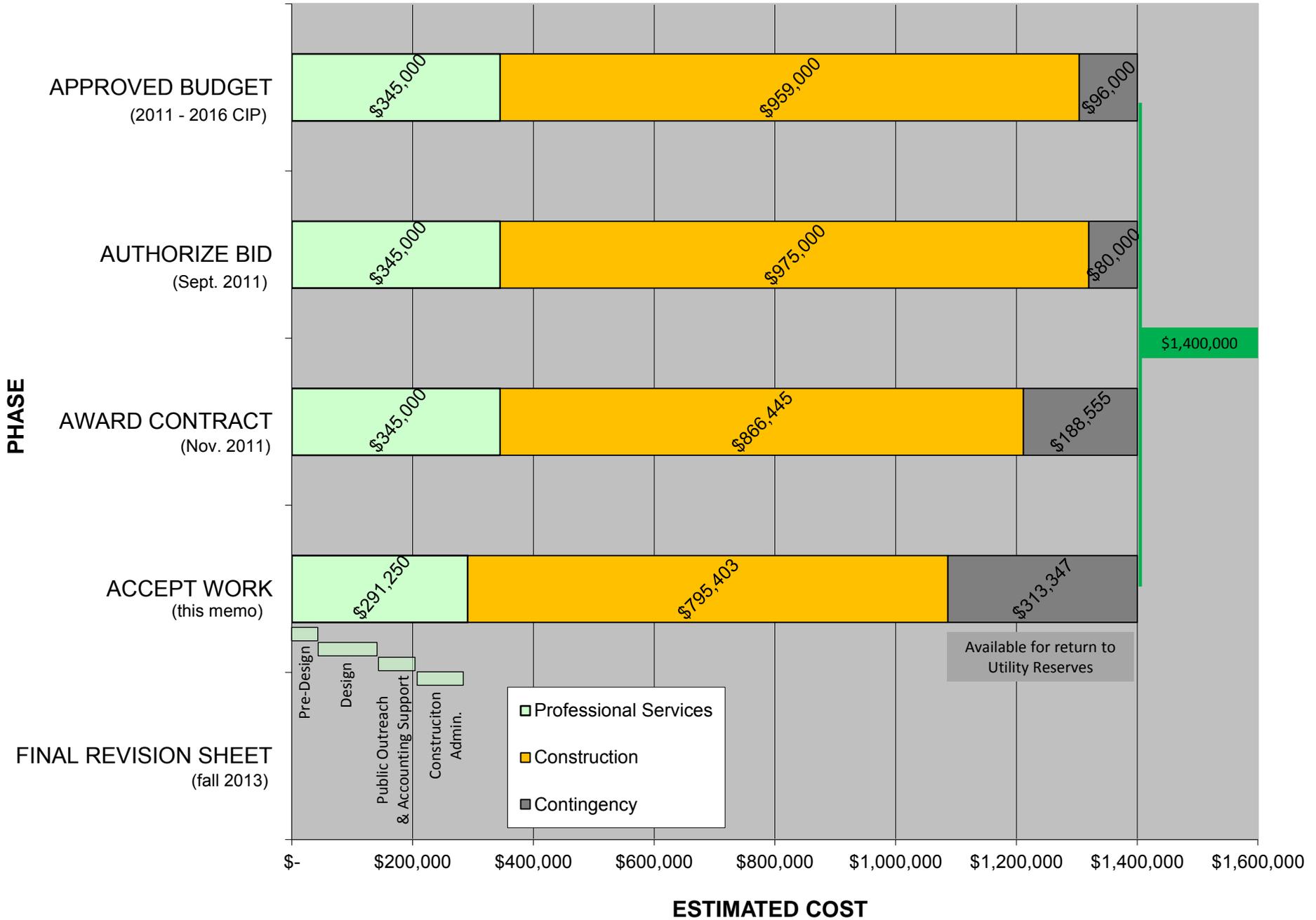
**LEGEND**

- 2011 Proposed Service Area
- Previous ESP Projects



## 2011 Emergency Sewer program (CSS 1156)

### Project Budget Report



Available for return to  
Utility Reserves

## EMERGENCY SEWER PROGRAM OVERVIEW AS OF June 2013

Program	Year	Length (linear feet)	# Connections Provided*	Connected To Date	Final Project Cost	Cost Per Assessment	Reimbursed through 1/31/2013	% Reimbursed	Principal Due
1	1999	2,900	54	38	\$576,028	\$8,025	\$538,660	94%	\$56,872
2	2001	4,756	74	50	\$725,995	\$9,726	\$702,030	97%	\$67,941
3	2003	5,700	114	62	\$1,435,668	\$11,857	\$1,195,093	83%	\$240,575
4	2005	4,150	83	25	\$1,325,925	\$15,975	\$874,953	66%	\$450,972
5	2007	4,583	84	33	\$1,668,576	\$19,864	\$805,787	48%	\$862,789
6	2009	2,810	49.5	9	\$810,344	\$16,371	\$334,317	41%	\$476,027
7	2011	3,961	53	3	\$1,086,653	\$20,502.89	\$0	0%	\$1,086,653
<b>TOTAL</b>		28,860	512	220	7,629,189	102,320	4,450,840	58%	3,241,829

\*0.5 attributed to adjacent developer sewer exte

**43% Percent Connected**

Program	Year	Connections	Paid in Full	Payment Refinance	Payment Sale	Payment Other	ACTIVE Contracts	Delinquent Contracts	Inactive
1	1999	54	50	14	23	13	3	1	1
2	2001	74	70	22	17	31	9	0	2
3	2003	114	80	21	22	35	23	3	12
4	2005	83	46	8	15	24	20	1	15
5	2007	84	28	9	7	12	42	5	15
6	2009	49.5	18	5	2	11	18.5	4	10
7	2011	53.0	0	0	0	0	3	0	51
<b>TOTAL</b>		512	292	79	86	126	119	14	106



**CITY OF KIRKLAND**  
Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Director of Finance and Administration  
Carol Wade, Accountant

**Date:** June 26, 2013

**Subject:** 2012 ANNUAL TRANSPORTATION AND PARK IMPACT FEES REPORT

### **RECOMMENDATION:**

Council accept the 2012 Annual Transportation and Park Impact Fee Report.

### **BACKGROUND DISCUSSION:**

RCW 82.02.070 related to impact fees provides that: "Annually, each county, city or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees." This report is presented to the City Council in response to that requirement.

The City began collecting impact fees for transportation in June 1999 and for parks in August 1999. Although impact fees are not required to be tracked and applied to projects by zones per the ordinances, impact fees are being tracked by zones for administrative purposes (see Attachment C for map). Tracking the collection and subsequent transfer of impact fees helps to analyze what area(s) of the city development is occurring in and how funding of future capacity projects is related to the amount of development. A new 'North' zone was added to reflect the new neighborhoods as of the June 1, 2011 annexation.

During 2012, \$1,192,687 in transportation impact fees and \$690,487 in park impact fees were collected. Attachment A summarizes by zone 2012 impact fee collections. The East zone accounted for the majority of activity collecting 58% of transportation impact fees and 59% of park impact fees. This zone includes the largest non-residential impact fee contributor MSPT IV LLC for Totem Station with \$330,589 for transportation and \$271,620 for parks. Costco's gas station development was also in the East zone contributing \$203,960 to transportation.

The East and North zones collected 74% of the 2012 single family residential impact fees. In the North zone, Harbour Homes' Parkwood Place development contributed \$46,140 for park impact fees and \$45,900 for transportation impact fees. Laurel Hill Partners' Harmon Ridge

development, located in the East zone, contributed \$38,450 for park impact fees and \$34,425 for transportation impact fees.

Since June 1, 2010, the Kirkland Municipal Code has provided for the optional deferral of impact fees received on or prior to May 31, 2013. The KMC was amended again as of May 7, 2013, extending the deferral date indefinitely. As of December 31, 2012, the City had six applicants who opted to defer transportation impact fees of \$22,950 and park impact fees of \$23,070. A lien has been filed against the title to the property and impact fees due will be paid upon closing of the sale of property.

Attachment B is a cumulative report showing total transportation and park impact fees collected by zone since inception. The East zone has collected 35% of impact fees to date. The new neighborhood North zone has generated impact fees in the amount of \$488,537 (\$268,332 for transportation and \$220,205 for parks).

2012 impact fee revenues increased dramatically in comparison to 2011 collections. Please see the summary table below.

<b>Year</b>	<b>Transportation</b>	<b>Parks</b>
<b>2007</b>	\$613,567	\$108,400
<b>2008 *</b>	\$680,391	\$200,870
<b>2009</b>	\$382,549	\$200,850
<b>2010</b>	\$186,076	\$161,892
<b>2011</b>	\$327,104	\$230,248
<b>2012</b>	\$1,192,687	\$690,487

\* Effective 02/01/08, impact fees increased substantially following a rate study completed in 2007

At year end 2012, the impact fee fund balance was \$2,886,452 (\$2,060,540 for transportation and \$825,912 for parks). No transportation or park impact fees were transferred to fund CIP projects or debt in 2012. The City's practice is to allocate impact fee-related revenues to qualifying capital projects in the order that they are received (i.e., first-in, first-out). Note that the Washington State Legislature extended the time period to expend impact fees to ten years from collection date. The City Council amended the Kirkland Municipal Code to reflect that change on September 20, 2011.

The table on the following page shows impact fee revenues expended on projects and debt service payments since 1999.

Year	Project Name (Project Number)	Transportation	Parks
<b>1999 through 2006</b>		\$2,659,761	\$160,000
2007	124th Ave NE Roadway Improvements (CST0059000)	89,919	
	NE 120th Street Roadway Extension (CST0057000)	309,000	
	Heritage Park Development (CPK0095000)		155,000
2008	124th Ave NE Roadway Improvements (CST0059000)	40,000	
	NE 85th St/132nd Ave NE Intersection Imprvmnts (CTR0078000)	279,000	
	NE 68th/108th Ave Intersection Improvements (CTR0085000)	400,000	
	NE 85th St/114th Ave Intersection Improvements (CTR0079000)	356,000	
	NE 85th/124th Ave Intersection Improvements (CTR0080000)	179,000	
	Park Acquisition-Shelton Property (CPK0131001)		81,573
	Park & Open Space Acquisition Program (CPK0131000)		367,500
	Teen Center Debt Service Payment		40,185
	McAuliffe Park Debt Service Payment		231,365
2009	NE 120th Street Roadway Extension (CST0057000)	672,000	
	NE 68th/108th Ave Intersection Improvements (CTR0085000)	562,000	
	Teen Center Debt Service Payment		44,650
	McAuliffe Park Debt Service Payment		231,415
2010	No CIP projects were funded from impact fees		
	Teen Center Debt Service Payment		44,650
	McAuliffe Park Debt Service Payment		229,803
2011	No CIP projects were funded from impact fees		
	McAuliffe Park Debt Service Payment		97,500
2012	No CIP projects were funded from impact fees		
	No Park Debt Service funded from impact fees		
<b>Total impact fee revenues transferred to projects through 2012 *</b>		<b>\$5,546,680</b>	<b>\$1,683,641</b>
	Impact fees collected through 2012	7,199,362	2,390,777
	Interest accrued through 2012	407,858	118,776
<b>Total impact fee collections and interest</b>		<b>\$7,607,220</b>	<b>\$2,509,553</b>
<b>Impact fee balance</b>		<b>\$2,060,540</b>	<b>\$825,912</b>

\* Includes transfer of interest on impact fee balances.

### Attachments (3)

cc: Dave Snider, Capital Projects Manager  
 Rob Jammerman, Development Engineering Manager  
 Jennifer Schroder, Parks & Community Services Director  
 Michael Cogle, Parks Planning & Development Manager  
 Teresa Swan, Senior Planner  
 Sri Krishnan, Financial Planning Manager

## City of Kirkland

### 2012 Impact Fee Report - Summary

Zone Collected	Amount Collected	
	Transportation	Parks
<b>East</b>		
Multi-Family/Non-Residential	\$562,986	\$271,620
Single Family Residential	\$130,050	\$138,420
<b><i>Subtotal East</i></b>	<b>\$693,036</b>	<b>\$410,040</b>
<b>North</b>		
Multi-Family/Non-Residential	\$30,274	\$0
Single Family Residential	\$171,189	\$169,180
<b><i>Subtotal North</i></b>	<b>\$201,463</b>	<b>\$169,180</b>
<b>Northwest</b>		
Multi-Family/Non-Residential	\$119,228	\$5,590
Single Family Residential	\$38,250	\$38,450
<b><i>Subtotal Northwest</i></b>	<b>\$157,478</b>	<b>\$44,040</b>
<b>Southwest</b>		
Multi-Family/Non-Residential	\$67,679	\$5,030
Single Family Residential	\$73,031	\$62,197
<b><i>Subtotal Southwest</i></b>	<b>\$140,710</b>	<b>\$67,227</b>
<b>Total Collected - All Zones</b>	<b>\$1,192,687</b>	<b>\$690,487</b>

## City of Kirkland

**Transportation Impact Fee Tracking - 2012 Revenue**

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
<b>East - Multi-Family/Non-Residential</b>			
3/19/2012	COSTCO	\$203,960	LSM09-00009
6/7/2012	Corporation of Catholic Archbishop of Seattle	\$1,267	BNR12-00533
10/11/2012	MSPT IV LLC	\$88,453	BMU12-01313
10/11/2012	MSPT IV LLC	\$242,136	BMU12-01313
10/16/2012	Morgan Harris	\$817	BNR12-02927
10/19/2012	BP WEST COAST PRODUCTS LLC	\$26,353	BNR12-00922
	<b>subtotal:</b>	<b>\$562,986</b>	
<b>East - Single Family Residential</b>			
4/16/2012	LAUREL HILL PARTNERS LLC	\$3,825	BLD12-00039
4/16/2012	LAUREL HILL PARTNERS LLC	\$3,825	BLD12-00045
4/26/2012	Jeremy & Maren Vallerand	\$3,825	BLD12-00031
4/27/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,825	BLD11-00589
5/25/2012	LAUREL HILL PARTNERS LLC	\$3,825	BLD12-00177
5/25/2012	LAUREL HILL PARTNERS LLC	\$3,825	BLD12-00178
6/28/2012	PKP UC	\$3,825	BLD12-00016
7/2/2012	Oakview Homes LLC	\$3,825	BSF12-01390
7/6/2012	LAUREL HILL PARTNERS LLC	\$3,825	BSF12-00600
7/25/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,825	BLD11-00588
8/14/2012	Merit Homes, Inc	\$3,825	BSF12-01050
8/23/2012	MERIT HOMES INC	\$3,825	BSF12-02215
8/23/2012	MERIT HOMES INC	\$3,825	BSF12-02216
9/4/2012	MERIT HOMES INC	\$3,825	BSF12-02214
9/5/2012	LAUREL HILL PARTNERS LLC	\$3,825	BSF12-02003
9/24/2012	Merit Homes Inc	\$3,825	BSF12-02346
10/12/2012	Merit Homes, Inc	\$3,825	BSF12-01049
10/15/2012	LAUREL HILL PARTNERS LLC	\$3,825	BSF12-00710
11/6/2012	Merit Homes Inc	\$3,825	BSF12-01047
11/9/2012	DGR Development	\$3,825	BSF12-03136
11/9/2012	DGR Development	\$3,825	BSF12-03467
11/19/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,825	BLD12-00188
11/26/2012	Merit Homes Inc	\$3,825	BSF12-02476
12/4/2012	Sapphire Homebuilders, LLC	\$3,825	BSF12-02559
12/4/2012	Sapphire Homebuilders, LLC	\$3,825	BSF12-02561

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
12/6/2012	DGR Development	\$3,825	BSF12-03468
12/13/2012	ROBERT PANTLEY	\$3,825	BSF12-01127
12/13/2012	LAUREL HILL PARTNERS LLC	\$3,825	BSF12-03476
12/13/2012	LAUREL HILL PARTNERS LLC	\$3,825	BSF12-03567
12/18/2012	Sapphire Homebuilders, LLC	\$3,825	BSF12-02558
12/18/2012	DGR Development	\$3,825	BSF12-04086
12/24/2012	Merit Homes Inc	\$3,825	BSF12-02361
12/26/2012	Esmail Suleman	\$3,825	BSF12-00857
12/27/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,825	BLD11-00655
<b>subtotal:</b>		<b>\$130,050</b>	

<b>North - Multi-Family/Non-Residential</b>
---

4/13/2012	Astronics	\$30,274	BLD12-00017
<b>subtotal:</b>		<b>\$30,274</b>	

<b>North - Single Family Residential</b>
--

1/4/2012	BURNSTEAD CONST LLC	\$3,825	BLD11-00649
1/24/2012	PARKLAND HOMES INC	\$3,825	BLD11-00636
1/24/2012	PARKLAND HOMES INC	\$3,825	BLD11-00637
2/10/2012	BURNSTEAD CONST LLC	\$3,825	BLD12-00010
2/14/2012	Stanbrook Custom Homes	\$426	KC B11L0145
3/13/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BLD12-00096
3/14/2012	CAMWEST GARMIRE LLC	\$314	BLD12-00106
3/19/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00007
3/19/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00019
3/21/2012	CAMWEST GARMIRE LLC	\$314	BLD12-00128
4/3/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BLD12-00140
4/4/2012	CAMWEST GARMIRE LLC	\$314	BLD12-00154
4/18/2012	Paul Lymberis	\$314	BLD12-00183
4/18/2012	TOLL BROS INC	\$314	BLD12-00184
4/20/2012	BURNSTEAD CONSTRUCTION LLC	\$3,825	BLD12-00141
4/20/2012	BURNSTEAD CONSTRUCTION LLC	\$3,825	BLD12-00142
5/7/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00026
5/9/2012	TOLL BROS INC	\$314	BLD12-00205
5/18/2012	PARKLAND HOMES INC	\$3,825	BLD12-00066
5/30/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BSF12-00263
6/12/2012	Paul Lymberis	\$314	BSF12-00659
6/12/2012	Paul Lymberis	\$314	BSF12-00662
6/12/2012	Paul Lymberis	\$314	BSF12-00663

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
6/18/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00027
6/19/2012	Lakemont Homes LLC	\$3,825	BSF12-01266
6/22/2012	Harbour Homes LLC	\$3,825	BSF12-00780
6/22/2012	Harbour Homes LLC	\$3,825	BSF12-00782
6/22/2012	Harbour Homes LLC	\$3,825	BSF12-00783
6/22/2012	Lakemont Homes LLC	\$3,825	BSF12-01037
6/29/2012	Lakemont Homes LLC	\$3,825	BSF12-01264
6/29/2012	Lakemont Homes LLC	\$3,825	BSF12-01265
7/2/2012	BURNSTEAD CONSTRUCTION LLC	\$3,825	BSF12-01085
7/17/2012	TOLL WA LP	\$314	BSF12-01267
7/17/2012	TOLL WA LP	\$314	BSF12-01269
7/17/2012	TOLL WA LP	\$314	BSF12-01270
7/17/2012	TOLL WA LP	\$314	BSF12-01271
7/23/2012	PARKLAND HOMES INC	\$3,825	BLD12-00067
7/23/2012	PARKLAND HOMES INC	\$3,825	BLD12-00068
7/27/2012	Paul Lymberis	\$314	BSF12-00666
7/31/2012	Harbour Homes LLC	\$3,825	BSF12-00779
7/31/2012	Harbour Homes LLC	\$3,825	BSF12-00784
8/3/2012	TOLL WA LP	\$314	BSF12-01345
8/3/2012	TOLL WA LP	\$314	BSF12-01929
8/7/2012	BURNSTEAD CONSTRUCTION	\$3,825	BSF12-01254
8/9/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BSF12-01829
8/17/2012	BURNSTEAD CONSTRUCTION LLC	\$3,825	BSF12-01687
8/22/2012	CORNELL TERMURE	\$3,825	BSF12-00374
9/11/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00018
9/12/2012	PANORAMA ESTATES LLC	\$3,825	BLD12-00025
9/12/2012	Brant Haeg	\$3,825	BSF12-01498
9/13/2012	Toll WA LP	\$314	BSF12-02607
9/20/2012	TOLL WA LP	\$314	BSF12-02150
9/25/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BSF12-02396
9/28/2012	HARBOUR HOMES LLC	\$3,825	BSF12-02555
10/8/2012	TOLL WA LP	\$314	BSF12-02345
10/26/2012	HARBOUR HOMES LLC	\$3,825	BSF12-02553
11/8/2012	WEST TIER DEVELOPMENT CORP	\$3,825	BSF12-03269
11/13/2012	HARBOUR HOMES LLC	\$3,825	BSF12-02916
11/13/2012	HARBOUR HOMES LLC	\$3,825	BSF12-02918
11/19/2012	John MCLEAN	\$3,825	BSF12-01977
11/27/2012	TOLL WA LP	\$314	BSF12-02118
12/28/2012	HARBOUR HOMES LLC	\$3,825	BSF12-03459

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
12/28/2012	HARBOUR HOMES LLC	\$3,825	BSF12-03460
12/28/2012	HARBOUR HOMES LLC	\$3,825	BSF12-03689
<b>subtotal:</b>		<b>\$171,189</b>	

<b>Northwest - Multi-Family/Non-Residential</b>
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1/26/2012	MMP Kirkland Apartments LLC	\$4,102	BLD06-01106
2/7/2012	WEIDNER INVESTMENTS	(\$17,739)	BLD07-00996
7/9/2012	Lake Washington School District	\$21,825	BLD11-00494
8/23/2012	OSKOUI FAMILY PARTNERSHIP	\$66,602	BNR12-00851
9/21/2012	Luay Joudeh	\$44,438	BNR12-00476
<b>subtotal:</b>		<b>\$119,228</b>	

<b>Northwest - Single Family Residential</b>
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2/3/2012	CALLIDUS NEW PROJECTS LLC	\$3,825	BLD11-00232
2/3/2012	CALI	\$3,825	BLD11-00235
2/3/2012	CALLIDUS NEW PROJECTS LLC	\$3,825	BLD11-00404
8/6/2012	John & Anita Morgan	\$3,825	BSF12-00749
8/14/2012	CHANDLER HOMES LLC	\$3,825	BSF12-01563
9/7/2012	HEIDI APEL-TSAO	\$3,825	BSF12-01112
10/17/2012	RICK BURNSTEAD CONSTRUCTION LLC	\$3,825	BSF12-01077
10/18/2012	Dan O'Neill	\$3,825	BLD11-00253
11/2/2012	THIRD STREET GREENBANK DEVE	\$3,825	BSF12-02834
12/20/2012	Kirkland Waverly LLC	\$3,825	BSF12-01129
<b>subtotal:</b>		<b>\$38,250</b>	

<b>Southwest - Multi-Family/Non-Residential</b>
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6/26/2012	LAKE WASH SCHOOL DIST #414	\$3,787	BNR12-00601
7/31/2012	Kirkland Way Storage LLC	\$22,722	BNR12-00643
8/9/2012	LAKE WASH SCHOOL DIST #414	\$7,574	BNR12-00770
10/19/2012	Opal Storm LLC	\$33,596	BLD12-00182
<b>subtotal:</b>		<b>\$67,679</b>	

<b>Southwest - Single Family Residential</b>
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1/4/2012	Tenth & State LLC	\$2,859	BLD10-00275
1/25/2012	Thomas -Beth Braaten	\$3,825	BLD11-00633
2/1/2012	LAKEVIEW RESIDENTIAL LLC	\$7,650	BLD11-00526
2/27/2012	CAMWEST NETTLESON	\$3,825	BLD10-00109
4/9/2012	TOLL BROS INC	\$3,825	BLD11-00508
4/24/2012	TOLL BROS INC	\$3,825	BLD11-00501
5/1/2012	Nicholas Hanculak	\$3,825	BLD12-00060

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
5/25/2012	Paul Lymberis	\$3,825	BLD12-00161
5/31/2012	Lexington Development Inc.	\$3,825	BLD12-00123
6/13/2012	Paul Lymberis	\$3,825	BSF12-00899
6/20/2012	TOLL WA LP	\$3,825	BSF12-01003
6/22/2012	LAKEVIEW RESIDENTIAL LLC	\$3,825	BLD11-00499
9/24/2012	Tenth & State LLC (DBA Lexington Fine Home	\$2,859	BLD10-00272
9/24/2012	TENTH & STATE LLC	\$1,629	BLD10-00274
9/26/2012	TOLL WA LP	\$4,484	BSF12-00598
10/18/2012	TOLL WA LP	\$3,825	BSF12-01353
11/15/2012	LAKEVIEW RESIDENTIAL LLC	\$3,825	BSF12-02313
12/20/2012	Toll WA LP	\$3,825	BSF12-03577
12/20/2012	Toll WA LP	\$3,825	BSF12-03714
	<b>subtotal:</b>	<b>\$73,031</b>	
		<b>Total Transportation Impact Fees \$1,192,687</b>	

## City of Kirkland

**Park Impact Fee Tracking - 2012 Revenue**

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
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**East - Multi-Family/Non-Residential**

10/11/2012	MSPT IV LLC	\$271,620	BMU12-01313
<b>subtotal:</b>		<b>\$271,620</b>	

**East - Single Family Residential**

3/12/2012	ARKADI GABRIELIAN	\$3,845	BLD11-00176
4/13/2012	LAUREL HILL PARTNERS LLC	\$3,845	BLD12-00039
4/16/2012	LAUREL HILL PARTNERS LLC	\$3,845	BLD12-00039
4/16/2012	LAUREL HILL PARTNERS LLC	\$3,845	BLD12-00045
4/27/2012	NATURAL & BUILT ENVIRONMENTS	\$3,845	BLD11-00589
4/28/2012	JEREMY & MAREN VALLERAND	\$3,845	BLD12-00031
5/25/2012	LAUREL HILL PARTNERS LLC	\$3,845	BLD12-00177
5/25/2012	LAUREL HILL PARTNERS LLC	\$3,845	BLD12-00178
6/28/2012	PKP UC	\$3,845	BLD12-00016
7/2/2012	OAKVIEW HOMES LLC	\$3,845	BSF12-01390
7/6/2012	LAUREL HILL PARTNERS LLC	\$3,845	BSF12-00600
7/25/2012	NATURAL & BUILT ENVIRONMENTS	\$3,845	BLD11-00588
8/14/2012	MERIT HOMES, INC	\$3,845	BSF12-01050
8/23/2012	MERIT HOMES INC	\$3,845	BSF12-02215
8/23/2012	MERIT HOMES INC	\$3,845	BSF12-02216
9/4/2012	MERIT HOMES INC	\$3,845	BSF12-02214
9/5/2012	LAUREL HILL PARTNERS LLC	\$3,845	BSF12-02003
9/24/2012	MERIT HOMES INC	\$3,845	BSF12-02346
10/12/2012	MERIT HOMES, INC	\$3,845	BSF12-01049
10/15/2012	LAUREL HILL PARTNERS LLC	\$3,845	BSF12-00710
11/6/2012	MERIT HOMES INC	\$3,845	BSF12-01047
11/9/2012	DGR DEVELOPMENT	\$3,845	BSF12-03136
11/9/2012	DGR DEVELOPMENT	\$3,845	BSF12-03467
11/19/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,845	BLD12-00188
11/26/2012	MERIT HOMES INC	\$3,845	BSF12-02476
12/4/2012	SAPPHIRE HOMEBUILDERS, LLC	\$3,845	BSF12-02559
12/4/2012	SAPPHIRE HOMEBUILDERS, LLC	\$3,845	BSF12-02561
12/8/2012	DGR DEVELOPMENT	\$3,845	BSF12-03468
12/13/2012	ROBERT PANTLEY	\$3,845	BSF12-01127
12/13/2012	LAUREL HILL PARTNERS LLC	\$3,845	BSF12-03476

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
12/13/2012	LAUREL HILL PARTNERS LLC	\$3,845	BSF12-03567
12/18/2012	SAPPHIRE HOMEBUILDERS, LLC	\$3,845	BSF12-02558
12/18/2012	DGR DEVELOPMENT	\$3,845	BSF12-04086
12/24/2012	MERIT HOMES INC	\$3,845	BSF12-02361
12/26/2012	ESMAIL SULEMAN	\$3,845	BSF12-00857
12/27/2012	NATURAL & BUILT ENVIRONMENTS LLC	\$3,845	BLD11-00655
<b>subtotal:</b>		<b>\$138,420</b>	

<b>North - Single Family Residential</b>
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1/4/2012	WEST TIER DEV CORP	\$3,845	BLD11-00523
1/4/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BLD11-00649
1/24/2012	PARKLAND HOMES INC	\$3,845	BLD11-00636
1/24/2012	PARKLAND HOMES INC	\$3,845	BLD11-00637
2/10/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BLD12-00010
3/13/2012	WEST TIER DEV CORP	\$3,845	BLD12-00096
3/19/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00007
3/19/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00019
4/3/2012	WEST TIER DEVELOPMENT CORP	\$3,845	BLD12-00140
4/20/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BLD12-00141
4/20/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BLD12-00142
5/7/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00026
5/18/2012	PARKLAND HOMES INC	\$3,845	BLD12-00066
5/30/2012	WEST TIER DEVELOPMENT CORP	\$3,845	BSF12-00263
6/18/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00027
6/19/2012	LAKEMONT HOMES LLC	\$3,845	BSF12-01266
6/22/2012	HARBOUR HOMES LLC	\$3,845	BSF12-00780
6/22/2012	HARBOUR HOMES LLC	\$3,845	BSF12-00782
6/22/2012	HARBOUR HOMES LLC	\$3,845	BSF12-00783
6/22/2012	LAKEMONT HOMES LLC	\$3,845	BSF12-01037
6/29/2012	LAKEMONT HOMES LLC	\$3,845	BSF12-01264
6/29/2012	LAKEMONT HOMES LLC	\$3,845	BSF12-01265
7/2/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BSF12-01085
7/23/2012	PARKLAND HOMES INC	\$3,845	BLD12-00067
7/23/2012	PARKLAND HOMES INC	\$3,845	BLD12-00068
7/31/2012	HARBOUR HOMES LLC	\$3,845	BSF12-00779
7/31/2012	HARBOUR HOMES LLC	\$3,845	BSF12-00784
8/7/2012	BURNSTEAD CONSTRUCTION	\$3,845	BSF12-01254
8/9/2012	WEST TIER DEVELOPMENT CORP	\$3,845	BSF12-01829
8/17/2012	BURNSTEAD CONSTRUCTION LLC	\$3,845	BSF12-01687

Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
8/22/2012	CORNELL TERMURE	\$3,845	BSF12-00374
9/11/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00018
9/12/2012	PANORAMA ESTATES LLC	\$3,845	BLD12-00025
9/12/2012	BRANT HAEG	\$3,845	BSF12-01498
9/25/2012	WEST TIER DEVELOPMENT CORP	\$3,845	BSF12-02396
9/28/2012	HARBOUR HOMES LLC	\$3,845	BSF12-02555
10/28/2012	HARBOUR HOMES LLC	\$3,845	BSF12-02553
11/8/2012	WEST TIER DEVELOPMENT CORP	\$3,845	BSF12-03269
11/13/2012	HARBOUR HOMES LLC	\$3,845	BSF12-02916
11/13/2012	HARBOUR HOMES LLC	\$3,845	BSF12-02918
11/19/2012	JOHN MCLEAN	\$3,845	BSF12-01977
12/28/2012	HARBOUR HOMES LLC	\$3,845	BSF12-03459
12/28/2012	HARBOUR HOMES LLC	\$3,845	BSF12-03460
12/28/2012	HARBOUR HOMES LLC	\$3,845	BSF12-03689
<b>subtotal:</b>		<b>\$169,180</b>	

<b>Northwest - Multi-Family/Non-Residential</b>
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1/26/2012	MMP KIRKLAND APARTMENTS LLC	\$3,010	BLD06-01106
2/8/2012	WEIDNER INVESTMENTS	\$2,580	BLD07-00996
<b>subtotal:</b>		<b>\$5,590</b>	

<b>Northwest - Single Family Residential</b>
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2/3/2012	CALLIDUS NEW PROJECTS LLC	\$3,845	BLD11-00232
2/3/2012	CALLIDUS NEW PROJECTS LLC	\$3,845	BLD11-00235
2/3/2012	CALLIDUS NEW PROJECTS LLC	\$3,845	BLD11-00404
8/6/2012	JOHN & ANITA MORGAN	\$3,845	BSF12-00749
8/14/2012	CHANDLER HOMES LLC	\$3,845	BSF12-01563
9/7/2012	HEIDI APEL-TSAO	\$3,845	BSF12-01112
10/17/2012	RICK BURNSTEAD CONSTRUCTION LLC	\$3,845	BSF12-01077
10/18/2012	DAN O'NEILL	\$3,845	BLD11-00253
11/2/2012	THIRD STREET GREENBANK DEVE	\$3,845	BSF12-02834
12/20/2012	KIRKLAND WAVERLY LLC	\$3,845	BSF12-01129
<b>subtotal:</b>		<b>\$38,450</b>	

<b>Southwest - Multi-Family/Non-Residential</b>
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2/1/2012	LAKEVIEW RESIDENTIAL LLC	\$5,030	BLD11-00526
<b>subtotal:</b>		<b>\$5,030</b>	

<b>Southwest - Single Family Residential</b>
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1/25/2012	THOMAS -BETH BRAATEN	\$3,845	BLD11-00633
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Date Received	Payer/ApplicantName	Amount Received	Case # (link to P*P)
2/27/2012	CAMWEST NETTLESON	\$3,845	BLD10-00109
4/9/2012	TOLL BROS INC	\$3,845	BLD11-00508
4/24/2012	TOLL BROS INC	\$3,845	BLD11-00501
5/1/2012	NICHOLAS HANCULAK	\$3,845	BLD12-00060
5/31/2012	LEXINGTON DEVELOPMENT INC.	\$3,233	BLD12-00123
6/13/2012	PAUL LYMBERIS	\$3,845	BSF12-00899
6/20/2012	TOLL WA LP	\$3,845	BSF12-01003
6/22/2012	LAKEVIEW RESIDENTIAL LLC	\$3,845	BLD11-00499
9/4/2012	TOLL WA LP	\$3,845	BSF12-01597
9/26/2012	TOLL WA LP	\$5,030	BSF12-00598
10/18/2012	TOLL WA LP	\$3,845	BSF12-01353
11/15/2012	LAKEVIEW RESIDENTIAL LLC	\$3,845	BSF12-02313
11/27/2012	TOLL WA LP	\$3,845	BSF12-01586
12/20/2012	TOLL WA LP	\$3,949	BSF12-03577
12/20/2012	TOLL WA LP	\$3,845	BSF12-03714
	<b>subtotal:</b>	<b>\$62,197</b>	
	<b>Total Park Impact Fees:</b>	<b>\$690,487</b>	

**City of Kirkland**  
**Cumulative Impact Fee Report - Summary**  
**1999-2012**

Zone Collected	Amount Collected	
	Transportation	Parks
<b>East</b>		
Multi-Family/Non-Residential	\$1,838,453	\$336,854
Single Family Residential	\$646,623	\$540,452
<b>Subtotal East</b>	<b>\$2,485,076</b>	<b>\$877,306</b>
<b>North</b>		
Multi-Family/Non-Residential	\$57,004	\$12,575
Single Family Residential	\$211,328	\$207,630
<b>Subtotal North</b>	<b>\$268,332</b>	<b>\$220,205</b>
<b>Northeast</b>		
Multi-Family/Non-Residential	\$1,576,083	\$57,700
Single Family Residential	\$13,485	\$4,457
<b>Subtotal Northeast</b>	<b>\$1,589,568</b>	<b>\$62,157</b>
<b>Northwest</b>		
Multi-Family/Non-Residential	\$757,918	\$320,736
Single Family Residential	\$372,149	\$361,649
<b>Subtotal Northwest</b>	<b>\$1,130,067</b>	<b>\$682,385</b>
<b>Southwest</b>		
Multi-Family/Non-Residential	\$1,380,451	\$296,323
Single Family Residential	\$345,868	\$252,401
<b>Subtotal Southwest</b>	<b>\$1,726,319</b>	<b>\$548,724</b>
<b>Total Collected - All Zones</b>	<b>\$7,199,362</b>	<b>\$2,390,777</b>





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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Pam Bissonnette, Interim Public Works Director

**Date:** June 21, 2013

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

**RECOMMENDATION:**

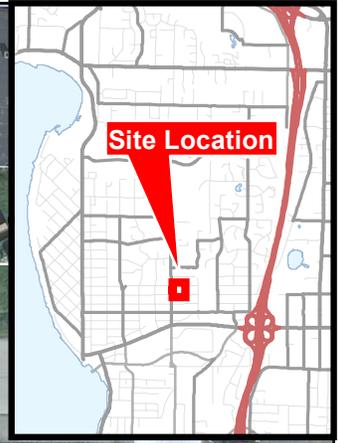
It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 42 and 43, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

**BACKGROUND DISCUSSION:**

The unopened portion of the alley abutting the property of 622 9<sup>th</sup> Avenue (Attachment 1) was originally platted and dedicated in 1890 as Kirkland Addition (aka Town of Kirkland). The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Keith Tougas and Kate Savitch, the owners of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution (Attachment 2) is permissible.

Attachments (2)



**10TH AVE**



**9TH AVE**

**Tougas/Savitch Non-User Vacation Exhibit**  
**622 9th Avenue**

-  Proposed Vacation
-  Tougas/Savitch Property
-  Granted Non-User Vacations



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RESOLUTION R-4988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS KEITH TOUGAS AND KATE SAVITCH

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Keith Tougas and Kate Savitch, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 42 and 43, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

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

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

\_\_\_\_\_  
MAYOR

Attest:

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



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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Paul Stewart, AICP, Deputy Planning Director  
Tony Leavitt, Project Planner  
**Date:** July 3, 2013  
**Subject:** Wisti Lane Final Subdivision, File No. SUB12-01028

**RECOMMENDATION**

That the City Council approves with conditions the Final Subdivision application for the Wisti Lane Plat. The City Council may do so by adopting the enclosed resolution.

**BACKGROUND DISCUSSION**

The Preliminary Subdivision was heard by the Hearing Examiner on September 20, 2012. The Hearing Examiner approved the project with conditions on September 26, 2012.

The proposal includes the following elements:

- Subdivision of a parcel comprising 3.66 acres into 18 lots for single-family residences within an RSX 7.2 zone;
- Access is to be provided via a new access road from Slater Avenue NE. All lots will take access from this new road;
- A SEPA Determination of Non-Significance was issued on August 21, 2012.

The proposal complies with the Final Subdivision Approval Criteria as stated in Attachment 1.

**ENCLOSURES**

1. Planning Director Recommendation with Enclosures



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

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

**To:** Paul Stewart, AICP, Deputy Planning Director  
**From:** Tony Leavitt, Associate Planner  
**Date:** July 3, 2013  
**File:** WISTI LANE FINAL SUBDIVISION, FILE NO. SUB13-01028

**I. RECOMMENDATION**

Approve the Final Subdivision application for the Wisti Lane Plat.

**II. BACKGROUND**

- A. The applicant is Josh Lysen of Merit Homes
- B. The site is located at 10611 Slater Avenue NE (See Attachment 1)
- C. This is a final subdivision application to approve an 18-lot subdivision on a 3.66 acre site (see Attachment 2). Lots range in size from 7,204 square feet to 8,025 square feet. Access for all lots will be provided via a new public access road that connects to Slater Avenue NE.

**III. HISTORY**

- A. The Preliminary Subdivision was heard by the Hearing Examiner on September 20, 2012. The Hearing Examiner approved the project with conditions on September 26, 2012. A traffic concurrency test was passed on February 15, 2012 and a Determination of Non-Significance was issued for the proposal on August 21, 2012.

**IV. ANALYSIS**

- A. Approval Criteria
  - 1. Facts: Section 22.16.080 of the Kirkland Municipal Code also discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
    - a. Consistency with the preliminary plat, except for minor modifications; and

b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application by the Hearing Examiner. The applicant has submitted a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

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

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

**VI. APPENDICES**

Attachments 1 through 3 are attached.

- 1. Vicinity Map
- 2. Hearing Examiner Decision
- 3. Final Plat

-----  
Review by Planning Director:

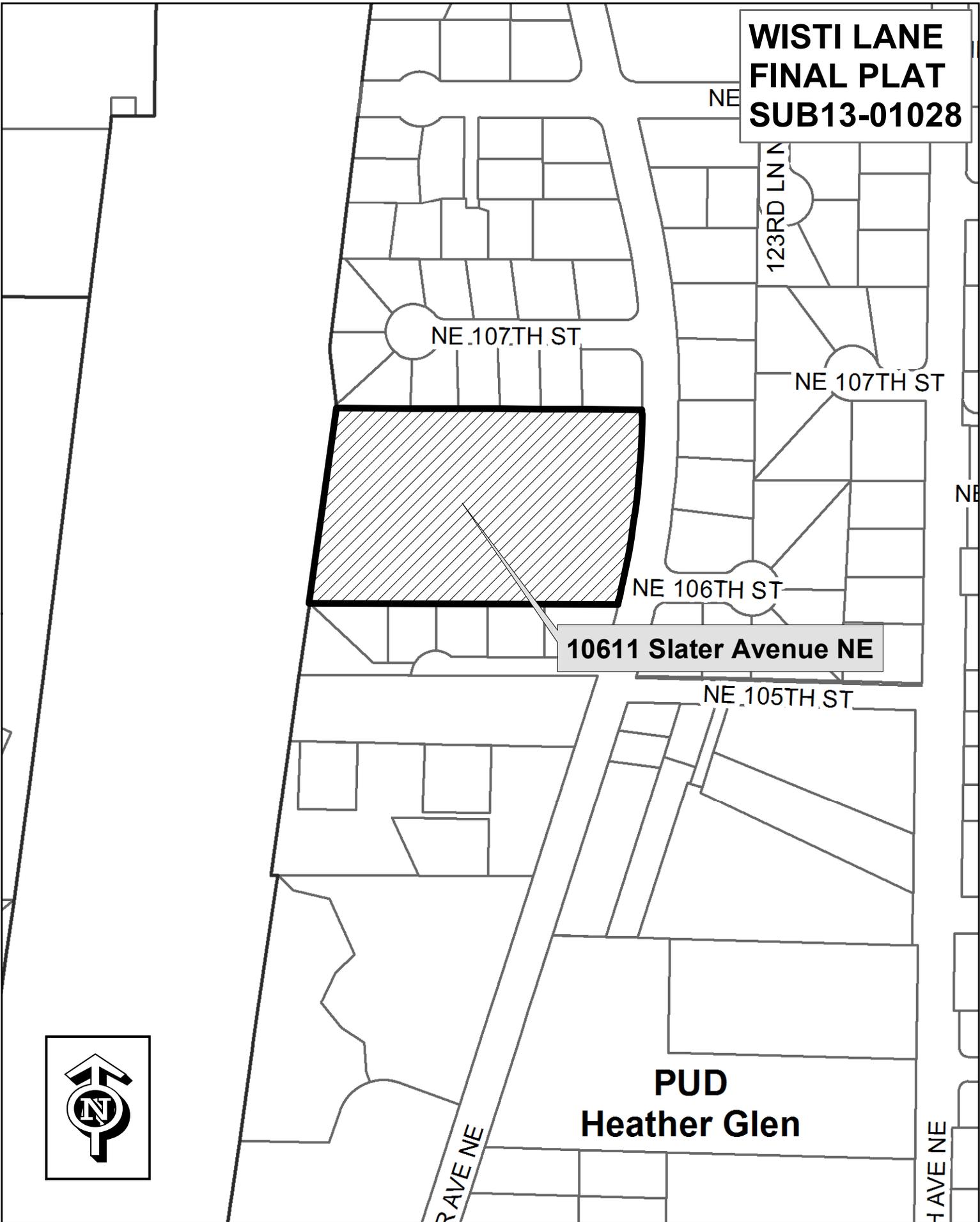
I concur                            I do not concur     



Paul Stewart, AICP

7/3/2013

**WISTI LANE  
FINAL PLAT  
SUB13-01028**



**10611 Slater Avenue NE**

**PUD  
Heather Glen**



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

RECEIVED

SEP 28 2012

AM PM  
PLANNING DEPARTMENT

**APPLICANT:** Josh Lysen of Merit Homes, Inc. for Eva Stewart

**FILE NO:** PSB12-00001

BY \_\_\_\_\_

**APPLICATION:**

1. Site Location: 10611 Slater Avenue NE
2. Request: To subdivide a 159,429 square foot parcel into 18 lots with access provided via a new access road from Slater Avenue NE. The applicant also requested approval of an Integrated Development Plan to address tree retention on the site.
3. Review Process: Process IIA, the Hearing Examiner conducts a public hearing and makes a final decision on the Integrated Development Plan and preliminary subdivision.
4. Key Issues: Tree retention as part of the Integrated Development Plan and compliance with applicable subdivision criteria and development regulations.

**RECOMMENDATION:**

Department of Planning and Development                      Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the preliminary subdivision application on September 20, 2012, in the Council Chambers, 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 Department of Planning and Community Development. The Examiner visited the site following the hearing.

**TESTIMONY AND PUBLIC COMMENT:**

No public comments or comment letters were offered at the hearing. Tony Leavitt, Project Planner, testified on behalf of the Department of Planning and Community Development.

**FINDINGS AND CONCLUSIONS:**

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

**Findings of Fact:**

Site and Vicinity

1. The site is located in the North Rose Hill neighborhood and is addressed as 10611 Slater Avenue NE. It is 159,429 square feet (3.66 acres) in area and is developed with one single-family residence.
2. The site is zoned RSX 7.2, a single-family residential zone with a minimum lot size of 7,200 square feet.
3. The site slopes up steeply from Slater Avenue on the east and slopes gently down toward the west and south. It includes a substantial amount of vegetation in places and 222 significant trees (6 inches or more diameter at breast height).
4. The surrounding areas to the north, south and east are also zoned RSX 7.2 and are developed with single-family residences. To the west is the Interstate 405 freeway.

Proposal

5. The applicant proposes to remove the existing single-family residence and divide the existing parcel into 18 single-family lots, ranging in size from 7,200 to 9,000 square feet in size, with access from Slater Avenue NE.
6. The applicant is requesting approval of an Integrated Development Plan rather than phased review as part of the application, and submitted detailed engineering plans for the project, including utility locations, finished topographic details, proposed residence footprints, and a final tree retention plan and associated report prepared by a certified arborist. See Exhibit A, the Department's Advisory Report, Attachments 2 and 7. The applicant is proposing retention of all viable significant trees in the northwest and southwest corners of the parcel along I-405.
7. The City Arborist reviewed the final plans and report and recommended approval of the final plan with some revisions to tree protection fencing. The recommendations are included in the Development Standards List, Attachment 3 to Exhibit A.
8. Tree density calculations for each lot are included in Attachment 3 to Exhibit A.

### Comprehensive Plan

9. The North Rose Hill Neighborhood Land Use Map in the Comprehensive Plan designates the subject property for low density residential use, with a density of six dwelling units per acre.

### Public Comment

10. The Department received one public comment letter on the proposal during the initial public comment period for the application, which ran from May 18, to June 14, 2012. The comment is included as Attachment 4 to Exhibit A, and the applicant's response to the comment is included as Attachment 5 to Exhibit A. The comment letter raised concerns about retention of trees along I-405, which help reduce freeway noise, and sight distance at the intersection of the proposed access road to the subdivision and Slater Avenue NE.

### State Environmental Policy Act

11. Pursuant to the State Environmental Policy Act (SEPA), the Department issued a Determination of Nonsignificance for the proposal on August 21, 2012, which was not appealed. *See* Exhibit A, Attachment 9.

### Traffic Impacts

12. The application passed Traffic Concurrency on February 15, 2012. The traffic impact analysis for the proposal is included in Attachment 6 to Exhibit A. The Public Works Department concluded that the proposal would not create significant traffic impacts that would require off-site traffic mitigation, but recommended several conditions that address road impact fees, spacing between driveways within the site, spacing between driveways and Slater Avenue NE, and sight distance at the intersection of the project driveway and Slater Avenue NE.

### Applicable Law

13. KZC 95.33 includes tree density requirements. For individual lots in a subdivision with an approved Tree Retention Plan, tree density is calculated for each lot and for the entire site. The tree density calculation may include existing trees "pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees". KZC 95.33 prescribes the method for calculating tree density.

14. KZC 95.30.6 includes additional tree retention plan standards for subdivisions, including tree retention plan modification requirements.

15. Attachment 3 to Exhibit A includes other development standards and requirements for the project.

16. KZC 150.65.3 provides that the Hearing Examiner may approve a Process IIA application only if it is "consistent with all applicable development regulations, and to the extent there is no applicable development regulation, the Comprehensive Plan," and is "consistent with the public health, safety and welfare."

17. KMC 22.12.230 provides that the Hearing Examiner may approve a proposed subdivision only if

(1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds and schools, and

(2) It will serve the public use and interest and is consistent with the public health, safety and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

18. In a Process IIA, the applicant bears the burden of convincing the Hearing Examiner that the applicant is entitled to the requested decision. KZC 150.50.

**Conclusions:**

1. Parcel size, zoning, neighboring zoning and development, and terrain are not constraining factors in the review of this subdivision application.

2. The proposed subdivision is consistent with the site's zoning, which is consistent with the Comprehensive Plan's designation for the site.

3. SEPA and Traffic Concurrency requirements have been satisfied. The issue of maintaining a safe site distance at the intersection of Slater Avenue NE and the access road to the subdivision is addressed in the Public Works portion of the Development Standards List by the street improvements required on the west side of Slater Avenue together with a condition prohibiting visual obstructions within the site distance triangle.

4. The proposed Integrated Development Plan should be approved subject to the additional conditions noted in Attachment 3 to Exhibit A, and the applicant should retain all trees identified in the final tree retention plan.

5. The proposed subdivision will create infill residential development and is consistent with Comprehensive Plan goals for area in which the subdivision is located.

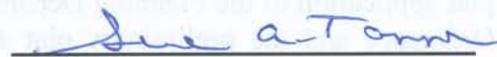
6. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. As conditioned, it is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

**DECISION:**

Based on the foregoing findings and conclusions, the application for a preliminary subdivision is approved, subject to the following conditions:

1. The subdivision is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions in these Codes. Attachment 3 to Exhibit A, "Development Standards," is provided by the Planning and Community Development Department to familiarize the applicant with some of the development regulations that supplement these conditions of approval. Attachment 3 does not include all of the additional regulations. The applicant shall comply with all requirements and recommendations included in Attachment 3 and with all other applicable regulations. When a condition of approval conflicts with a development regulation included in Attachment 3, the condition of approval shall be followed.
2. The proposed Integrated Development Plan is approved subject to the additional conditions noted in Attachment 3 to Exhibit A. The applicant shall retain all trees identified in the final tree retention plans. Modifications of the approved tree retention plan are subject to the requirements of KZC 95.30.6.b.
3. As part of the building permit for each lot, the applicant shall meet the tree density requirements of KZC 95.33.

Entered this 26<sup>th</sup> day of September, 2012, pursuant to authority granted by KZC 150.65 and KMC 22.12.230.

  
Sue A. Tanner  
Hearing Examiner

**EXHIBITS:**

The following exhibit was entered into the record: Exhibit A, the Department's Advisory Report with Attachments 1 through 8.

**PARTIES OF RECORD:**

Josh Lysen of Merit Homes, Applicant  
Yuanshun Chan  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

## **APPEALS AND JUDICIAL REVIEW**

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

### **APPEAL TO THE CITY COUNCIL**

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., October 15, 2012, fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

### **JUDICIAL REVIEW**

Section 150.130 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 21 calendar days of the issuance of the final land use decision by the City.

### **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.

### **LAPSE OF APPROVAL**

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

# WISTI LANE

PORTION OF SW 1/4 OF SEC 33, TWP 26N, RGE 5E, WM

## Subdivision City of Kirkland

FILE NO: PSB12-00001

### ACKNOWLEDGEMENTS, DECLARATION, DEDICATION, AND RESTRICTIONS (R.C.W 58.17.165)

#### LEGAL DESCRIPTION

COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
THENCE SOUTH 89°30'00" WEST 1321.86 FEET;  
THENCE NORTH 01°23'45" WEST 1813.20 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 01°23'45" WEST 316.80 FEET;  
THENCE NORTH 88°06'00" EAST 835.32 FEET, MORE OR LESS, TO THE WESTERLY LINE OF ROAD RIGHT OF WAY KNOWN AS BOULEVARD (ALSO KNOWN AS SLATER STREET);  
THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF SAID ROAD RIGHT OF WAY AS DEED TO KING COUNTY, TO A POINT NORTH 88°06'00" EAST OF THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 88°06'00" WEST 802.09 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR SECONDARY STATE HIGHWAY NO. 2-A, BY DEED RECORDED UNDER RECORDING NUMBER 4564533; AND

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY 1 UNDER KING COUNTY SUPERIOR COURT CAUSE NUMBER 698317;

(BEING PORTIONS OF LOTS 3 AND 4, PARRISH'S GARDEN TRACTS, ACCORDING TO THE UNRECORDED PLAT THEREOF).

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO.: 1335734, DATED: MAY 24, 2013)

#### NOTES

INSTRUMENTATION FOR THIS SURVEY WAS A SOKKIA SRX ROBOTIC TOTAL STATION.

PROCEDURES USED WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090

#### ZONING

RSX 7200

#### REFERENCES

-SHORT PLAT "KIRKWOOD ESTATES", RECORDED IN VOLUME 197, PAGE(S) 070 & 071

-SUBDIVISION "SLATER MANOR", RECORDED IN VOLUME 172, PAGE(S) 63-66

#### APPROVALS

CITY OF KIRKLAND  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KIRKLAND CITY COUNCIL  
EXAMINED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TITLE:

DEPARTMENT OF PUBLIC WORKS  
EXAMINED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TITLE:

DEPARTMENT OF CITY TREASURER  
EXAMINED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TITLE:

DEPARTMENT OF FINANCE  
EXAMINED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TITLE:

DEPARTMENT OF ASSESSMENT  
EXAMINED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

KING COUNTY ASSESSOR

#### RECORDER'S CERTIFICATE

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ in book of \_\_\_\_ at page \_\_\_\_ at the request of \_\_\_\_\_

\_\_\_\_\_  
Manager Supt. of Records

KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned being all of the owners of the land hereby subdivided, hereby declare this subdivision to be the graphic representation of the subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown hereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this subdivision for all public purposes as indicated hereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this subdivision as being dedicated or conveyed to a person or entity other than the public.

Further, the undersigned owners of the land hereby subdivided waive for themselves, their heirs, and assigns and any person or entity deriving title from the undersigned, any and all claims for damages against the City of Kirkland, its successors and assigns which may be occasioned by the establishment, construction, or maintenance of roads and/or drainage systems within this subdivision other than claims resulting from inadequate maintenance by the City of Kirkland.

Further, the undersigned owners of the land hereby subdivided agree for themselves, their heirs and assigns to indemnify and hold the City of Kirkland, its successors and assigns, harmless from any damage, including any costs of defense, claimed by persons within or without this subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or subsurface water flows within this subdivision or by establishment, construction or maintenance of the roads within this subdivision. Provided, this waiver and indemnification shall not be construed as releasing the City of Kirkland, its successors or assigns, from liability for damages, including the cost of defense, resulting in whole or in part from the negligence of the City of Kirkland, its successors, or assigns.

This subdivision dedication, waiver of claims and agreement to hold harmless is made with the free consent and in accordance with the desires of said owner.

IN WITNESS WHEREOF we set out hands and seals.

WISTI LANE, LLC

HOMESTREET BANK

#### ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 )SS  
COUNTY OF KING )

ON THIS DAY PERSONALLY APPEARED BEFORE ME

\_\_\_\_\_  
OF

THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE SAID INSTRUMENT, AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_  
MY APPOINTMENT EXPIRES \_\_\_\_\_

#### ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 )SS  
COUNTY OF KING )

ON THIS DAY PERSONALLY APPEARED BEFORE ME

\_\_\_\_\_  
OF

THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE SAID INSTRUMENT, AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

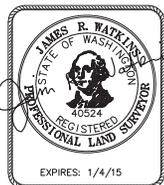
GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_  
MY APPOINTMENT EXPIRES \_\_\_\_\_

#### SURVEYOR'S CERTIFICATE

This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of Merit Homes, Inc. on May 30, 2013.

Jim R. Watkins  
Surveyor  
Certificate No. 40524



**LEGEND**

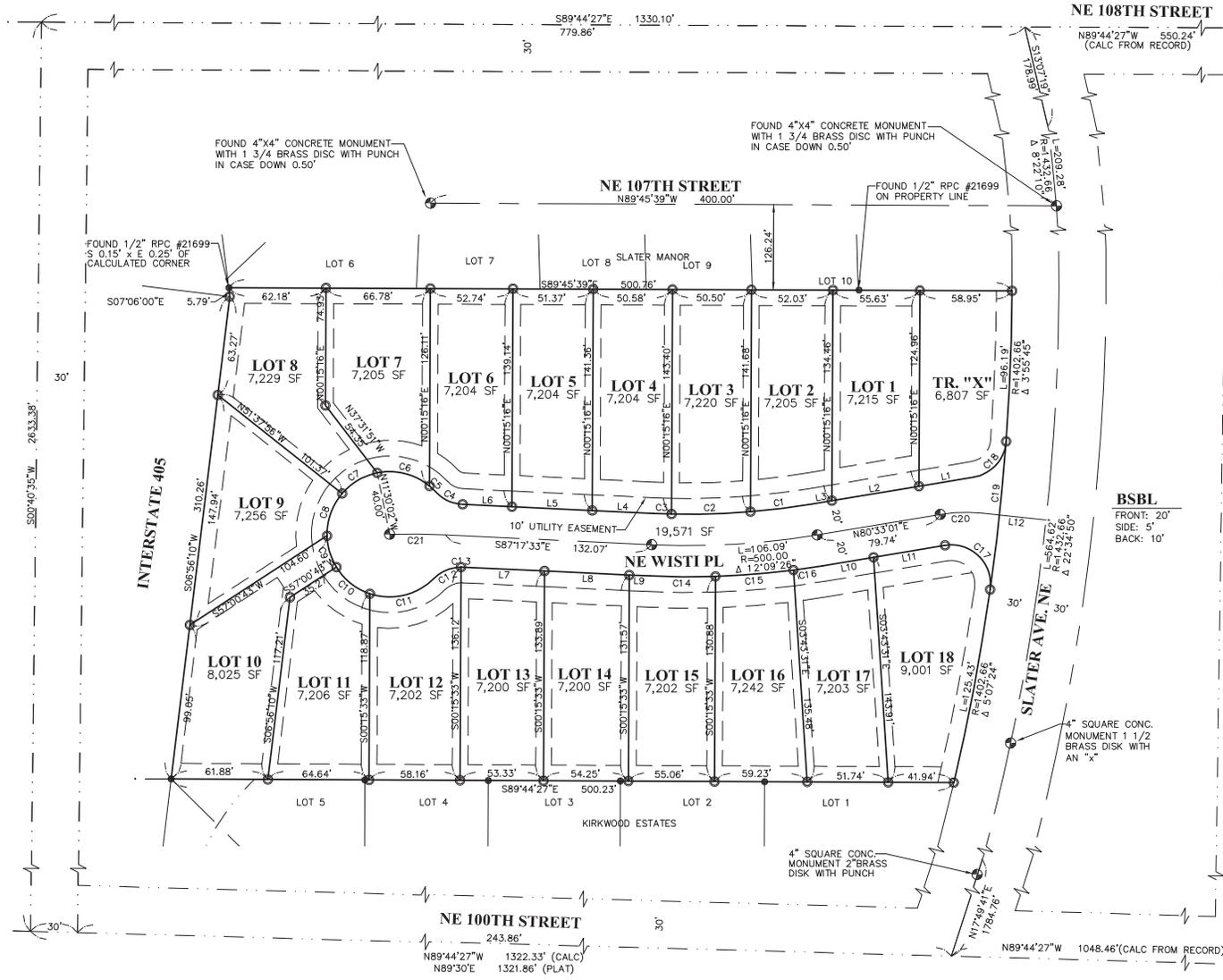
- FOUND CONCRETE MONUMENT (M) MEASURED DIMENSION
- SET 1/2" REBAR/CAP #40524 (P) PLAT DIMENSION
- FOUND 1/2" REBAR/CAP AS NOTED (C) CALCULATED DIMENSION
- RPC RED PLASTIC CAP (COS) CITY OF SEATTLE DIMENSION

# WISTI LANE

PORTION OF SW 1/4 OF SEC 33, TWP 26N, RGE 5E, WM

## Subdivision City of Kirkland

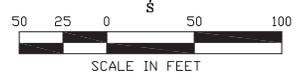
FILE NO: PSB12-00001



NORTH 1/4 CORNER OF SECTION 33-26-5  
FOUND CONCRETE MONUMENT WITH 3/8" BRASS DISC IN CASE  
CITY OF KIRKLAND COORDINATES  
N=259665.851  
E=1309889.807

LINE TABLE		
LINE	LENGTH	BEARING
L1	35.35	N80°33'01"E
L2	56.43	N80°33'01"E
L3	12.91	N80°33'01"E
L4	38.97	S87°17'33"E
L5	51.42	S87°17'33"E
L6	31.58	S87°17'33"E
L7	51.93	N87°17'33"W
L8	54.30	N87°17'33"W
L9	13.41	N87°17'33"W
L10	33.20	S80°33'01"W
L11	46.37	S80°33'01"W
L12	40.78	S83°50'18"E

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	39.64	480.00
C2	50.55	480.00
C3	11.65	480.00
C4	19.47	25.00
C5	5.43	40.00
C6	35.64	40.00
C7	26.48	40.00
C8	29.28	40.00
C9	21.10	40.00
C10	27.90	40.00
C11	44.28	40.00
C12	19.27	25.00
C13	1.55	25.00
C14	41.68	520.00
C15	50.02	520.00
C16	18.64	520.00
C17	46.94	25.00
C18	33.30	25.00
C19	95.17	1402.66
C20	27.25	100.00
C21	35.58	500.00

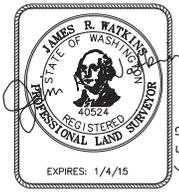


SOUTH 1/4 CORNER OF SECTION 33-26-5  
FOUND CONCRETE MONUMENT WITH 3" BRASS DISC IN CASE  
CITY OF KIRKLAND COORDINATES  
N=254406.153  
E=1309812.088

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of Merit Homes, Inc. on May 30, 2013.

*Jim R. Watkins*  
Surveyor  
Certificate No. 40524



**SUBDIVISION FOR**

MERIT HOMES, INC.

SCALE: 1" = 50'  
DATE: 6-5-2013



**Allied Land Surveying, Inc.**  
2312 168th Street Southeast  
Bothell, Washington 98012  
(P) 425-482-0223 (F) 425-482-0224



RESOLUTION R-4989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF WISTI LANE BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB13-01028 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Wisti Lane was approved by the Hearing Examiner on September 26, 2012; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community

Development File No. SUB12-01028, are adopted by the Kirkland City Council as though fully set forth.

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

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

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

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

Passed in open meeting of the Kirkland City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

\_\_\_\_\_  
MAYOR

Attest:

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



## CITY OF KIRKLAND

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

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Barry Scott, Purchasing Agent

**Date:** July 3, 2013

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JULY 16, 2013

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

The City's major procurement activities initiated since the last report, dated June 20, 2013, are as follows:

	Project	Process	Estimate/Price	Status
1.	NE 112 <sup>th</sup> Street Sidewalk Project	Invitation for Bids	\$150,000-\$170,000	Advertised on 7/8 with bids due on 7/23.
2.	Kirkland Citywide ITS Improvement – Traffic Management Center	Invitation for Bids	\$125,000-\$175,000	To be advertised on 7/23 with bids due on 8/13.
3.	100 <sup>th</sup> Ave Bike Lanes Project	Invitation for Bids	\$150,000-\$160,000	To be advertised on 7/15 with bids due on 8/5.

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



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Robin Jenkinson, City Attorney  
Tracey Dunlap, Director, Finance and Administration  
Kathi Anderson, City Clerk

**Date:** July 1, 2013

**Subject:** DRAFT PUBLIC DISCLOSURE ORDINANCE AND RESOLUTION

### RECOMMENDATION:

That the City Council adopts the attached revised Public Disclosure Ordinance and approves the Resolution adopting changes to the Public Records Act Rules.

### BACKGROUND DISCUSSION:

On February 8, 2013, the Council reviewed a draft Public Disclosure Ordinance to further define the City's process to help ensure compliance with the Public Records Act and to prevent excessive interference with other essential functions of the City.

The Council provided direction to staff to distribute the draft ordinance to interested organizations for comment and feedback. Comments received were shared with Council at their June retreat and proposed revisions based on that feedback were presented. The primary revision presented was to focus the ordinance on Council findings and policy guidance and place detailed process-related elements in an updated version of the Public Records Act Rules.

A [revised Ordinance and new Rules](#) were presented to the City Council at the Council's second retreat on June 17, 2013. Councilmember Nixon also provided detailed comments to both the Ordinance and the Rules shortly before the retreat. The attached Ordinance and Resolution reflect final staff recommended revisions based on feedback received at the Council's retreat, and incorporate many of Councilmember Nixon's comments. An email containing staff's response to each of Councilmember Nixon's comments was sent to all Councilmembers from the City Manager on Sunday, July 7. In addition a version of the rules showing all of the final edits in track change mode is provided as the last attachment to this memo.

Several key elements of the ordinance have already been implemented, including the creation of queues, the maintenance of logs City-wide and initial meetings of the Public Disclosure Steering Team and the Public Disclosure Coordinating Team.

If the Ordinance and Resolution are approved, the next step will be selection of a software tool to help manage the process and prepare the system for public viewing. Based on software implementation timelines, staff expects that full on-line reporting could be available by November 1.

Attachment 1: Ordinance No. 4414  
Attachment 2: Resolution No. 4987

ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

WHEREAS, open government leads to a better informed electorate, greater public participation, better government, and more effective use of public resources; and

WHEREAS, the Public Records Act expressly provides that, "mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society" (RCW 42.17A.001(11); and

WHEREAS, under the Public Records Act, agencies are "to provide full access to public records". . ."the fullest assistance to inquirers and the most timely possible action on requests for information"(RCW 42.56.100); and

WHEREAS, it is the policy of the City of Kirkland that all persons are entitled to the greatest possible information regarding the affairs of City government and the official acts of those officers and employees who serve them; and

WHEREAS, providing persons with such information is a core principle of the City and an integral responsibility of every City employee; and

WHEREAS, RCW 42.56.100 obligates the City to prevent public disclosure demands from causing excessive interference with other essential City functions; and

WHEREAS, to prevent excessive interference with the other essential functions of the City, it is necessary to determine a reasonable level of effort to devote to responding to requests for public records commensurate with the available resources and staffing.

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

Section 1. Access to Public Records is established as Chapter 3.15 of the Kirkland Municipal Code to read as follows:

**3.15.010 Findings.**

(a) Responding to public records requests is one of the city's unique and core essential functions and is also the responsibility of every city employee.

(b) Similar to the city's other essential functions, the staffing and resources that the city can devote to responding to public records requests are necessarily limited.

(c) In order to avoid excessive interference with other essential functions of the city, the city needs to establish the appropriate level of effort to be devoted to responding to public records requests and the level of resource to be allocated.

(d) The level of resource allocated to public records requests must be reasonable and needs to be established during the biennial budget process when the city council evaluates the available resources to perform all of the city's essential functions and establishes levels of service.

(e) As part of its audit report, the Washington State Auditor's Office provides a benchmark in terms of the audit cost as a percentage of the jurisdiction's total expenses.

(f) The Washington State Auditor's Office cost analysis for the City's 2011 financial audit determined that the audit cost as a percentage of the City's total expenses was 0.049 percent.

(g) The city's current level of effort in responding to public records requests was adopted as part of the 2013-2014 budget and represents nearly five times the amount spent on audits.

(h) Starting with the 2015-2016 biennial budget process, the city council will establish the level of effort to be devoted to responding to records requests and the amount of resource to be allocated.

(i) Using the audit cost analysis by the Washington State Auditor's Office for the audit of the city and the city's current level of public records response effort as the baseline resource allocation rationale, the city council will determine the future levels of effort to be devoted to responding to public records requests and the level of resources to be allocated during the biennial budget process.

(j) A semi-annual report on public records requests and the status of requests will be made to the city council and the public.

(k) The city clerk has been designated as the Public Records Officer for the entire city, as required by RCW 42.56.580, and is responsible for overseeing the city's compliance with the public records disclosure requirements.

### **3.15.020 Procedural information.**

As required by the Public Records Act, chapter 42.56 RCW, the city has separately established Public Records Act Rules ("Rules") governing the process for requesting public records and responding to requests for public records. These Rules are posted on the city's website at [kirklandwa.gov](http://kirklandwa.gov). Consistent with the findings of this chapter, the public disclosure steering team, as established in Section 3.15.030, shall promulgate rules to implement this chapter.

### **3.15.030 Public Disclosure Steering Team.**

(a) There is established a public disclosure steering team composed of the city manager or his or her designee, the director of finance and administration, the city clerk and the city attorney. The public disclosure steering team shall provide guidance to the public disclosure coordinating team, as needed.

(b) The public disclosure steering team is the body designated by the city to conduct reviews when any person objects in writing (including email) to the initial denial or partial denial of their records request.

(c) The public disclosure steering team may also manage the records request queues if necessary based on criteria set forth in the Rules or extraordinary circumstances.

(d) The public disclosure steering team will review the City Manager's proposed amendments to the Public Record Act Rules.

(e) The public disclosure steering team, in addition to other duties, may recommend changes to this chapter to the city council.

(f) The public disclosure steering team may add members, as needed.

### **3.15.040 Public Disclosure Coordinating Team.**

(a) There is established a public disclosure coordinating team. The city clerk and deputy city clerk are designated as the lead staff for the team.

(b) Each city department shall designate a staff member or members to facilitate the disclosure of public records. The designated staff members will serve on the public disclosure coordinating team and assist the city clerk and deputy city clerk in implementing this chapter.

(c) The public disclosure coordinating team shall be responsible for managing the records request queues based on criteria set forth in the Rules.

### **3.15.050 Categories of requests.**

(a) When a public records request is received, the department receiving the request will categorize the request according to the nature, volume, and availability of the requested records as set forth in the Rules. The categories of public records requests will be established based on criteria such as:

- (1) The immediacy of the required response in the interest of public safety (imminent danger).
- (2) The complexity of the records request in terms of the breadth, ease of identification, and accessibility.
- (3) The amount of coordination required between departments.
- (4) The number of records requested.
- (5) The extent of research required by city staff that is not primarily responsible for public disclosure.
- (6) The need for legal review and/or additional assistance from third-parties in identification and assembly.
- (7) Other the criteria the Public Disclosure Steering Team deems appropriate.

(b) The city shall ensure that all categories of records requests receive an allocation of resources for response throughout the year.

### **3.15.060 Standard time periods for response.**

The city must make public records available promptly when requested under the Public Records Act. If records cannot be made available within five business days, the Act requires a written response to the requestor. The city may acknowledge receipt and provide a reasonable estimate of the time necessary to make the record available. The Rules shall establish goals for standard response periods for all categories of records requests.

**3.15.070 Records requests log.**

(a) Each department shall maintain an electronic log of all records requests received by that department and shall provide access to the log to the city clerk who shall maintain a citywide records requests log.

(b) In consultation with the public disclosure steering team, the city clerk shall establish policies for what information shall be included in the logs and how the logs shall be made publicly available.

(c) The city recognizes that in limited circumstances, processing a request for records may result in more expense to the city than merely copying and providing the records to the requestor. Each city department may designate, within its own department, certain routine records available to the public for immediate inspection without the requirement of a formal records request. However, each of the records requests must be maintained in an electronic log.

**3.15.080 Records requests queues.**

(a) Records requests shall be maintained and tracked in records requests queues, as set forth in the Rules. The queues shall identify the status of the records requests as "pending," "active," or "completed."

(b) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the city. Responding to a records request is not always a sequential process. The clerk will manage the active queues by moving between requests in accordance with the Rules.

(c) Records requests will be subsequently managed in the queue based on the criteria set forth in the Rules.

**3.15.090 Communications with requestors.**

(a) The city will use its best efforts to provide requestors with accurate and reasonable estimates of how long it will take to provide records responsive to a request.

(b) If the city learns additional time is needed to respond to the records request, the city will promptly communicate the need for additional time to the requestor, inform the requestor of the reason additional time is required and provide an estimated new timeframe for records delivery.

**3.15.100 City website.**

(a) The city posts commonly requested records on its website.

(b) The city's response to a records request may be to provide the requestor a link to records posted on its website, unless the requestor notifies the city that he or she cannot access the records through the internet.

(c) By November 2013, the city will maintain a separate page on its website that shall include the queues and records requests logs. The city clerk shall ensure that the website is updated to provide current information, including the date the records request was made, its order in the queue, and the estimated time of responding to the request.

(d) The city website will also provide guidance and information to the public for making records requests on its website.

(e) The city website will allow requestors the option of using on-line request forms for requesting records and submitting those requests electronically.

**3.15.110 City employee responsibilities.**

(a) All city employees are responsible for assisting in identifying responsive records and facilitating thorough collection of records.

(b) The city will provide training to city employees on their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule.

(c) For most city employees, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions.

(d) For those city employees for whom responding to records requests is not among their primary assigned duties, the need to devote more than ten hours in a month to records production may result in delay of the response to a records request.

**3.15.120 Public records performance report.**

No later than July 31 and January 31 of each year, the city clerk will submit to the city council a report on the city's performance in responding to public records requests during the preceding six months. The report shall include, at a minimum:

- (1) open records requests (queue) at beginning of period;
  - (2) number of records requests received in the period by category;
  - (3) number of records requests closed in the period by category;
- and
- (4) open records requests (queue) at end of period.

**3.15.130 Resources devoted to public records disclosure.**

(a) The resources currently allocated to public disclosure response in the 2013-2014 budget are established as the initial level of effort necessary to ensure that public disclosure response is not creating excessive interference with essential city government functions.

(b) Starting with the 2015-2016 biennial budget process, the city council shall biennially determine and establish the level of effort to be devoted to public records disclosure and the amount of resources to be allocated. During the budget process, the city council will devote at least a portion of a public work session or council meeting specifically to public records response resource allocation before adopting the final budget.

(c) The city council may reevaluate its determination as part of the mid-year budget adjustment and modify the resource allocation.

(d) The city does not intend every employee to expend ten hours per month responding to records requests. The limitation in Section 3.15.110(d) of up to ten hours per month for those city employees for whom responding to records requests is not among their primary assigned duties is not an allocation of resources available for other public records responses.

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

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication

pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

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

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

\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

SECTION 1. Establishes a new Kirkland Municipal Code Chapter 3.15 relating to access to public records.

SECTION 2. Provides a severability clause for the ordinance.

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

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

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

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

RESOLUTION R-4987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, SPECIFICALLY, ADOPTING PUBLIC RECORDS ACT RULES, ISSUING A FORMAL ORDER THAT MAINTAINING AN INDEX WOULD BE UNDULY BURDENSOME, ORDERING PUBLICATION OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES AND APPOINTING THE CITY CLERK AS THE PUBLIC RECORDS OFFICER

WHEREAS, RCW Sections 42.56.040, 42.56.070 and 42.56.100 of the Public Records Act ("the Act") collectively require that state and local agencies provide, publish and prominently display certain information, exemptions and rules governing disclosure of public records; and

WHEREAS, the City of Kirkland ("the City") is a local agency as defined in the Act and must therefore comply with its provisions; and

WHEREAS, the attached Public Records Act Rules ("the Rules") fulfill one of these requirements and were developed using the Attorney General's Office advisory Model Rules for disclosure of public records; and

WHEREAS, RCW 42.56.070(3) requires an agency to maintain an index of records therein described unless the local agency determines that it would be unduly burdensome to do so and in that event it must issue and publish a formal order specifying why it would be unduly burdensome; and

WHEREAS, RCW 42.56.580 requires that each agency appoint and publicly identify a Public Records Officer and provide contact information for that Officer,

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

Section 1. The attached Rules are adopted as the rules the City will follow in handling public records requests and the City Manager, in consultation with the Public Disclosure Steering Team, is hereby authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. All amendments to the Rules shall be reported to the City Council.

Section 2. The City is comprised of ten departments, with divisions and subdivisions serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of these records. Therefore, the Council finds that maintaining the index required by RCW 42.56.070(3) would be unduly burdensome and formally orders that such an index does not have to be maintained as allowed under RCW 42.56.070(4) so long as all other City indexes are available for public inspection and copying in conformity with applicable law.

Section 3. The City Clerk is appointed as the City's Public Records Officer and City Clerk's contact information is provided in the attached Rules.

Section 4. The Clerk is directed to publish this Resolution and the availability of the Rules in the Kirkland Reporter, post and maintain the Rules on the City's website and make the Rules available for inspection and copying at City Hall.

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

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

\_\_\_\_\_  
MAYOR

Attest:

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

## PUBLIC RECORDS ACT RULES

### **PRA Rule 010. Authority and purpose.**

(1) **Authority.** RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. The Public Records Act ("the Act") defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the production of public records held by that agency.

(2) **Purpose of Rules.** The purpose of these Rules is to establish the procedures the City of Kirkland ("the City") will follow in order to provide full access to public records, fullest assistance to inquirers and the most timely possible action as required by RCW 42.56.100, mindful of the further requirement that the Rules must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of the City. These Rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.

(3) **Purpose of Act.** The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

(4) **Act not applicable.** Court files and judges' files are not subject to the Act. Access to these records is governed by court rules and the common law.

(5) **Amendment of the Rules.** By authorization of the City Council in the Resolution approving these Rules, the City Manager is authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. Amendments to the Rules must be reviewed by the Public Disclosure Steering Team prior to City Manager action. All amendments to the Rules will be reported to the City Council.

### **PRA Rule 020. Agency description-Contact information--Public records officer.**

(1) Agency description. The City provides the services of a non-charter code city, including but not limited to, building and plans inspection, court, parks and recreation, planning and

community development, public safety and public works services, which are supported and supplemented by financial, administrative and legal services. The City's central office is located at 123 Fifth Avenue, Kirkland, WA 98033.

The general course and method by which the City's operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which are implemented by the City Manager, Department Directors and their designees in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability that were adopted as authorized by law, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the Kirkland Municipal Code, or in rules, regulations and interpretations authorized to be adopted or issued in those laws or under federal or state law.

The City has field offices at the following addresses:

Municipal Court	11515 NE 118th Street, Kirkland, WA 98034
Fire Stations	
Station 21	9816 Forbes Creek Drive, Kirkland, WA 98033
Station 22	6602 108th Avenue NE, Kirkland WA 98033
Station 24	8411 NE 141st Street, Kirkland 98011
Station 25	12033 76th Place NE, Kirkland, WA 98034
Station 26	9930 124th Avenue NE, Kirkland, WA 98033
Station 27	11210 NE 132nd Street, Kirkland, WA 98034
HR and Parks & Comm. Svcs.	505 Market Street, Kirkland, WA 98033
North Kirkland Comm. Ctr.	12421103rd Avenue NE, Kirkland, WA 98033
Peter Kirk Community Center	352 Kirkland Avenue, Kirkland, WA 98033
Peter Kirk Pool	340 Kirkland Avenue, Kirkland, WA 98033
Public Works CIP Annex	310 1st Street, Kirkland, WA 98033
Prosecuting Attorney	121Third Avenue, Kirkland, WA 98033
Public Defender	9757 NE Juanita Drive, Suite 120, Kirkland, WA 98034
Fleet Management	904 8th Street, Kirkland, WA 98033
Maintenance Center	915 8th Street, Kirkland, WA 98033
Parks Maintenance Center	1129 8th Street, Kirkland, WA 98033

(2) **Contact Information-Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in these Rules and contact the following Public Records Officer (the "PRO") of the City to submit such a request or to obtain assistance in making such a request:

Kathi Anderson, City Clerk  
City of Kirkland  
123 Fifth Avenue Kirkland, WA 98033  
Phone (425) 587-3190 Fax (425) 587-3198  
[PublicRecords@kirklandwa.gov](mailto:PublicRecords@kirklandwa.gov)

Information is also available at the City's web site at [www.kirklandwa.gov](http://www.kirklandwa.gov).

**PRA Rule 030. Availability of public records.**

(1) **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the PRO or designee.

(2) **Records index.** By the Resolution approving these Rules, the Kirkland City Council issued a formal order finding that the maintenance of an index was unduly burdensome. This finding was based on the fact that the City is comprised of ten departments, with divisions and subdivisions, serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of records.

(3) **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully comply with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the City. A requestor shall not take City records from City offices. A variety of records are available on the City's web site at [www.kirklandwa.gov](http://www.kirklandwa.gov). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or email addressed to the PRO and including the following information:

Name of requestor; address of requestor;  
other contact information, including telephone number and any e-mail address;  
identification of the public records adequate for the PRO to locate the records; and the date and time of day of the request.

(b) If the requestor wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and make arrangements with the PRO to pay for copies or scans of the records as provided in PRA Rule 150 below.

(c) A form is available for use by requestors at the office of the PRO and on-line at [www.kirklandwa.gov](http://www.kirklandwa.gov).

(d) Public records requests are public records and subject to inspection or copying.

(e) The PRO may accept requests for public records that contain the above information by telephone or in person. If the PRO accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

(f) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence.

#### **PRA Rule 040. Definitions.**

(1) "**Public Disclosure Steering Team**" means a team composed of the City Manager or his or her designee, the Director of Finance and Administration, the City Clerk and the City Attorney as established in Kirkland Municipal Code 3.15.030.

(2) "**Public Disclosure Coordinating Team**" means a team composed of the City Clerk, Deputy City Clerk and staff members designated by each City department as established in Kirkland Municipal Code 3.15.040.

(3) "**Records request queue**" means a list of all the pending Category 3, 4 and 5 public records requests.

(4) "**Standard time period**" means the estimated time, established as goals, to make requested public records available by category of records request.

#### **PRA Rule 050. Processing of public records requests.**

(1) **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(9) (see PRA Rule 100 below) or other statute which exempts or prohibits production of specific information or records to certain persons.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the PRO will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment or payment of a deposit is made as provided in PRA Rule 150 below, or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of any additional time needed to respond to the request and a date by which the records will be produced in whole or in part depending on whether the records are being provided in installments. The factors used to estimate the additional time needed must be based upon criteria that can be articulated and may be presented in the response estimating the additional time needed. However, additional time is only allowed under the following circumstances:

(i) to request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope;

(ii) to locate and assemble the information requested;

(iii) to notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from production. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request or a statement of the request if no written request was received; or

(iv) to determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request; or

(d) deny the request, specifying the reasons for denial.

(3) **Consequences of failure to respond.** If the PRO does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.

(4) **Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities.

**PRA Rule 060. Managing the queues.**

The Public Disclosure Coordinating Team is primarily responsible for managing the records requests queues based on the following criteria:

- (1) the number of records responsive to a given request;
- (2) the number and size of other records requests in the queue;
- (3) the amount of processing required for the subject request or requests and other requests in the queue;
- (4) the status of a particular request that is waiting for third party review or requestor action; and
- (5) the current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests.

**PRA Rule 070. Categories of requests.**

(1) When a public records request is received, the PRO and/or the designated department representative receiving the records request will categorize the request according to the nature, volume, and availability of the requested records as follows:

- (a) **Category 1** records requests are requests requiring immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.
- (b) **Category 2** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.
- (c) **Category 3** records requests are routine requests that involve:
  - (i) a large number of records, and/or
  - (ii) records not easily identified, located and accessible, and
  - (iii) records that require some coordination between departments.
- (d) **Category 4** records requests are complex requests which may be especially broad or vague which involve:
  - (i) a large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and
  - (ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) review by public disclosure staff to determine whether any of the records are exempt from production.

(e) **Category 5** records requests are complex requests that may be especially broad or vague which involve:

(i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and

(ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

(2) After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

#### **PRA Rule 080. Standard time periods for response.**

(1) The following time standard periods for response to all categories of records requests are established as goals. The City may not be able to comply with the goals, but will notify the requestor if the goal will not be met.

(a) **Category 1 records requests.** Generally, the City will respond to Category 1 records requests immediately or the next business day after the request is received.

(b) **Category 2 records requests.** Generally, the City will respond to Category 2 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.

(c) **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests usually require between 5 and 30 business days.

(d) **Category 4 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to several months.

(e) **Category 5 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 5 records requests may require several weeks to several months.

**PRA Rule 090. Records requests queues.**

(1) All Category 3, 4, and 5 records requests shall be maintained and tracked in records requests queues with a separate queue for each category. The queues shall identify the status of the records as "pending," "active," or "completed."

(2) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the City. Responding to a records request is not always a sequential process. The PRO will manage the active queues by moving between requests based on circumstances that may include, but are not limited to the following:

- (a) a request is waiting for records to be retrieved from storage;
- (b) a request is waiting for records to be retrieved from persons or entities that hold them on behalf of the City (e.g. employees, consultants);
- (c) a request is waiting for the requestor to respond to a request for clarification;
- (d) a request is waiting for a response after notifying a third party named in a record;
- (e) a request is waiting for the expiration of the time allowed a third party to obtain an order from a court enjoining release of records;
- (f) a request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- (g) a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- (h) a request is waiting for consideration of a petition to review denial of access;
- (i) a request is waiting for the requestor to pay for copies of the records or pay a deposit for copies;
- (j) a request is waiting for external vendor reproduction of records; or
- (k) a request is waiting for the requestor to claim an installment or physically inspect records.

**PRA Rule 100. Redactions and exemptions.**

(1) **Records exempt from production.** Some records are exempt from production, in whole or in part. If a record is exempt from production and should be withheld, the PRO will state the specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. This explanation should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from production, but the remainder is not exempt, the PRO will redact the exempt portions, produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. (For the purposes of these Rules, redact means the exempt information will be covered in some manner and then the record will be photocopied and the photocopy then disclosed.)

The City is also prohibited by statute from producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. If the answer is that it will be used for such purposes, the list cannot be produced.

#### **PRA Rule 110. Inspection of records.**

(1) **Inspection of records.**

(a) Consistent with other demands, the City shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy or scan, if any, and provide payment for those copies or scans.

(b) The requestor must claim or review the assembled records within 30 days of the PRO'S notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the PRO may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

#### **PRA Rule 120. Providing records.**

(1) **Providing records in installments.** When the request is for a large number of records, the PRO may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that manner. If, within 30 days,

the requestor fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.

(2) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the PRO will close the request and so inform the requestor.

(3) **Later discovered documents.** If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(4) **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond. An identifiable record is one that agency staff can reasonably locate. The Act does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency.

(5) **Requests for information or nonexistent records.** Requests for information are not public records requests. An agency is not required to conduct legal research for a requestor. An agency is not required to create records to respond to a request.

### **PRA Rule 130. Processing of public records requests-electronic records.**

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** If public records are requested in an electronic format, the PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by PRA Rule 150 below.

(3) **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.41A.130 for such customized access.

(4) **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

**PRA Rule 140. Exemptions provided by other statutes.**

(1) **Exemptions.** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the following exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning:

RCW 2.64.111 Documents regarding discipline/retirement of judges  
 RCW 2.64.113 Confidentiality - violations  
 RCW 4.24.550 Information on sex offenders to public  
 RCW 5.60.060 Privileged communications  
 RCW 5.60.070 Court-ordered mediation records  
 RCW 7.68.140 Victims' compensation claims  
 RCW 7.69A.030(4) Child victims and witnesses - protection of identity  
 RCW 7.69A.050 Rights of child victims and witnesses - addresses  
 RCW 7.75.050 Records of Dispute Resolution Centers  
 RCW 9.02.100 Reproductive privacy  
 RCW 9.51.050 Disclosing transaction of grand jury  
 RCW 9.51.060 Disclosure of grand jury deposition  
 RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings  
 RCW 10.27.090 Grand jury testimony/evidence  
 RCW 10.27.160 Grand jury reports - release to public only by judicial order  
 RCW 10.29.030 Organized crime special inquiry judge  
 RCW 10.29.090 Records of special inquiry judge proceedings  
 RCW 10.52.100 Records identifying child victim of sexual assault  
 RCW 10.77.210 Records of persons committed for criminal insanity  
 RCW 10.97.040 Criminal history information released must include disposition  
 RCW 10.97.050 Conviction and criminal history information  
 RCW 10.97.060 Deletion of certain criminal history record information, conditions  
 RCW 10.97.070 Disclosure of identity of suspect to victim  
 RCW 10.97.080 Inspection of criminal record by subject  
 RCW 13.32A.090 Crisis residential centers notice to parent about child  
 RCW 13.34.115 Court dependency proceedings  
 RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information  
 RCW 13.50.010 Maintenance of and access to juvenile records  
 RCW 13.50.050 Juvenile offenders  
 RCW 13.50.100 Juvenile/children records not relating to offenses  
 RCW 13.60.020 Missing children information  
 RCW 13.70.090 Citizen juvenile review board - confidentiality  
 RCW 18.04.405 Confidentiality of information gained by CPA  
 RCW 18.19.060 Notification to clients by counselors  
 RCW 18.19.180 Confidential communications with counselors  
 RCW 19.215.020 Destruction of personal health and financial information  
 RCW 19.34.240(3) Private digital signature keys  
 RCW 19.215.030 Compliance with federal rules

RCW 26.04.175 Name and address of domestic violence victim in marriage records  
 RCW 26.12.170 Reports of child abuse/neglect with courts  
 RCW 26.23.050 Child support orders  
 RCW 26.23.120 Child support records  
 RCW 26.26.041 Uniform Parentage Act - protection of participants  
 RCW 26.26.450 Confidentiality of genetic testing  
 RCW 26.33.330 Sealed court adoption records  
 RCW 26.33.340 Agency adoption records  
 RCW 26.33.343 Access to adoption records by confidential intermediary  
 RCW 26.33.345 Release of name of court for adoption or relinquishment  
 RCW 26.33.380 Adoption - identity of birth parents confidential  
 RCW 26.44.010 Privacy of reports on child abuse and neglect  
 RCW 26.44.020(19) Unfounded allegations of child abuse or neglect  
 RCW 26.44.030 Reports of child abuse/neglect  
 RCW 26.44.125 Right to review and amend abuse finding - confidentiality  
 RCW 27.53.070 Records identifying the location of archaeological sites  
 RCW 29A.08.720 Voter registration records - place of registration confidential  
 RCW 29A.08.710 Voter registration records - certain information exempt  
 Chapter 40.14 RCW Preservation and destruction of public records  
 RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited  
 RCW 42.41.030(7) Identity of local government whistleblower  
 RCW 42.41.045 Nondisclosure of protected information (whistleblower)  
 RCW 46.52.080 Traffic accident reports - confidentiality  
 RCW 46.52.083 Traffic accident reports - available to interested parties  
 RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts  
 RCW 46.52.130(2) Abstract of driving record  
 RCW 48.62.101 Local government insurance transactions - access to information  
 RCW 50.13.060 Access to employment security records by local government agencies  
 RCW 50.13.100 Disclosure of non-identifiable information or with consent  
 RCW 51.28.070 Worker's compensation records  
 RCW 51.36.060 Physician information on injured workers  
 RCW 60.70.040 No duty to disclose record of common law lien  
 RCW 68.50.105 Autopsy reports  
 RCW 68.50.320 Dental identification records - available to law enforcement agencies  
 Chapter 70.02 RCW Medical records - access and disclosure - entire chapter  
 RCW 70.05.170 Child mortality reviews by local health departments  
 RCW 70.24.022 Public health agency info. regarding sexually transmitted disease investigations  
 - confidential  
 RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases  
 RCW 70.24.105 HIV/STD records  
 RCW 70.28.020 Local health department TB records - confidential  
 RCW 70.48.100 Jail records and booking photos  
 RCW 70.58.055 Birth certificates - certain information confidential  
 RCW 70.58.104 Vital records, research confidentiality safeguards  
 RCW 70.94.205 Washington Clean Air Act – confidentiality of data  
 RCW 70.96A.150 Alcohol and drug abuse treatment programs  
 RCW 70.123.075 Client records of domestic violence programs  
 RCW 70.125.065 Records of rape crisis centers in discovery

RCW 71.05.390 Information about mental health consumers  
RCW 71.05.395 Ch. 70.02 RCW applies to mental health records  
RCW 71.05.400 Information to next of kin or representative  
RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal  
RCW 71.05.427 Information that can be released  
RCW 71.05.430 Statistical data  
RCW 71.05.440 Penalties for unauthorized release of information  
RCW 71.05.445 Release of mental health information to Dept. of Corrections  
RCW 71.05.620 Authorization requirements and access to court records  
RCW 71.05.630 Release of mental health treatment records  
RCW 71.05.640 Access to treatment records  
RCW 71.05.650 Accounting of disclosures  
RCW 71.24.035(5)(g) Mental health information system  
RCW 71.34.200 Mental health treatment of minors  
RCW 71.34.210 Court records for minors related to mental health treatment  
RCW 71.34.225 Release of mental health services information  
RCW 71A.14.070 Records regarding developmental disability  
RCW 72.09.345 Notice to public about sex offenders  
RCW 72.09.585(3) Disclosure of inmate records to local agencies  
RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)  
RCW 74.04.060 Applicants and recipients of public assistance  
RCW 74.04.520 Food stamp program confidentiality  
RCW 74.09.900 Medical assistance  
RCW 74.13.121 Financial information of adoptive parents  
RCW 74.13.280 Children in out-of-home placements  
RCW 74.20.280 Child support enforcement - local agency cooperation, information  
RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports  
RCW 82.32.330 Disclosure of tax information  
RCW 84.36.389 Confidential income data in property tax records held by assessor  
RCW 84.40.020 Confidential income data supplied to assessor regarding real property  
20 USC § 1232g Family Education Rights and Privacy Act  
42 USC 290dd-2 Confidentiality of Substance Abuse Records  
42 USC 405(c)(2)(vii)(I) Limits on Use and Disclosure of Social Security Numbers  
42 USC 654(26) State Plans for Child Support  
42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance  
42 USC 1396a(7) State Plans for Medical Assistance  
7 CFR 272.1(c) Food Stamp Applicants and Recipients  
34 CFR 361.38 State Vocational Rehabilitation Services Programs  
42 CFR Part 2 (2.1- 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records  
42 CFR 431.300- 307 Safeguarding Information on Applicants and Recipients of Medical Assistance  
42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded  
42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs  
45 CFR 160-164 HIPAA Privacy Rule

**PRA Rule 150. Costs of providing copies of public records.**

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(8), 42.56.120 and WAC 44-14-07003; the City will charge for those copies or scans according to the fee schedule below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, floppy disks, CDs, DVDs and paper that costs more than \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

<b>Document Type/Size</b>	<b>Per Scan Charge</b>	<b>Per Copy Charge</b>
Standard black and white (8.5" x 11")	.16	.17
Standard color (8.5" x 11")	.19	.21
Black and white (8.5" x 14")	.16	.17
Color (8.5" x 14")	.19	.22
Black and white (11" x 17")	.24	.49
Black and white (17" x 22")	.38	.77
Black and white (22" x 34")	.49	.99

Before beginning to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The PRO may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing that installment. The PRO will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(4) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(5) **Use of outside vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

**PRA Rule 160. Review of denials of public records requests.**

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO denying the request.

(2) **Consideration of petition for review.** The PRO shall promptly provide the petition and any other relevant information to the Public Disclosure Steering Team to conduct the review. The Public Disclosure Steering Team will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree.

(3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

## PUBLIC RECORDS ACT RULES

### **PRA Rule 010. Authority and purpose.**

(1) **Authority.** RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. The Public Records Act ("the Act") defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the ~~disclosure~~reproduction of public records held by that agency.

(2) **Purpose of Rules.** The purpose of these ~~rules~~Rules is to establish the procedures the City of Kirkland ("the City") will follow in order to provide full access to public records, fullest assistance to inquirers and the most timely possible action as required by RCW 42.56.100, mindful of the further ~~requirements therein stated~~requirement that the ~~rules~~Rules must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of the City. These ~~rules~~Rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.

(3) **Purpose of Act.** The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these ~~rules~~Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

(4) **Act not applicable.** Court files and judges' files are not subject to the Act. Access to these records is governed by court rules and the common law.

(5) **Amendment of the Rules.** By authorization of the City Council in the Resolution approving these ~~rules~~Rules, the City Manager is authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. Amendments to the Rules must be reviewed by the Public Disclosure Steering Team prior to City Manager action. All amendments to the Rules will be reported to the City Council.

### **PRA Rule 020. Agency description--Contact information--Public records officer.**

(1) Agency description. The City provides the services of a non-charter code city, including but not limited to, building and plans inspection, court, parks and recreation, planning and community development, public safety and public works services, which are supported and

supplemented by financial, administrative and legal services. The City's central office is located at 123 Fifth Avenue, Kirkland, WA 98033.

The general course and method by which the City's operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which ~~is thereafter~~ implemented by the City Manager, Department Directors and their designees in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability that were adopted as authorized by law, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the Kirkland Municipal Code, or in rules, regulations and interpretations authorized to be adopted or issued in those laws or under federal or state law.

The City has ~~the following~~ field offices at the following addresses:

Municipal Court	11515 NE 118th Street, Kirkland, WA 98034
Fire Stations	
Station 21	9816 Forbes Creek Drive, Kirkland, WA 98033
Station 22	6602 108th Avenue NE, Kirkland WA 98033
Station 24	8411 NE 141st Street, Kirkland 98011
Station 25	12033 76th Place NE, Kirkland, WA 98034
Station 26	9930 124th Avenue NE, Kirkland, WA 98033
Station 27	11210 NE 132nd Street, Kirkland, WA 98034
HR and Parks & Comm. <del>Srvcs</del> <u>Svcs.</u>	505 Market Street, Kirkland, WA 98033
North Kirkland Comm. Ctr.	12421103rd Avenue NE, Kirkland, WA 98033
Peter Kirk Community Center	352 Kirkland Avenue, Kirkland, WA 98033
Peter Kirk Pool	340 Kirkland Avenue, Kirkland, WA 98033
Public Works CIP Annex	310 1st Street, Kirkland, WA 98033
Prosecuting Attorney	121Third Avenue, Kirkland, WA 98033
Public Defender	9757 NE Juanita Drive, Suite 120, Kirkland, WA 98034
Fleet Management	904 8th Street, Kirkland, WA 98033
Maintenance Center	915 8th Street, Kirkland, WA 98033
Parks Maintenance Center	1129 8th Street, Kirkland, WA 98033

(2) **Contact Information-Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in these Rules and contact the following Public Records Officer (~~the "PRO"~~) of the City to submit such a request or to obtain assistance in making such a request:

Kathi Anderson, City Clerk

City of Kirkland  
123 Fifth Avenue Kirkland, WA 98033

Phone (425) 587-3190

Fax (425) 587-3198

PublicRecords@kirklandwa.gov

Information is also available at the City's web site at www.kirklandwa.gov.

### **PRA Rule 030. Availability of public records.**

(1) **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the ~~Public Records Officer~~PRO or designee (~~"the PRO"~~).

(2) **Records index.** By the ~~resolution~~Resolution approving these ~~rules~~Rules, the Kirkland City Council issued a formal order ~~which found~~finding that ~~maintaining~~the maintenance of an index was unduly burdensome. This finding was based on the fact that the City is comprised of ten departments, ~~their~~with divisions and subdivisions, serving over 80,000 citizens, ~~which.~~ The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of records.

(3) **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully comply with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the City. A requestor shall not take City records from City offices ~~without the permission of the PRO.~~ A variety of records are available on the City's web site at www.kirklandwa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or email addressed to the ~~Public Records Officer~~PRO and including the following information:

Name of requestor;  
Address ~~address~~ of requestor;  
~~Other~~other contact information, including telephone number and any e-mail address;  
Identification ~~identification~~ of the public records adequate for the PRO to locate the records; and ~~The~~the date and time of day of the request.

(b) If the requestor wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and make arrangements with the PRO to pay for copies or scans of the records as provided in PRA Rule ~~070~~150 below.

(c) A form is available for use by requestors at the office of the ~~Public Records Officer~~PRO and on-line at [www.kirklandwa.gov](http://www.kirklandwa.gov).

~~(d) Public records requests are public records and subject to inspection or copying.~~

(e) The PRO may accept requests for public records that contain the above information by telephone or in person. If the PRO accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

(~~f~~) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence ~~or in the possession of the City.~~

**PRA Rule 040. Definitions.**

(1) "Public Disclosure Steering Team" means a team composed of the City Manager or his or her designee, the Director of Finance and Administration, the City Clerk and the City Attorney as established in Kirkland Municipal Code 3.15.030.

(2) "Public Disclosure Coordinating Team" means a team composed of the City Clerk, Deputy City Clerk and staff members designated by each City department as established in Kirkland Municipal Code 3.15.040.

(3) "Records request queue" means a list of all the pending Category 3, 4 and 5 public records requests.

(4) "Standard time period" means the estimated time, established as goals, to make requested public records available by category of records request.

**PRA Rule 050. Processing of public records requests.**

(1) **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(9) (see ~~040(5)~~PRA Rule 100 below) or other statute

which exempts or prohibits disclosureproduction of specific information or records to certain persons.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the PRO will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment or payment of a deposit is made as provided in PRA Rule 070150 below, or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of any additional time needed to respond to the request and a date by which the records will be disclosedproduced in whole or in part depending on whether the records are being provided in installments. The factors used to estimate the additional time needed must be based upon criteria that can be articulated and may be presented in the response estimating the additional time needed. However, additional time is only allowed under the following circumstances:

(i) to request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope;

(ii) to locate and assemble the information requested;

(iii) to notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from disclosureproduction. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request or a statement of the request if no written request was received; or

(iv) to determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request; or

(d) deny the request ~~in conformity with subsection (5) below, specifying the reasons for denial.~~

(3) **Consequences of failure to respond.** If the PRO does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records OfficerPRO to determine the reason for the failure to respond.

(4) **Records Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities.

**PRA Rule 060. Managing the queues.**

The Public Disclosure Coordinating Team is primarily responsible for managing the records requests queues based on the following criteria:

- (1) the number of records responsive to a given request;
- (2) the number and size of other records requests in the queue;
- (3) the amount of processing required for the subject request or requests and other requests in the queue;
- (4) the status of a particular request that is waiting for third party review or requestor action; and
- (5) the current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests.

**PRA Rule 070. Categories of requests.**

(1) When a public records request is received, the PRO and/or the designated department representative receiving the records request will categorize the request according to the nature, volume, and availability of the requested records as follows:

(a) **Category 1** records requests are requests requiring immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.

(b) **Category 2** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.

(c) **Category 3** records requests are routine requests that involve:

- (i) a large number of records, and/or
- (ii) records not easily identified, located and accessible, and
- (iii) records that require some coordination between departments.

(d) **Category 4** records requests are complex requests which may be especially broad or vague which involve:

(i) a large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and

(ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) review by public disclosure staff to determine whether any of the records are exempt from ~~disclosure~~-production.

(e) **Category 5** records requests are complex requests that may be especially broad or vague which involve:

(i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and

(ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

(2) After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

**PRA Rule 080. Standard time periods for response.**

(1) The following time standard periods for response to all categories of records requests are established as goals. The City may not be able to comply with the goals, but will notify the requestor if the goal will not be met.

(a) **Category 1 records requests.** Generally, the City will respond to Category 1 records requests immediately or the next business day after the request is received.

(b) **Category 2 records requests.** Generally, the City will respond to Category 2 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.

(c) **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests usually require between 5 and 30 business days.

(d) Category 4 records requests. The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to several months.

(e) Category 5 records requests. The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 5 records requests may require several weeks to several months.

**PRA Rule 090. Records requests queues.**

(1) All Category 3, 4, and 5 records requests shall be maintained and tracked in records requests queues with a separate queue for each category. The queues shall identify the status of the records as "pending," "active," or "completed."

(2) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the City. Responding to a records request is not always a sequential process. The PRO will manage the active queues by moving between requests based on circumstances that may include, but are not limited to the following:

- (a) a request is waiting for records to be retrieved from storage;
- (b) a request is waiting for records to be retrieved from persons or entities that hold them on behalf of the City (e.g. employees, consultants);
- (c) a request is waiting for the requestor to respond to a request for clarification;
- (d) a request is waiting for a response after notifying a third party named in a record;
- (e) a request is waiting for the expiration of the time allowed a third party to obtain an order from a court enjoining release of records;
- (f) a request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- (g) a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- (h) a request is waiting for consideration of a petition to review denial of access;
- (i) a request is waiting for the requestor to pay for copies of the records or pay a deposit for copies;
- (j) a request is waiting for external vendor reproduction of records; or

(k) a request is waiting for the requestor to claim an installment or physically inspect records.

**PRA Rule 100. Redactions and exemptions.**

**(1) Records exempt from production.** Some records are exempt from ~~disclosure~~production, in whole or in part. If a record is exempt from ~~disclosure~~production and should be withheld, the PRO will state the specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. This explanation should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from ~~disclosure~~production, but the remainder is not exempt, the PRO will redact the exempt portions, ~~provide~~produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. (For the purposes of these Rules, redact means the exempt information will be covered in some manner and then the record will be photocopied and the photocopy then disclosed.)

The City is also prohibited by statute from ~~disclosing~~producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. -If the answer is that it will be used for such purposes, the list cannot be ~~disclosed~~produced.

~~(5)~~

**PRA Rule 110. Inspection of records.**

**(1) Inspection of records.**

(a) Consistent with other demands, the City shall promptly- provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy or scan, if any, and provide payment for those copies or scans.

(b) The requestor must claim or review the assembled records within ~~thirty~~30 days of the PRO'S notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the ~~thirty~~30-day period or make other arrangements, the PRO may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

~~(6)~~

**PRA Rule 120. Providing records.**

**(1) Providing records in installments.** When the request is for a large number of records, the PRO may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that ~~way~~manner. If, within ~~thirty~~30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.

**(72) Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the PRO will close the request and so inform the requestor.

**(83) Later discovered documents.** If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**(94) Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond ~~to it~~. An "identifiable record" is one that agency staff can reasonably locate. The Act does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency.

**(105) Requests for information or nonexistent records.** Requests for information are not public records requests. An agency is not required to conduct legal research for a requestor. An agency is not required to create records to respond to a request.

**PRA Rule ~~050~~130. Processing of public records requests-~~Electronic~~electronic records.**

**(1) Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

**(2) Providing electronic records.** If public records are requested in an electronic format, the ~~public records officer~~PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by PRA Rule ~~070~~150 below.

**(3) Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.~~105-28041A~~.130 if the record is not reasonably

locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.~~105.280~~41A.130 for such customized access.

(4) **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

**PRA Rule ~~060~~140. Exemptions provided by other statutes.**

(1) **Exemptions.** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning:

- RCW 2.64.111 Documents regarding discipline/retirement of judges
- RCW 2.64.113 Confidentiality - violations
- RCW 4.24.550 Information on sex offenders to public
- RCW 5.60.060 Privileged communications
- RCW 5.60.070 Court-ordered mediation records
- RCW 7.68.140 Victims' compensation claims
- RCW 7.69A.030(4) Child victims and witnesses-- protection of identity
- RCW 7.69A.050 Rights of child victims and witnesses-- addresses
- RCW 7.75.050 Records of Dispute Resolution Centers
- RCW 9.02.100 Reproductive privacy
- RCW 9.51.050 Disclosing transaction of grand jury\_
- RCW 9.51.060 Disclosure of grand jury deposition
- RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings
- ~~RCW 9.02.100 Reproductive privacy~~
- ~~RCW 9A.82.170 Financial institution records-wrongful disclosure~~
- RCW 10.27.090 Grand jury testimony/evidence
- RCW 10.27.160 Grand jury reports\_- release to public only by judicial order
- RCW 10.29.030 Organized crime special inquiry judge
- RCW 10.29.090 Records of special inquiry judge proceedings
- RCW 10.52.100 Records identifying child victim of sexual assault
- RCW 10.77.210 Records of persons committed for criminal insanity
- RCW 10.97.040 Criminal history information -released must include disposition
- RCW 10.97.050 Conviction and criminal history information
- RCW 10.97.060 Deletion of certain criminal history record information, conditions
- RCW 10.97.070 Disclosure of identity of suspect to victim
- RCW 10.97.080 Inspection of criminal record by subject
- RCW 13.32A.090 Crisis residential centers notice to parent about child
- RCW 13.34.115 Court dependency proceedings

- | RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information
- RCW 13.50.010 Maintenance of and access to juvenile records
- RCW 13.50.050 Juvenile offenders
- RCW 13.50.100 Juvenile/children records not relating to offenses
- RCW 13.60.020 Missing children information
- | RCW 13.70.090 Citizen juvenile review board - confidentiality
- | RCW 18.04.405 Confidentiality of information - gained by CPA -
- RCW 18.19.060 Notification to clients by counselors
- RCW 18.19.180 Confidential communications with counselors
- RCW 19.215.020 Destruction of personal health and financial information
- | [RCW 19.34.240\(3\) Private digital signature keys](#)
- RCW 19.215.030 Compliance with federal rules
- RCW 26.04.175 Name and address of domestic violence victim in marriage records
- RCW 26.12.170 Reports of child abuse/neglect with courts
- RCW 26.23.050 Child support orders
- RCW 26.23.120 Child support records
- | RCW 26.26.041 Uniform Parentage Act - protection of participants
- RCW 26.26.450 Confidentiality of genetic testing
- RCW 26.33.330 Sealed court adoption records
- RCW 26.33.340 Agency adoption records
- RCW 26.33.343 Access to adoption records by confidential intermediary
- RCW 26.33.345 Release of name of court for adoption or relinquishment
- | RCW 26.33.380 Adoption - identity of birth parents confidential
- RCW 26.44.010 Privacy of reports on child abuse and neglect
- | RCW 26.44.020(19) -Unfounded allegations of child abuse or neglect
- RCW 26.44.030 Reports of child abuse/neglect
- | RCW 26.44.125 Right to review and amend abuse finding - confidentiality
- RCW 27.53.070 Records identifying the location of archaeological sites
- RCW 29A.08.720 Voter registration records - place of registration confidential
- | RCW 29A.08.710 Voter registration records - certain information exempt
- | ~~RCW~~ Chapter 40.14 [RCW](#) Preservation and destruction of public records
- | RCW 42.23.070(4) - Municipal officer disclosure of confidential information prohibited
- RCW 42.41.030(7) Identity of local government whistleblower
- RCW 42.41.045 Nondisclosure of protected information (whistleblower)
- RCW 46.52.080 Traffic accident reports - confidentiality
- RCW 46.52.083 Traffic accident reports - available to interested parties
- RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts
- | RCW 46.52.130(2) -Abstract of driving record
- | RCW 48.62.101 Local government insurance transactions - access to information
- RCW 50.13.060 Access to employment security records by local government agencies
- | RCW 50.13.100 Disclosure of non-identifiable information -or with consent
- RCW 51.28.070 Worker's compensation records
- RCW 51.36.060 Physician information on injured workers
- RCW 60.70.040 No duty to disclose record of common law lien
- RCW 68.50.105 Autopsy reports
- RCW 68.50.320 Dental identification records - available to law enforcement agencies
- | ~~RCW~~ Chapter 70.02 [RCW](#) Medical records - access and disclosure - entire chapter
- RCW 70.05.170 Child mortality reviews by local health departments

- RCW 70.24.022 Public health agency info. regarding sexually transmitted disease investigations  
~~- confidential~~  
~~-confidential~~
- RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases
- RCW 70.24.105 HIV/STD records
- RCW 70.28.020 Local health department TB records - confidential
- RCW 70.48.100 Jail records and booking photos
- RCW 70.58.055 Birth certificates - certain information -confidential
- RCW 70.58.104 Vital records, research confidentiality -safeguards
- [RCW 70.94.205 Washington Clean Air Act – confidentiality of data](#)
- RCW 70.96A.150 Alcohol and drug abuse treatment -programs
- RCW 70.123.075 Client records of domestic violence programs
- RCW 70.125.065 Records of rape crisis centers in discovery
- RCW 71.05.390 Information about mental health consumers
- RCW 71.05.395 Ch. 70.02 RCW applies to mental health records
- RCW 71.05.400 Information to next of kin or representative
- RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal
- RCW 71.05.427 Information that can be released
- RCW 71.05.430 Statistical data
- RCW 71.05.440 Penalties for unauthorized release of information
- RCW 71.05.445 Release of mental health information -to Dept. of Corrections
- RCW 71.05.620 Authorization requirements and access to court records
- RCW 71.05.630 Release of mental health treatment records
- RCW 71.05.640 Access to treatment -records
- RCW 71.05.650 Accounting of disclosures
- RCW 71.24.035(5)(g)- Mental health information system
- RCW 71.34.200 Mental health treatment of minors
- RCW 71.34.210 Court records for minors related to mental health treatment
- RCW 71.34.225 Release of mental health services information
- RCW 71A.14.070 Records regarding developmental disability
- RCW 72.09.345 Notice to public about sex offenders
- RCW 72.09.585(3) Disclosure of inmate records to local agencies
- [RCW 73.04.030 Veterans discharge papers exemption \(see related RCW 42.56.440\)](#)
- RCW 74.04.060 Applicants and recipients of public assistance
- RCW 74.04.520 Food stamp program confidentiality
- RCW 74.09.900 Medical assistance
- RCW 74.13.121 Financial information -of adoptive parents
- RCW 74.13.280 Children in out-of-home- placements
- RCW 74.20.280 Child support enforcement - local agency cooperation, information
- RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports
- RCW 82.32.330 Disclosure of tax information
- RCW 84.36.389 Confidential income data in property tax records held by assessor
- RCW 84.40.020 Confidential income data supplied to assessor regarding real property
- 20 USC § 1232g Family Education Rights and Privacy Act
- 42 USC 290dd-2 Confidentiality of Substance Abuse Records
- 42 USC 405(c)(2)(vii)(I) Limits on Use and Disclosure of Social Security Numbers-
- 42 USC 654(26) State Plans for Child Support
- 42 USC 671(a)(8)- State Plans for Foster Care and Adoption Assistance

- 42 USC 1396a(7) State Plans for Medical Assistance
- 7 CFR 272.1(c) Food Stamp Applicants and Recipients
- 34 CFR 361.38 State Vocational Rehabilitation Services Programs
- 42 CFR Part 2 (2.1- 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records
- 42 CFR 431.300- 307 Safeguarding Information on Applicants and Recipients of Medical Assistance
- 42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded
- 42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
- 45 CFR 160-164 HIPAA Privacy Rule

**PRA Rule ~~070150~~. Costs of providing copies of public records.**

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under ~~RCW 42.596~~ RCW 42.56.070(8) and, 42.56.120 and WAC 44-14-07003; the City will charge for those copies or scans according to the fee schedule below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, floppy disks, CDs, DVDs and paper that costs more than ~~fifteen cents~~ \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

<b>Document Type/Size</b>	<b>Per Scan Charge</b>	<b>Per Copy Charge</b>
Standard black and white (8.5" x 11")	.16	.17
Standard color (8.5" x 11")	.19	.21
Black and white (8.5" x 14")	.16	.17
Color (8.5" x 14")	.19	.22
Black and white (11" x 17")	.24	.49
Black and white (17" x 22")	.38	.77
Black and white (22" x 34")	.49	.99

Before beginning to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The PRO may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing that installment. The PRO will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(4) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following ~~nonexhaustive~~non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(5) **Use of outside vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

**PRA Rule ~~080~~160. Review of denials of public records requests.**

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the ~~Public Records Officer~~PRO for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO denying the request.

(2) **Consideration of petition for review.** The PRO shall promptly provide the petition and any other relevant information to the ~~City official designated by the City~~Public Disclosure Steering Team to conduct the review. ~~That person~~The Public Disclosure Steering Team will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree.

(3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

**CITY OF KIRKLAND**

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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager **QUASI-JUDICIAL**

**From:** Janice Coogan, Senior Planner  
Eric Shields, Planning Director

**Date:** July 10, 2013

**Subject:** C&G PROPERTY PRELIMINARY AND FINAL PUD AND PRELIMINARY  
SUBDIVISION, PCD FILE NO. SUB12-00560

**RECOMMENDATION**

Consider the Hearing Examiner Recommendation for the proposed C&G Property preliminary and final planned unit development (PUD) and preliminary subdivision application by Toll WA, LP and direct staff to return to the August 6, 2013 City Council meeting with a final ordinance to either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application; or
- Deny the application.

The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the August 6, 2013 meeting and vote on the application at this meeting. An Ordinance reflecting the recommendation of the Hearing Examiner is enclosed.

In the alternative, direct the application to be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

The Hearing Examiner Recommendation for approval along with her Findings, Conclusions, Exhibits and Public Comments received into the public record is available at [http://www.kirklandwa.gov/depart/planning/Development/CG\\_Project.htm#CNG](http://www.kirklandwa.gov/depart/planning/Development/CG_Project.htm#CNG)

**RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the Process IIB Zoning Permit for the preliminary and final PUD and preliminary subdivision application based on the record before the Hearing Examiner and recommendation of the Hearing Examiner. A Process IIB does not provide for testimony and oral arguments before the City Council. However, the City Council in its discretion may ask questions of the applicant and staff regarding facts in the record, and may request oral argument on legal issues.

## **BACKGROUND DISCUSSION**

### **Proposal**

Mike Smith of Toll WA LP, representing the property owners, submitted an application for a preliminary and final planned unit development and preliminary subdivision to subdivide a 6.38 acre parcel into 35 lots. The property is located at 7707 129<sup>th</sup> Avenue NE in an RSX 7.2 zone (see Enclosure 1).

The components of the development proposal are described below:

1. A preliminary subdivision to subdivide one 278,113 square foot parcel into 35 separate lots with access from both NE 75th Street and NE 80th Street. A modification request to the right of way standards of Chapter 110 KZC to construct a narrower internal street, with a sidewalk and landscape strip on one side instead of both sides of the street, in exchange for construction of off-site street improvements from the north property line to NE 80th Street. Three vehicular access tracts will provide access from the new street to interior lots on the west side of the plat.
2. A preliminary and final planned unit development (PUD) with a 10% density bonus for three additional lots and modification of the following Zoning Code requirements:
  - a. Provide lots smaller than the 7,200 square foot minimum lot size required in the RSX 7.2 zone, with an average lot size of 5,435 square feet.
  - b. Calculate the maximum lot coverage at 50% on a project wide, rather than on a per lot basis as required by Code.
  - c. Calculate the maximum floor area ratio (FAR) of 50% on a project wide, rather than on a per lot basis.
3. The PUD proposal includes the following benefits to the City beyond the improvements that would typically be required:
  - a. Increased open space and landscaping including common open space above the underground storm detention facility with recreational amenities (sports court, play equipment and picnic bench). At the north and south entrances, landscape tracts incorporating existing and new trees and landscaping. A six foot tall wood fence along the east and west property lines.
  - b. Superior site design and architectural home design. The applicant proposes 14 home designs that range in size from 2,600 to 3,750 square feet. The homes will be two stories with varied roof forms, porches, decks and a variety of exterior materials including stone, brick, vertical and horizontal siding, and shakes. As noted above, large open space tracts will be provided at the north and south boundaries of the subdivision.
  - c. Installation of a flashing Rectangular Rapid Flash Beacon (RRFB) to the existing crosswalk at NE 80th Street and 128th Avenue NE to improve pedestrian access to Rose Hill Elementary School.

- d. Installation of two sidewalk sections along NE 80th Street at the southwest and southeast corners of the intersection with 128th Avenue NE to improve the pedestrian crossing across 128th Avenue NE to the crosswalk across NE 80th Street.
- e. Installation of offsite street improvements from the north property line to NE 80th Street, which will provide a vehicular and pedestrian street connection between NE 75th and NE 80th Streets within the 128th Avenue NE right-of-way.

### **Public Hearing**

The Hearing Examiner held a public hearing on June 5, 2013. City Staff, applicant and approximately 12 people testified and answered questions from the Hearing Examiner during the hearing. The [staff advisory report](#) link including attachments, parties of record comments and minutes are available for viewing at the Hearing Examiner's page on the Planning and Community Development Department webpage.

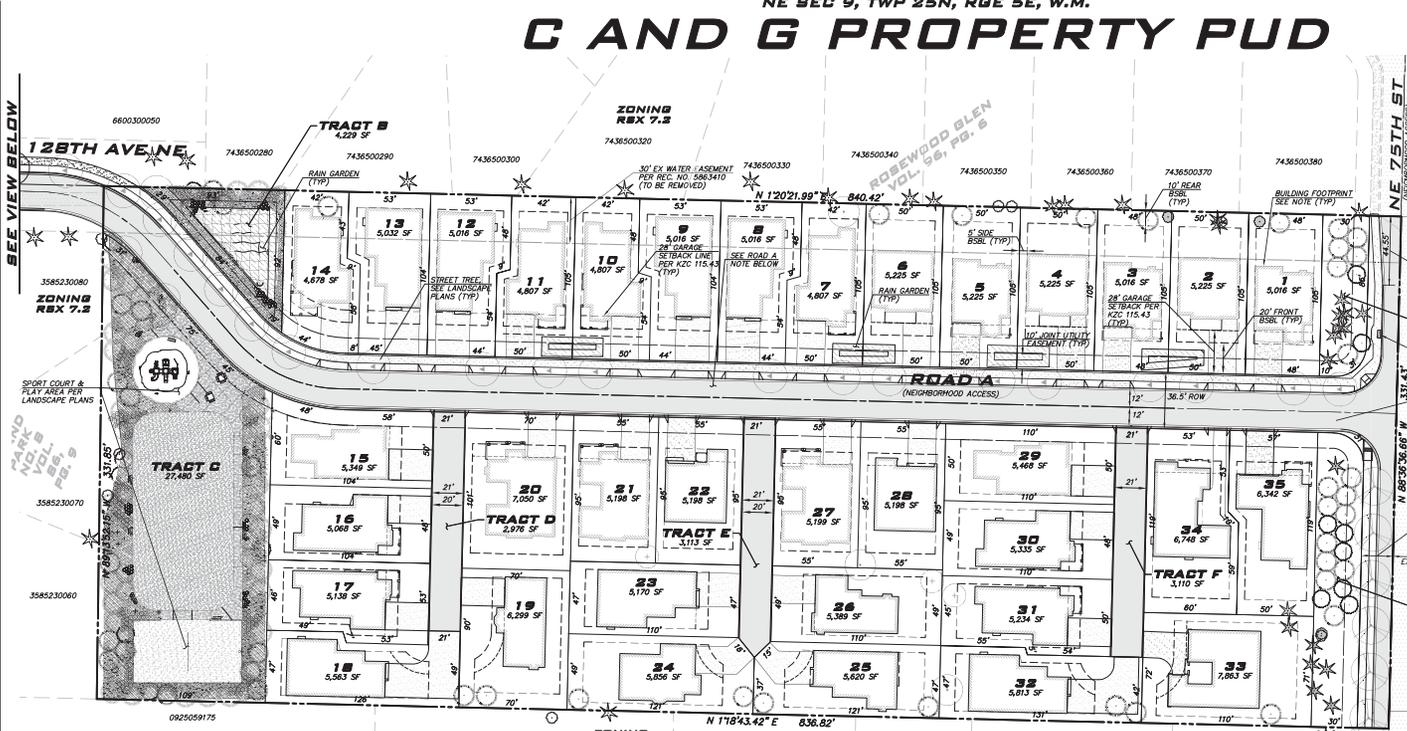
On June 10, 2013 the Hearing Examiner recommended approval of the application per the Staff's recommendation and revised conditions. No challenges were filed.

### **ENCLOSURES**

- 1. C&G site plan and vicinity map
- 2. Ordinance

# C AND G PROPERTY PUD

NE SEC 9, TWP 25N, RGE 5E, W.M.



**BLUELINE**

SCALE: AS NOTED  
 PROJECT MANAGER: TODD A. OBERG, PE  
 PROJECT ENGINEER: TODD A. OBERG, PE  
 DESIGNER: ADAM KAY  
 ISSUE DATE: 5/2/2013

**PROJECT TEAM**

**OWNER**  
 CAMWEST - A TOLL BROTHERS COMPANY  
 9120 NE 30TH PL, SUITE 100  
 KIRKLAND, WA 98034  
 (425) 425-1222  
 CONTACT: MIKE SMITH

**SURVEYOR**  
 MEAD GILMAN & ASSOCIATES  
 PROFESSIONAL LAND SURVEYORS  
 P.O. BOX 289  
 WOODVILLE, WA 98072  
 (425) 486-1232  
 CONTACT: SHANE BARNES, PLS

**CIVIL ENGINEER**  
 THE BLUELINE GROUP  
 25 CENTRAL WAY, SUITE 400  
 KIRKLAND, WA 98033  
 (425) 216-4051 x224  
 CONTACT: TODD OBERG, PE

**ARBORIST**  
 WASHINGTON FORESTRY CONSULTANTS, INC.  
 1919 SEU HWY SE  
 OLMPIA, WA 98501  
 (360) 943-1753  
 CONTACT: GALEN WRIGHT

**LANDSCAPE ARCHITECT**  
 THOMAS RENSTORF ASSOCIATES  
 911 WESTERN AVE, SUITE 202  
 SEATTLE, WA 98104  
 (206) 465-7262  
 CONTACT: THOMAS RENSTORF

**SITE DATA**

PROJECT DESCRIPTION: 35 LOT PUD  
 ZONING: RBX 7.2 (LOW DENSITY RESIDENTIAL)  
 TAX PARCEL NUMBER: 0925059010  
 SITE ADDRESS: 7707 128TH AVE NE  
 ADJACENT DEVELOPMENT: SINGLE FAMILY AND CHURCH PROPERTY  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 DENSITY: 5.49 DU/AC  
 GROSS SITE AREA: 278,113 SF (6.38 AC)  
 PROPOSED ROW AREA (INCLUDES ROW AREA FOR ROAD A, 31,534 SF, & ROW DEDICATION AREA FOR NE 74TH ST, 6,784 SF): 36,328 SF (0.88 AC)  
 NET SITE AREA (GROSS AREA LESS PROPOSED ROW AREA): 239,785 SF (5.50 AC)  
 ACCESS / UTILITY TRACTS  
 TRACT A: 3,054 SF  
 TRACT B: 5,813 SF  
 TRACT C: 3,113 SF  
 TRACT D: 2,976 SF  
 TRACT E: 3,113 SF  
 TRACT F: 3,110 SF  
 TOTAL LOT AREA: 189,822 SF  
 TOTAL LOTS: 35  
 SMALLEST LOT SIZE: 4,678 SF (LOT 14)  
 AVERAGE LOT SIZE: 5,435 SF  
 SETBACKS: 20' FRONT, 10' REAR, 5' SIDE  
 SCHOOL DISTRICT: LAKE WASHINGTON #14  
 WATER DISTRICT: CITY OF KIRKLAND  
 SEWER DISTRICT: CITY OF KIRKLAND  
 FIRE: CITY OF KIRKLAND  
 TELEPHONE SERVICE PROVIDER: FRONTIER  
 ELECTRICAL POWER PROVIDER: PUGET SOUND ENERGY  
 CABLE TV PROVIDER: COMCAST

**LEGEND**

**EXISTING FEATURES**

- RIGHT-OF-WAY / EX. LOTS
- CENTERLINE
- EASEMENT
- SURFACE FEATURES
- BUILDING FOOTPRINT
- EDGE OF WETLAND
- 10' CONTOURS
- SD - STORM DRAIN PIPE
- SS - SEWER MAIN
- W - WATER MAIN
- OHIP - AERIAL POWER LINE
- P - BURIED POWER LINE
- GAS MAIN
- T - BURIED TELEPHONE LINE
- WHF - WHITE FENCE
- CHANKING FENCE
- BOARD FENCE
- CATCH BASIN, TYPE I
- CATCH BASIN, TYPE II
- SD PIPE FLOW
- SEWER MANHOLE
- SS PIPE FLOW
- SEWER STUB
- FIRE HYDRANT
- WATER METER
- GATE VALVE
- BLOW OFF
- POWER POLE
- GUY ANCHOR
- TELEPHONE RISER
- SON
- SOIL LOG TEST PIT
- CONFERRER TREE
- DECIDUOUS TREE
- CONFERRER TREE TO BE SAVED
- DECIDUOUS TREE TO BE SAVED
- ASPHALT
- CONCRETE
- GRAVEL
- WETLAND

**PROPOSED FEATURES**

- BOUNDARY
- RIGHT-OF-WAY
- LOT LINE
- FLOW & CURB
- CENTERLINE
- SAW CUT
- EASEMENT
- 10' PROPOSED CONTOURS
- 422 - 2" PROPOSED CONTOURS
- STORM DRAIN PIPE
- ROOF & FOOTING DRAIN
- SEWER MAIN
- SEWER SERVICE
- WATER MAIN
- ROCKERY
- CATCH BASIN, TYPE I
- CATCH BASIN, TYPE II
- PIPE FLOW
- STORM CLEANOUT
- YARD DRAIN
- SEWER MANHOLE
- PIPE FLOW
- SEWER CLEANOUT
- WATER METER
- FIRE HYDRANT
- GATE VALVE
- WH / WC BLOCKING
- COUPLING
- ASPHALT PAVEMENT
- SEWER SERVICE
- SIDEWALK/DRIVEWAY
- RAIN GARDEN

**BENCHMARKS**

- ORIGINAL: CITY OF KIRKLAND CONTROL POINT DESIGNATION 20- FOUND CONC MON WITH 3" BRASS DISC & PUNCH DOWN 1.2" IN A CASE AT INTX. OF 127TH AVE NE & NE 75TH ST. ELEV. = 457.17
- BSM - A: ROADSIDE CAP BOLT OF FIRE HYDRANT IN SOUTHEAST QUADRANT OF INTX. OF 127TH AVE NE & NE 75TH ST. ELEV. = 460.10
- BSM - B: FOUND RAILROAD SPIKE IN SOUTH FACE OF POWER POLE IN NORTHWEST QUADRANT OF INTX. OF 128TH AVE NE AND NE 80TH ST. ELEV. = 430.13

**BASIS OF BEARING**

BASED ON BEARINGS TO THE INTERSECTION MONUMENT LOCATED AT NE 75TH STREET AND 129TH AVENUE NORTHEAST AS SHOWN ON THE PLAT OF FIRE ALARM ADDITION NO. 2 AS RECORDED IN VOLUME 78 OF PLATS, AT PAGE 20, AND THE CUL-DE-SAC MONUMENT LOCATED AT THE SOUTH END OF 127TH PLACE NORTHEAST AS SHOWN ON THE PLAT OF INLAND PARK NO. 8 AS RECORDED IN VOLUME 88 OF PLATS, AT PAGE 5. A BEARING OF NORTH 16°45'12" WEST WAS HELD BETWEEN THESE MONUMENTS AND A DISTANCE OF 1023.07' WAS MEASURED COMPARED TO THE CALCULATED DISTANCE OF 1022.92'.

**DATUM**

NAVD 88

**SHEET INDEX**

- 1 SP-01 PRELIMINARY SITE PLAN
  - 2 UP-01 PRELIMINARY UTILITY PLAN
  - 3 GP-01 PRELIMINARY GRADING PLAN
  - 4 GP-02 PRELIMINARY GRADING PLAN
  - 5 TR-01 TREE RETENTION PLAN
- 1 OF 2 ALTA/ACSM LAND TITLE SURVEY  
 2 OF 2 ALTA/ACSM LAND TITLE SURVEY

**TRACT TABLE**

TRACT	DESIGNATION	AREA
A	OPEN SPACE	3,054 SF
B	OPEN SPACE	4,229 SF
C	DETENTION / OPEN SPACE	27,480 SF
D	ACCESS / UTILITY	2,976 SF
E	ACCESS / UTILITY	3,113 SF
F	ACCESS / UTILITY	3,110 SF
G	OPEN SPACE	5,813 SF

**U. S. POSTAL SERVICE**

(APPROVED FOR MAILBOX LOCATIONS)

BY: \_\_\_\_\_  
 US POSTAL SERVICE  
 DATE: \_\_\_\_\_

**UNDERGROUND UTILITY NOTE**

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATION, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE INVESTIGATION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 1-800-424-5555 AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

**ROAD A NOTE**

MINIMUM 4.5' WIDE PLANTER STRIP ON EAST SIDE OF ROAD WILL BE PROVIDED. STREET TREES AT 30' O.C. WILL BE PROVIDED TO THE MAXIMUM EXTENT FEASIBLE.



**NOTE**

ALL EXISTING STRUCTURES LOCATED ONSITE ARE TO BE REMOVED UNLESS OTHERWISE NOTED.

**PRELIMINARY SITE PLAN**  
**C AND G PROPERTY PUD**  
**CAMWEST - A TOLL BROTHERS COMPANY**  
**PARCEL NO. 0925059010**  
**KIRKLAND WASHINGTON**



5/2/13  
 JOB NUMBER: **11-070**  
 SHEET NAME: **SP-01**  
 BHT 1 OF 5

5/2/13 10:26 AM - User: eadcock  
 C:\Projects\11070\Drawings\Prelim\SP-01.dwg

ORDINANCE O-4415

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY (AND FINAL) PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR BY TOLL WA, LP IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB12-00560 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary (and Final) Planned Unit Development (PUD) and Preliminary Subdivision filed by Toll WA, LP as Department of Planning and Community Development File No. SUB12-00560 to construct a 35 lot planned unit development and subdivision within a RSX 7.2 zone; and

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

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

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

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a public hearing on June 5, 2013; and

WHEREAS, the Kirkland Hearing Examiner after a public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

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

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD and Preliminary Subdivision to be made by ordinance or resolution.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. SUB12-00560 are adopted by the Kirkland City Council as though fully set forth herein and the Kirkland City Council hereby approves the Preliminary (and Final) PUD and Preliminary Plat application filed by Toll WA, LP.

Section 2. The Process IIB PUD Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

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

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB PUD Permit is subject shall be grounds for revocation in accordance with Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Section 6. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB PUD Permit.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed in authentication thereof on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

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City Attorney