



CITY OF KIRKLAND

CITY COUNCIL

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

Vision Statement

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

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • www.kirklandwa.gov

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber

Tuesday, November 15, 2011

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

7:30 p.m. – Regular Meeting

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
 - a. 2011-2012 Mid-Biennial Budget Update
4. *EXECUTIVE SESSION*
 - a. To Review the Performance of a Public Employee
5. *HONORS AND PROCLAMATIONS*
 - a. Geographic Information System (GIS) Day Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*

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

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

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.

GENERAL CORRESPONDENCE

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

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

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

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

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) November 1, 2011
(2) November 3, 2011 Special Meeting
- b. *Audit of Accounts:*
 - Payroll* \$
 - Bills* \$
- c. *General Correspondence*
- d. *Claims*
- e. *Award of Bids*
 - (1) 2011 Emergency Sewer Program, Shoreline Construction Inc., Woodinville, WA
- f. *Acceptance of Public Improvements and Establishing Lien Period*
 - (1) Annual Street Preservation Program, Phase II 2011 Slurry Seal Project
 - (2) 2011 Striping Project
 - (3) NE 85th Street Video Detection Project
- g. *Approval of Agreements*
 - (1) Resolution R-4901, Authorizing the City Manager to Sign an Amended and Restated Interlocal Contract for the Cascade Water Alliance
- h. *Other Items of Business*
 - (1) Annexation After Action Report
 - (2) Ordinance O-4334 and its Summary, Relating to the Criminal Code and Repealing the Existing Title 11 of the Kirkland Municipal Code and Reenacting a New Title 11 of the Kirkland Municipal Code
 - (3) Report on Procurement Activities

9. *PUBLIC HEARINGS*

- a. Preliminary Property Tax Levy:
 - (1) Ordinance O-4327, Establishing the Preliminary Amount of Property Taxes to be Levied for the Year 2012, the Second Year of the City of Kirkland's 2011-2012 Fiscal Biennium

b. Preliminary Property Tax Levy Fire District 41:

- (1) Ordinance O-4328, Establishing the Amount of Property Taxes to be Levied for the Year 2012, to Pay the Fire District 41 Debt Service Assumed as a Result of Annexation of the North Juanita, Finn Hill, and Kingsgate Neighborhoods on June 1, 2011

c. 2011-2012 Mid Biennial Budget

10. UNFINISHED BUSINESS

a. Totem Lake Flood Control Measures – Project Update

b. Adoption of Central Houghton and Lakeview Neighborhood Plans:

- (1) Ordinance O-4329 and its Summary, Relating to Comprehensive Planning and Land use and Amending the comprehensive Plan, Ordinance 3481 as Amended, to Implement the Central Houghton Neighborhood Plan Update; Amend the Land Use Element and Implementation Strategies Chapters; Adjust the Neighborhood Boundary Line Between Central Houghton and Lakeview; and Approve a Summary for Publication, File No. ZON09-00016
- (2) Ordinance O-4330 and its Summary, Relating to Planning and Land Use and Amending Kirkland Municipal Code Section 22.28.042 – Lots - Small Lot Single Family to Include the Central Houghton Neighborhood and Approving a Summary for Publication, File No. ZON09-00016
- (3) Ordinance O-4331 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, to Implement the Lakeview Neighborhood Plan Update; Amend the Comprehensive Land Use Map and Implementation Strategies Chapter; and Approve a Summary for Publication, File No. ZON07-00032
- (4) Ordinance O-4332 and its Summary, Relating to Planning and Land Use and Amending Portions of Kirkland Municipal Code Chapter 22.28 Relating to Subdivisions and Chapter 3.30 Relating to Yarrow Bay Business District Design Guidelines and Approving a Summary for Publication, File No. ZON07-00032
- (5) Ordinance O-4333 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), and the Kirkland Zoning Map, Ordinance 3710 as Amended to Implement the Lakeview Neighborhood Plan Update and Approving a Summary for Publication, File No. ZON07-00032

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

11. NEW BUSINESS

a. Solid Waste Debt Recommendation

ITEMS FROM THE AUDIENCE

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

12. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) Calendar Update
13. *ITEMS FROM THE AUDIENCE*
14. *ADJOURNMENT*



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: November 3, 2011

Subject: MID-BIENNIAL BUDGET – STUDY SESSION

The November 15 study session will be a continuation of the budget deliberations from the November 1 study session. Please refer to the packet materials provided for that meeting, available at the link below:

http://www.kirklandwa.gov/110111/3a_StudySession.pdf



CITY OF KIRKLAND
Information Technology Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3050
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Brenda Cooper, CIO
Date: 11/3/11
Subject: GIS Day Proclamation

RECOMMENDATION

City Council proclaims November 15th, 2011 as GIS Day.

BACKGROUND DISCUSSION

Since 1999, more than 10,000 organizations have participated in GIS Day by hosting events such as open houses, hands-on workshops, community expos, career fairs, school-wide assemblies, and mapping projects that share the importance of geographic information system (GIS) technology with others. GIS Day's success is due to the hard work and dedication of GIS users across the globe that are passionate about GIS and the remarkable contributions it is making in our world.

GIS Day 2011 has been scheduled for Wednesday, November 16. The City of Kirkland's event is on November 15th and includes presentations for staff and visits by over one hundred school children.

Please support us again in our endeavors and celebrate our 13th annual celebration by declaring November 16, 2011, as GIS Day.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming November 16, 2011 as “Geographical Information System (GIS) Day” in Kirkland, Washington

WHEREAS, Geography Awareness Week was first established in 1987 by a joint resolution of Congress and has been celebrated annually during the third week of November; and

WHEREAS, Geography Awareness Week promotes geographic literacy in schools, communities, and organizations, with a focus on the education of children and in honor of this year’s celebration, activities are being held throughout the nation during the week of November 14 through 20, 2011; and

WHEREAS, National Geographic Information System (GIS) Day is held on the Wednesday during Geography Awareness Week and activities are planned in communities throughout the United States for on November 16, 2011; and

WHEREAS, to celebrate National GIS Day, on November 15, 2011, the City of Kirkland is hosting GIS Day activities involving Kirkland Junior High, Ben Franklin Elementary, Thoreau Elementary and the International Community Schools; and

WHEREAS, the City of Kirkland Information Technology Department is committed to expanding GIS to the schools and general public in order to showcase real-world applications with GIS.

NOW, THEREFORE, I, Joan McBride, Mayor of the City of Kirkland, Washington do hereby proclaim November 16, 2011 as National GIS Day and urge all citizens to participate in GIS Day activities.

Signed this 15th day of November, 2011

Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
November 01, 2011

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. 2011-2012 Mid-Biennial Budget Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett,
Assistant City Manager Marilynne Beard, Director of Finance and Administration
Tracey Dunlap, and Financial Planning Manager Sri Krishnan. Also contributing
to the conversation were Police Chief Eric Olsen and Public Works Director Ray
Steiger.

4. EXECUTIVE SESSION

Council announced that they were entering into Executive Session and would return to
regular meeting at 7:30 p.m. City Attorney Robin Jenkinson was also in attendance for
item 4.a.

a. Potential Litigation

b. To Review the Performance of a Public Employee

Council required extra time for executive session, so a revised return time of 7:35
p.m. was announced by the City Clerk at 7:28 p.m.

5. HONORS AND PROCLAMATIONS

a. Fire Department Service Awards

Awards were presented to Captain Dana Olson, for thirty-five years, and Captain
Ken Henderson and Firefighter Tom Clark, for twenty years each.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Robin Herberger
Randall Cohen
Ken Jennings
Kristine Wilson
John Leuwirth

c. Petitions

7. SPECIAL PRESENTATIONS

a. 1962 Seattle World's Fair 50th Anniversary

Seattle Center Foundation Director Tracy Robinson briefed the Council on planned activities.

b. Capital Improvement Program Public Input Website

Neighborhood Services Coordinator Kari Page provided Council with an overview of this component of the 2012 update process.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) October 18, 2011

(2) October 19, 2011 Special Meeting

b. Audit of Accounts:

Payroll \$1,948,838.59

Bills \$2,454,266.15

run # 1043 checks # 529615 - 529625

run # 1044 checks # 529654 - 529834

run # 1045 checks # 529835 - 529951

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Remittance of Concours d'Elegance Admissions Tax Receipts to Evergreen Hospital

The City Council agreed to remit the admissions tax receipts, amounting to \$2,424.83, associated with the event to Evergreen Hospital's Women and Children's uncompensated care program as part of Evergreen Hospital's share of the proceeds from the event.

Motion to approve the Consent Calendar.

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

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

- a. Ordinance O-4326, Relating to Land Use and Zoning, Providing Interim Official Controls Regarding Land Use Permit Extensions, File No. MIS09-00022 (type permits), as Adopted by Ordinance 4300, and Extending Ordinance 4300 Through May 1, 2012

Mayor McBride reviewed the parameters of, and opened, the public hearing. Planning and Community Development Director Eric Shields presented the staff recommendation to adopt the proposed ordinance to renew the Interim Ordinance that extends approval periods for land use permits for an additional six months; and requested Council's guidance on how to approach future extensions of the Interim Ordinance. No further testimony was offered and the Mayor closed the hearing.

Motion to approve Ordinance O-4326, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE PERMIT EXTENSIONS, FILE NO. MIS09-00022, AS ADOPTED BY ORDINANCE 4300, AND EXTENDING ORDINANCE 4300 THROUGH May 1, 2012."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

None.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Puget Sound Regional Council Transportation 2040 workgroup meeting; Puget Sound Regional Council Executive Board meeting; Suburban Cities Association North and Snoqualmie Valley caucuses December 7 meeting at Heritage Hall; Affordable Housing subcommittee meeting; Legislative subcommittee meeting; Lake Washington Institute of Technology fundraiser breakfast; Kirkland Performance Center annual gala fundraising event; King County Emergency Management Services Advisory Committee meeting; Association of Washington Cities Economic Development and Infrastructure Committee meeting; Metropolitan Solid Waste Advisory Committee interlocal agreement subcommittee meeting; Deputy Mayor's meeting with Cub Scout Pack 559's Den 5; Cascade Water Alliance Board meeting; Earthcorp Carillon Woods restoration project; new Overlake Medical Clinic in Kirkland; and the King Conservation District advisory group meeting.

b. City Manager

(1) Association of Washington Cities Letter to Governor Chris Gregoire

The letter, proposed by AWC, expressing opposition to eliminating key state revenue sharing with cities, was approved.

(2) Letter to the Bellevue City Council

The letter, proposed by the Mayor of the City of Issaquah and encouraging the Bellevue City Council to approve the memorandum of understanding with Sound Transit, was approved.

(3) Letter to the King County Districting Commission

The letter, opposing a proposed split into two King County Council districts in Kirkland, was approved.

(4) Calendar Update

13. ITEMS FROM THE AUDIENCE

Toby Nixon
John Leuwirth
Marsha Horning

14. ADJOURNMENT

The November 1, 2011 Kirkland City Council regular meeting was adjourned at 9:06 p.m.

City Clerk

Mayor

CITY OF KIRKLAND CITY COUNCIL

Council Meeting: 11/15/2011
Agenda: Approval of Minutes
Item #: 8. a. (2).



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

Vision Statement

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AGENDA KIRKLAND CITY COUNCIL JUANITA NEIGHBORHOODS SPECIAL MEETING

**Juanita Elementary School
9635 NE 132nd Street**

**Thursday, November 3, 2011
7:00 – 8:45 p.m.**

- | | |
|------------------|---|
| 6:45 – 7:00 p.m. | 1. Informal Casual Conversations |
| 7:00 – 7:05 p.m. | 2. Welcome and Introduction – Mayor Joan McBride |
| 7:05 – 7:10 p.m. | 3. Comments from the Neighborhood Chair, Mary Dunphy |
| 7:10 – 7:30 p.m. | 4. Introductions from City Council Members |
| 7:30 – 8:45 p.m. | 5. General Discussion and Questions from the Audience |
| 8:45 p.m. | 6. Adjourn |
| 8:45 – 9:00 p.m. | 7. Social Time |

Mayor Joan McBride called the November 3, 2011 Kirkland City Council Special Meeting to order at 7:04 p.m. The following members of the City Council were present: Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmembers Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff, and Amy Walen.

The Kirkland City Council Special Meeting was adjourned at 8:45 p.m.

City Clerk

Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: November 3, 2011
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Juan C. Mascarello
8605 NE 123rd Place
Kirkland, WA 98084

Amount: \$251.75

Nature of Claim: Claimant states damage to vehicle resulted from the repaving process on Lake WA Blvd. NE.

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 3, 2011

Subject: 2011 EMERGENCY SEWER PROGRAM -- AWARD CONTRACT

RECOMMENDATION:

It is recommended that City Council award the construction contract for the 2011 Emergency Sewer Program (ESP) to Shoreline Construction Inc., Woodinville, WA, in the amount of \$831,445.

BACKGROUND DISCUSSION:

The ESP is a biennial program that provides for new sewer main lines into areas that are not currently served by the Kirkland sewer system. The ESP was first developed in 1998 when it was estimated that 1,500 Kirkland properties were being served by private septic systems and system failures were being reported. By providing new sewer infrastructure into un-sewered areas, the ESP directly helps safeguard the environment from old, poorly maintained or failed septic systems.

All benefiting property owners within the ESP boundaries are assessed a proportionate share of the Program costs for the design, project management, and construction of the sewer system improvements. At the completion of construction and project close out, owners are given an option of making a full payment of their assessment or of entering into a low interest 10-year agreement with the City; the interest rate is currently 1.03%, down from 3.06% just last month, and is the lowest rate that the City has ever been able to offer over the life of the Program.

The 2011 ESP is the seventh biennial program since the inaugural construction in 1999. The 2011 ESP will provide 53 connections and brings the overall total number of connections provided by the ESP to 513. Total project costs and individual assessments for each program year are as shown on Table 1.

ESP year	Total ESP cost	Number of beneficiaries	Individual assessments
1999	\$576,000	54	\$8,025
2001	\$726,000	74	\$9,726
2003	\$1,436,000	114	\$11,857
2005	\$1,326,000	83	\$15,975
2007	\$1,669,000	84	\$19,864
2009	\$810,000	49	\$16,371
2011*	\$1,210,000	53	\$22,000
TOTAL	\$6,796,000	513	

(* Note: 2011 assessment based on Shoreline bid amount and projected total cost)

Table 1. History of individual assessments for ESP

The scope of the 2011 ESP includes the installation of new sanitary sewer main line and associated side sewer stubs in the following neighborhood areas (Attachment A):

Bridle Trails:

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

At their regular meeting of September 20, 2011, Council received an ESP update and authorized staff to advertise the Project for contractor bids. The first advertisement occurred the week of October 3 and on October 17, 2011, thirteen contractor bids were received. The results are as follows:

Contractor	Base Bid
Shoreline Construction Inc	\$831,445.00
RL Alia Co	\$963,243.53
<i>Engineers Estimate</i>	<i>\$989,114.00</i>
Jennings NW	\$1,026,370.05
Titan Earthworks	\$1,049,060.64
Kamins Construction	\$1,071,012.24
Rodarte Construction	\$1,073,932.20
Buno Construction	\$1,083,535.35
Mid Mountain Contractors	\$1,088,914.53
DPK Inc	\$1,138,296.30
3 Kings Environmental Inc	\$1,149,637.98
KLB Construction	\$1,153,557.83

In addition to the new sewer, the cost of pavement restoration (estimated at \$35,000 to be completed with the 2012 overlay program), design engineering, public outreach, construction administration, and inspection services increase the total 2011 ESP to approximately \$1,210,000 leaving an approximate \$190,000 contingency (Attachment B).

Public outreach

Two public open houses were held during the development of the 2011 ESP. At those meetings, and through subsequent mailings and other public outreach, all potential Program beneficiaries were provided with information on the estimated costs for assessments and other associated expenses such as septic system abandonment and connection fees. Staff also provided information on payment requirements, City financing options, and a typical construction schedule. At the open houses, staff indicated that the current bidding climate was expected to produce competitive contractor bids, and that final could likely be lower than those being estimated; original individual assessments were in the \$25,000 range. Staff explained that proceeding with contractor bids was the best way to determine more closely what the final assessment amount would be.

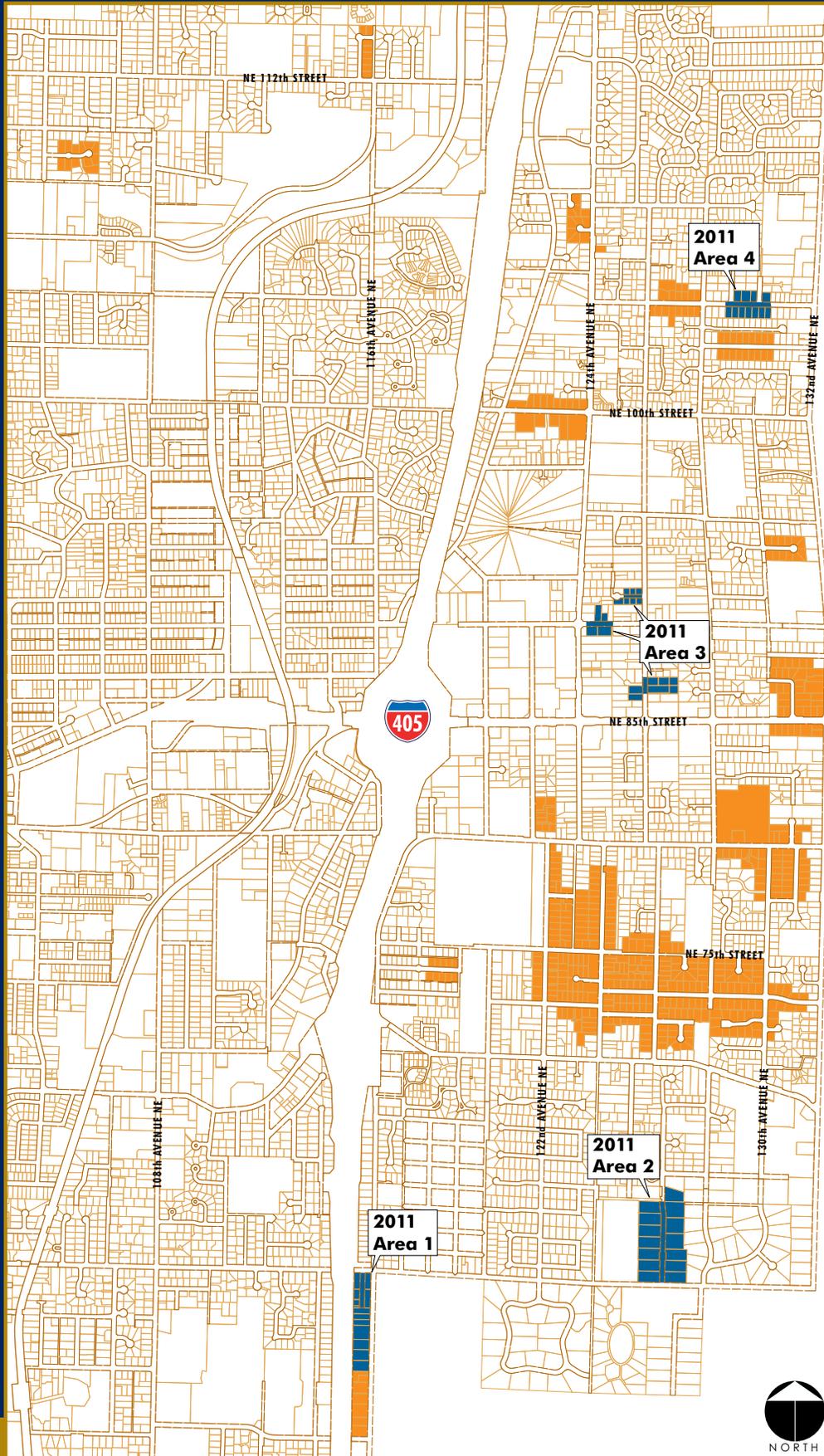
After bids were opened, approximately two and a half weeks ago, staff contacted all beneficiaries with the results and indicated a total estimated cost of approximately \$22,000 per assessment was expected. Beneficiaries were invited to contact the project engineer with additional questions or concerns, and all were informed that City Council would be taking action on staff's recommendation to proceed with construction at their regular meeting of November 15, 2011. Staff has heard from three residents: two by email and one phone call. In each case, beneficiaries were looking for general scheduling information, to express appreciation for the positive bid results, and/or for general Program information.

Based on the level of support expressed by those in the 2011 ESP during the public outreach phase, the demonstrated need to continue to address septic system failures, and the favorable bid results, staff's recommendation is for City Council to award the 2011 ESP to Shoreline Construction Company. With an award, construction would start in early December and be substantially complete by April, 2012. Final paving will follow during the 2012 Overlay Program, and final assessments will be available once all work elements are complete.

Attachments: (6)



Program History



LEGEND

- 2011 Proposed Service Area
- Previous ESP Projects



Area 1



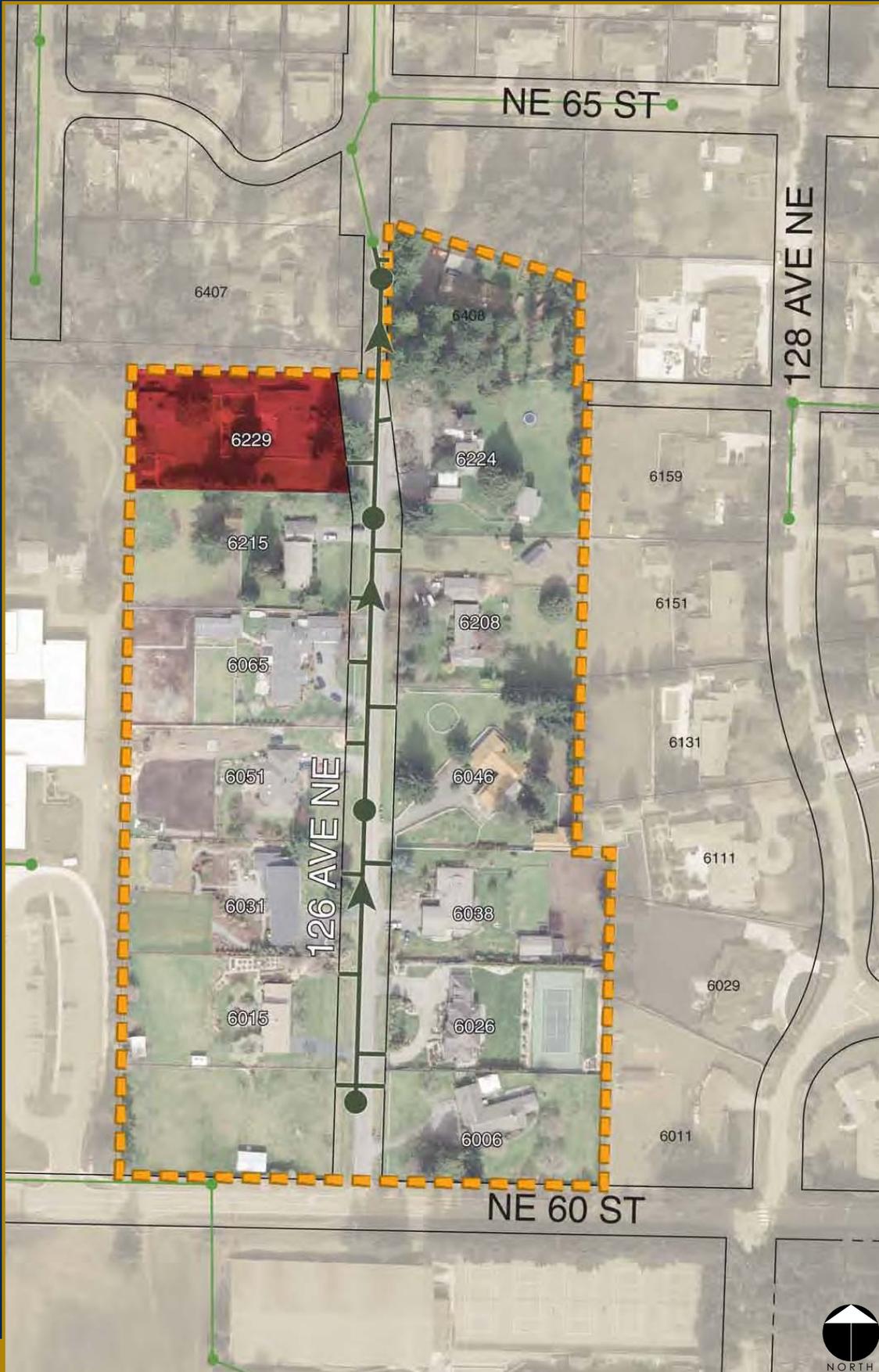
LEGEND

- Reported Failure
- Service Area
- Proposed Sanitary Sewer Alignment
- Existing Sanitary Sewer Alignment





Area 2



LEGEND

- Reported Failure
- Service Area
- Proposed Sanitary Sewer Alignment
- Existing Sanitary Sewer Alignment



Area 3



LEGEND

- Reported Failure
- Service Area
- Proposed Sanitary Sewer Alignment
- Existing Sanitary Sewer Alignment

Area 4

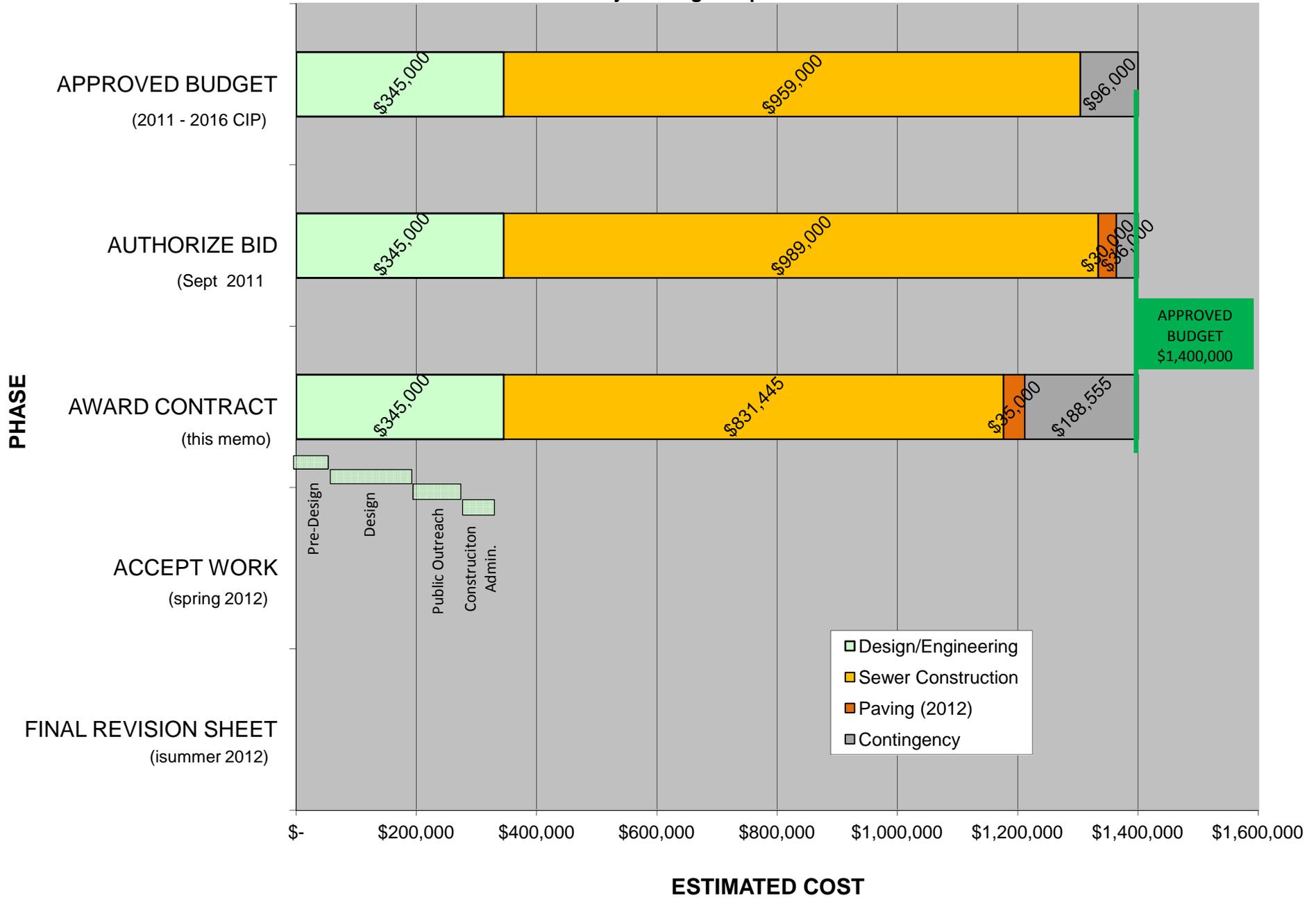


LEGEND

- Reported Failure
- Service Area
- Proposed Sanitary Sewer Alignment
- Existing Sanitary Sewer Alignment

2011 Emergency Sewer program (CSS 1156)

Project Budget Report





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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 3, 2011

Subject: ANNUAL STREET PRESERVATION PROGRAM -- PHASE II SLURRY SEAL
 ACCEPT WORK

RECOMMENDATION:

It is recommended that City Council accept the work on the Slurry Seal Project, as completed by Blackline, Inc., Spokane, WA, and establish the statutory lien period.

BACKGROUND DISCUSSION:

The 2011 Slurry Seal Project is the second phase of the Annual Street Preservation Program. It involves the application of a thin layer of fine aggregate and liquid asphalt placed on low-volume residential streets where light to moderate surface wear was documented. Slurry seal is a versatile and cost effective way to extend the life of the City's residential streets that have Pavement Condition Index (PCI) ratings in the "good" range of 56 to 85; the slurry seal protects the surface from the effects of aging while improving the existing pavement condition.



Freshly Slurry Sealed Roadway

The 2011 Project provided for the application of slurry seal on 13 lane miles of roadway in seven areas of the City (Attachment A). Phase I of the Annual Street Preservation Program is the Overlay Project, and a separate acceptance memo for that Project will be submitted at a future City Council meeting.

For 2011, the Annual Street Preservation Program has an overall budget of \$2,689,037, as approved by City Council at their regular meeting of July 19, 2011 when the Slurry Seal contract was awarded to Blackline, Inc. in the amount of \$182,195.15. The work began on August 15th and was substantially complete in October, 2011. All streets that were originally programmed to receive a slurry seal application were completed; however, as a result of reduced quantities for certain bid items, the total amount paid to the contractor was \$160,710.70 (Attachment B).

Attachments: (2)

Street Preservation Project - 2011 Slurry Seal Plan



Note: This map does not include streets to be treated with other maintenance techniques (i.e. Hot Mix Overlay, Crack Seal, etc.).

Legend

- 2011 Slurry Seal Streets
- Street

Neighborhoods

- Bride Trails
- Central Houghton
- Everest
- Finn Hill
- Highlands
- Kingsgate
- Lakeview
- Market
- Moss Bay
- Norkirk
- North Juanita
- North Rose Hill
- South Juanita
- South Rose Hill
- Totem Lake
- Kirkland City Limits (Polygon)
- City Limits

0 850 1,700 2,550
Feet

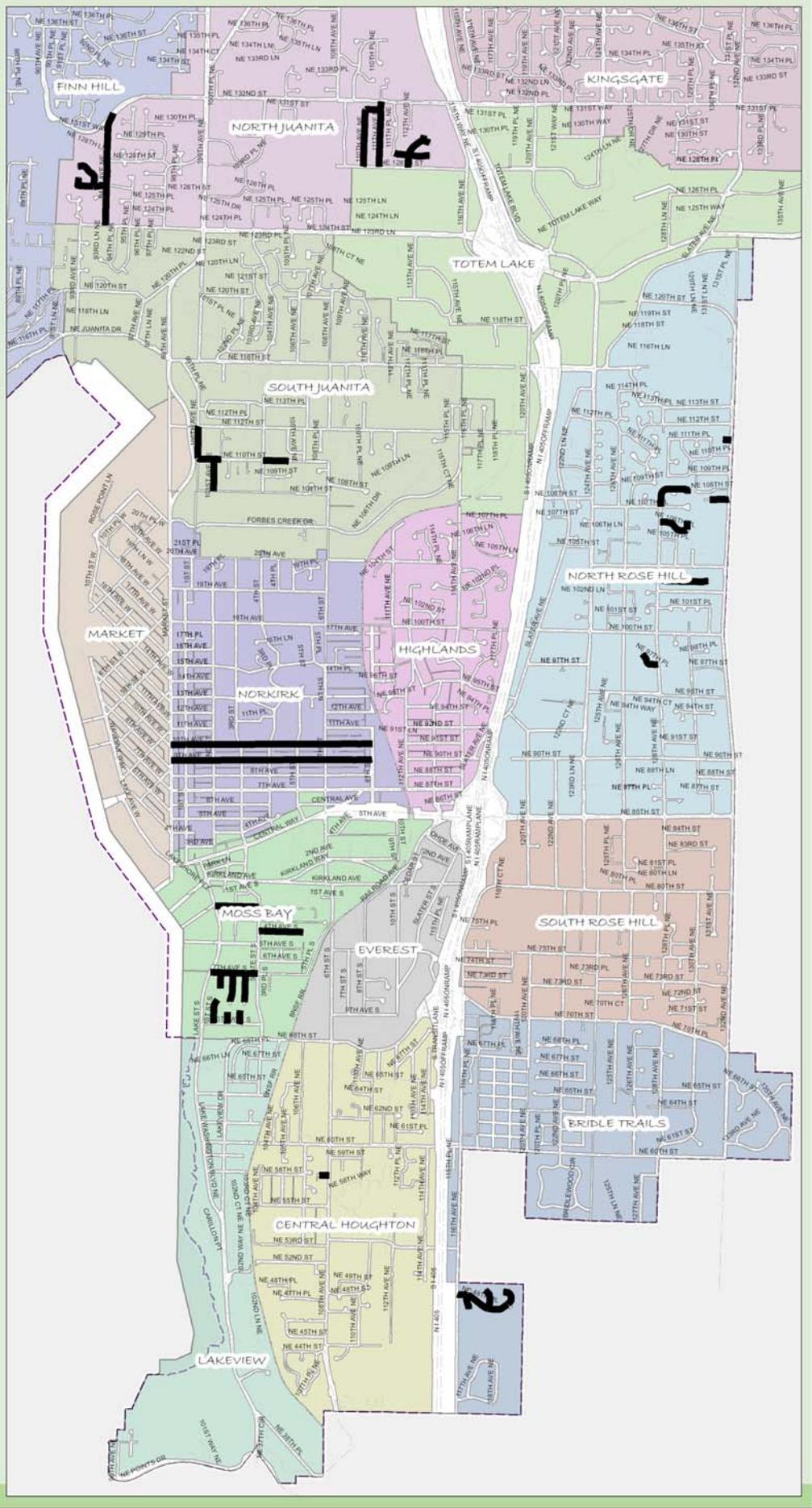
CITY OF KIRKLAND
DEPARTMENT OF PUBLIC WORKS



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Print Date: 4/7/2011

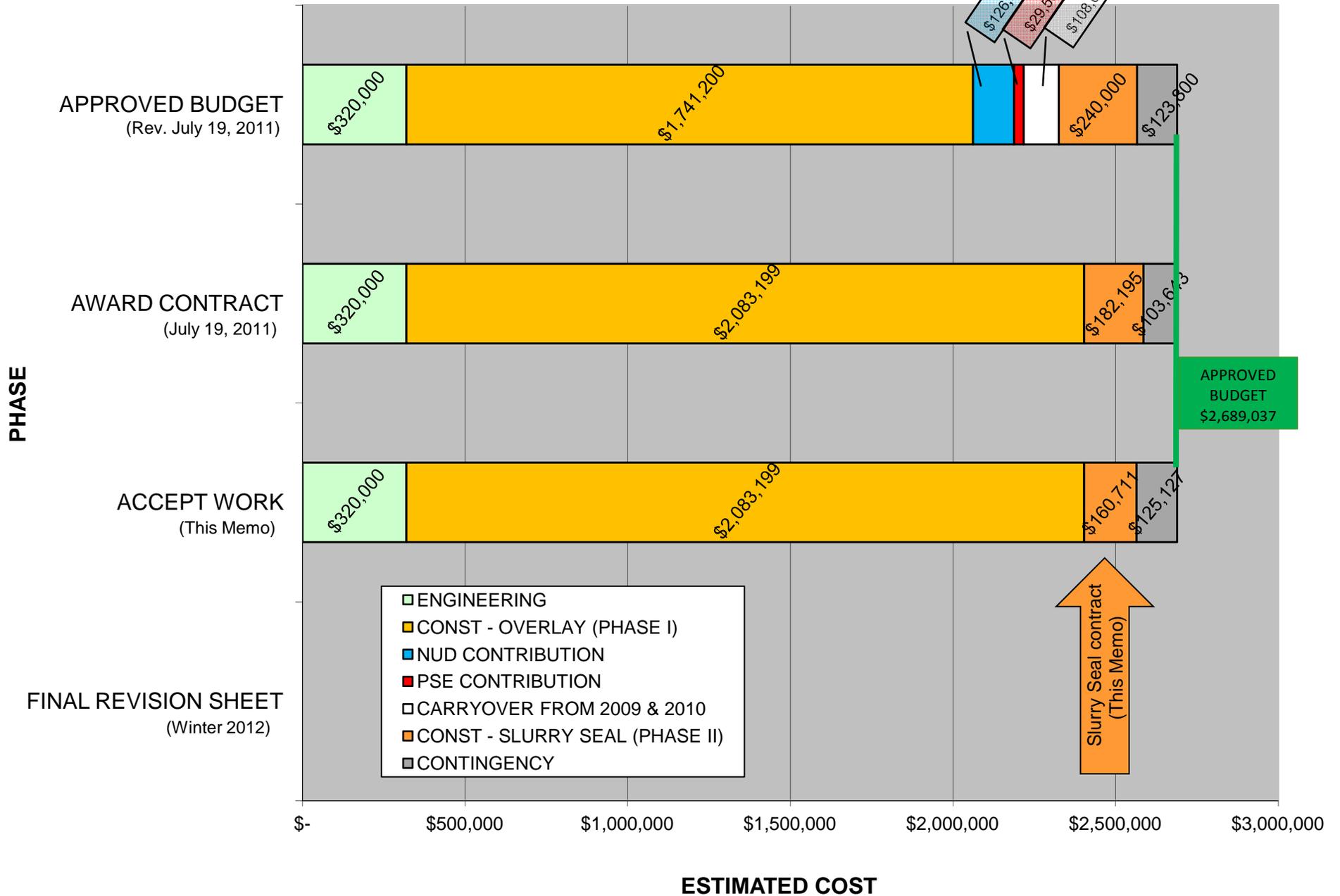
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2011 SLURRY SEAL PROJECT (ST-1106)

Attachment B

Project Budget Report





CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 3, 2011

Subject: 2011 STRIPING PROJECT -- ACCEPT WORK

RECOMMENDATION:

It is recommended that City Council accept the work on the 2011 Striping Project performed by Road Runner Striping Company of Puyallup, Washington, and establish the statutory lien period.

BACKGROUND DISCUSSION:

The purpose of the Annual Striping Program is to maintain the pavement markings that define safe and visible travel paths for motorists, bicyclists, and pedestrians. For 2011, the Striping Program included the restriping of vehicle lane lines, bike lanes, and public parking stalls, as well as replacing worn crosswalk markings, intersection stop lines, turn arrows and other on-pavement symbols. Shared lane bicycle markings (commonly known as "sharrows") and thermoplastic school legends were also installed on multiple arterials.

This year, thermoplastic bike detection symbols were installed at signalized intersections along Lake Washington Boulevard, Juanita Drive, and NE 70th Street. The bike detection symbols were positioned at optimum locations where bicyclists will better activate signal controllers, as appropriate, to favor the bike rider with a green signal phase. Bicycle detection improves efficiency, decreases delay to bicyclists, and discourages red light running by cyclists without causing undue delays to motorists.



Typical Bike Detection Symbol

At their regular meeting of June 7, 2011, City Council awarded the 2011 Striping Project contract to Road Runner in the amount of \$200,647. Due to the wetter than normal summer, the striping did not start until mid-July which is much later than previous years. The later than normal start lead to the Project's initial phase not being complete until fall, and it was subsequently determined that the Project's Phase two work, the freshening of arterial striping before the dark winter months, was not feasible nor warranted. As a result, a deductive change order was issued in the amount of \$35,000; the total amount paid to the contractor, including change orders, was \$151,627.08 (Attachment A).

The Striping Program is a CIP Project with an annual budget of \$250,000. With contributions for 2011 coming from the Facilities budget (\$2,250 for the striping of City facility parking lots) and other transportation funds (\$1,500 for off-street parking) the total budget for 2011 is \$253,750. The overall Project costs, including the design, public outreach, inspection, contract administration and construction will be approximately \$195,000, resulting in a net Project balance of nearly \$59,000.

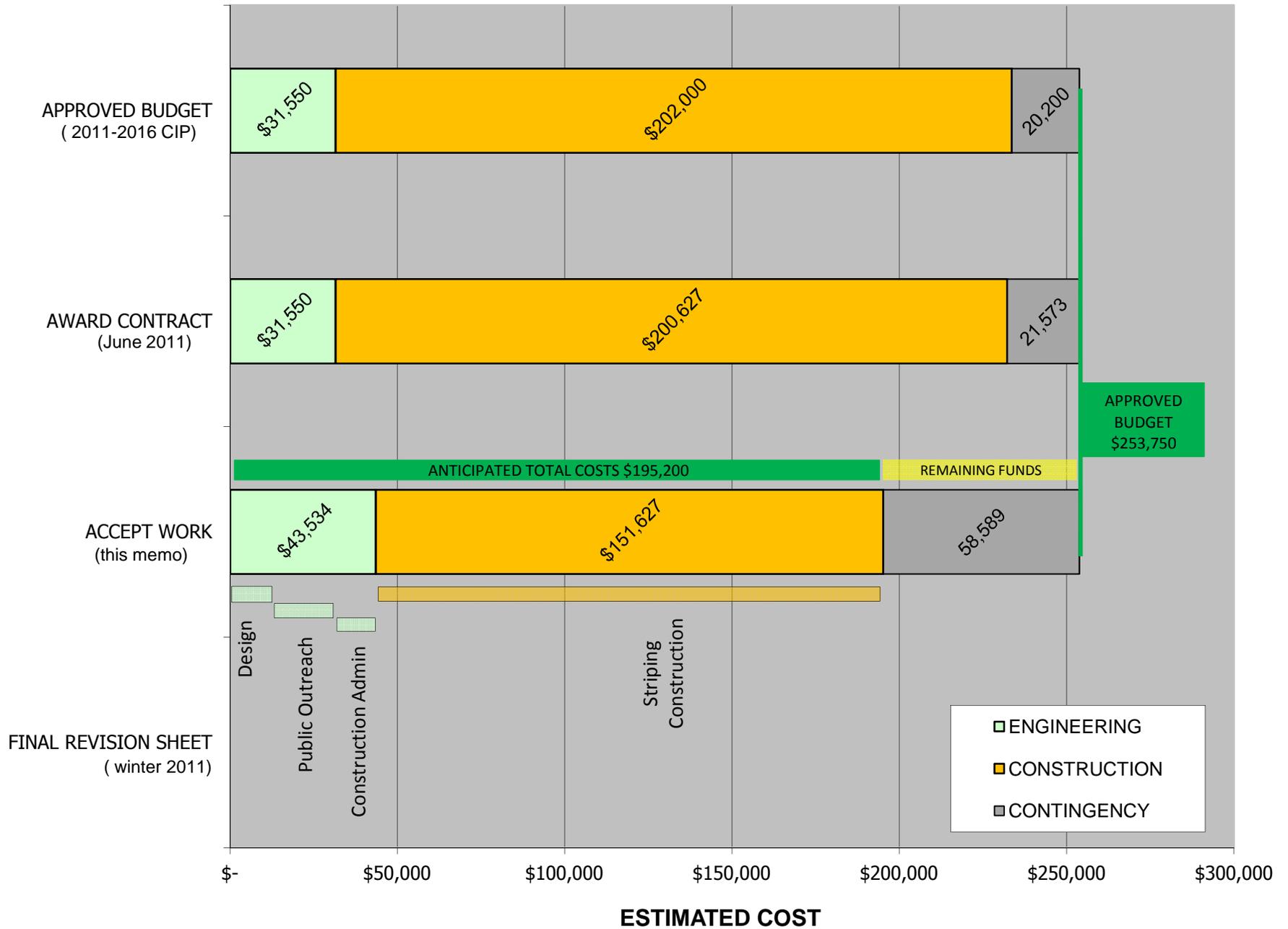
Staff recommends that the remaining funds be added to the 2012 Striping Project in order to have additional funds for striping needs in the new neighborhoods of Juanita, Finn Hill and Kingsgate. During the 2013 – 2018 CIP process, the budget for the Annual Striping Program will be evaluated and adjusted to fully address the striping needs of the entire City.

Attachment: (1)

2011 ANNUAL STRIPING PROGRAM
(CST -1180)

PROJECT BUDGET REPORT

PHASE





CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 3, 2011

Subject: NE 85TH STREET VIDEO DETECTION – ACCEPT WORK

RECOMMENDATION:

It is recommended that City Council accept the NE 85th Street Video Detection Project, as constructed by Valley Electric, Everett, WA, and establish the statutory lien period.

BACKGROUND DISCUSSION:

The NE 85th Street Video Detection Project is included within the NE 85th Street Corridor Improvements, which combines several capital projects to provide enhancements along the NE 85th Street Corridor, between 114th and 132nd Avenues NE (Attachment A).

The individual improvements along the corridor include the undergrounding of a significant portion of the overhead utilities, providing continuous sidewalks and pedestrian improvements on both sides of NE 85th Street, continuous sidewalks on both sides of 124th Avenue, between NE 80th Street and NE 90th Street, multiple traffic signal upgrades at key intersections (including the on-going work at NE 85th Street and 114th Avenue NE), storm water quality improvements and public art.

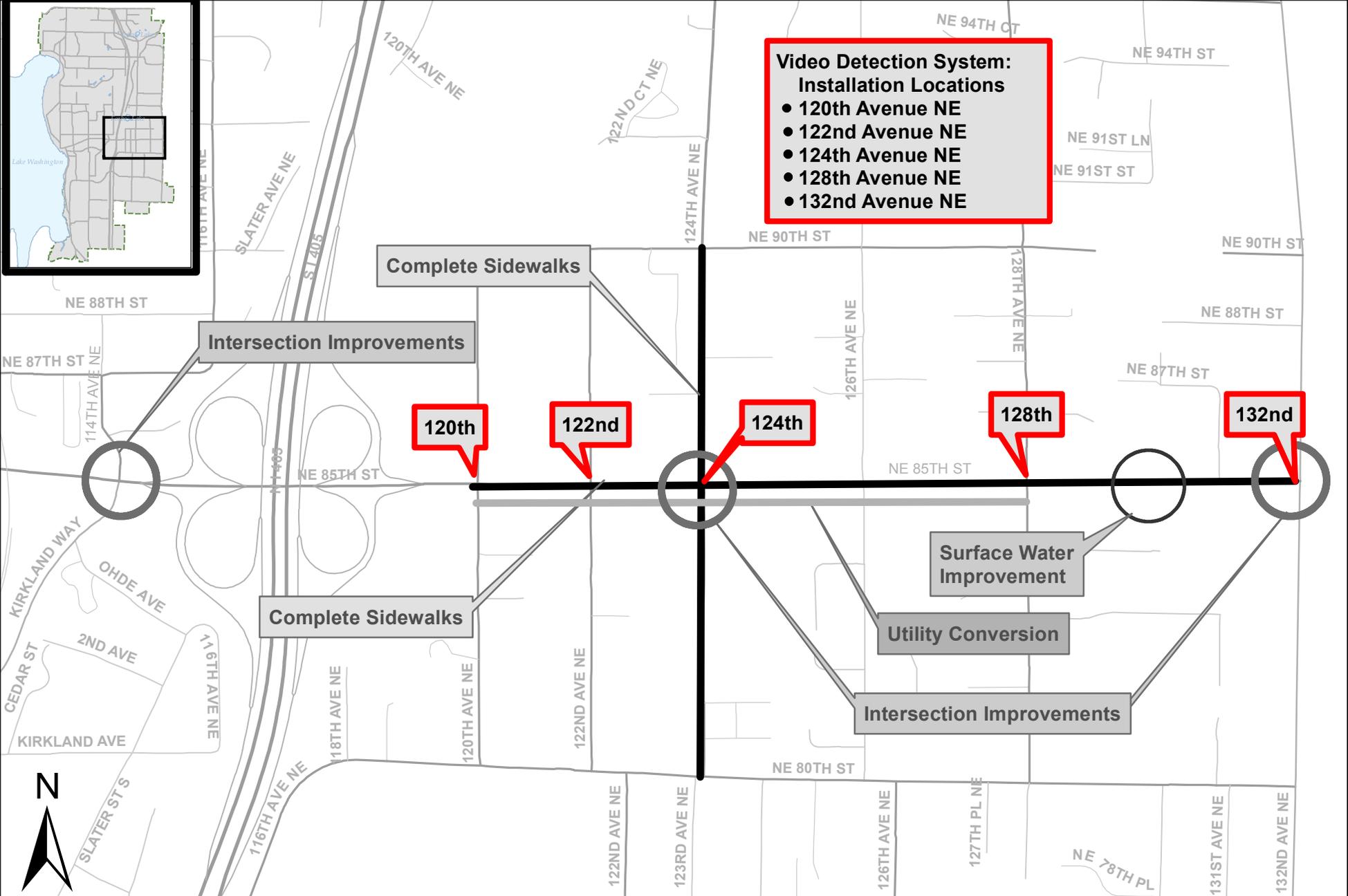
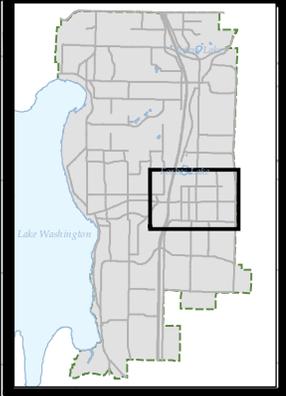


*Typical Video Detection
(northbound 120th Ave NE)*

As a first order of work for the future Corridor Improvements, the Video Detection Project replaced existing in-pavement traffic signal detection with pole mounted video camera detection equipment to help maintain traffic flow levels throughout the corridor during construction. The next order of work, the NE 85th Street Underground Conversion Project, is now being advertised for contractor bids as authorized by City Council at their October 18, 2011 meeting.

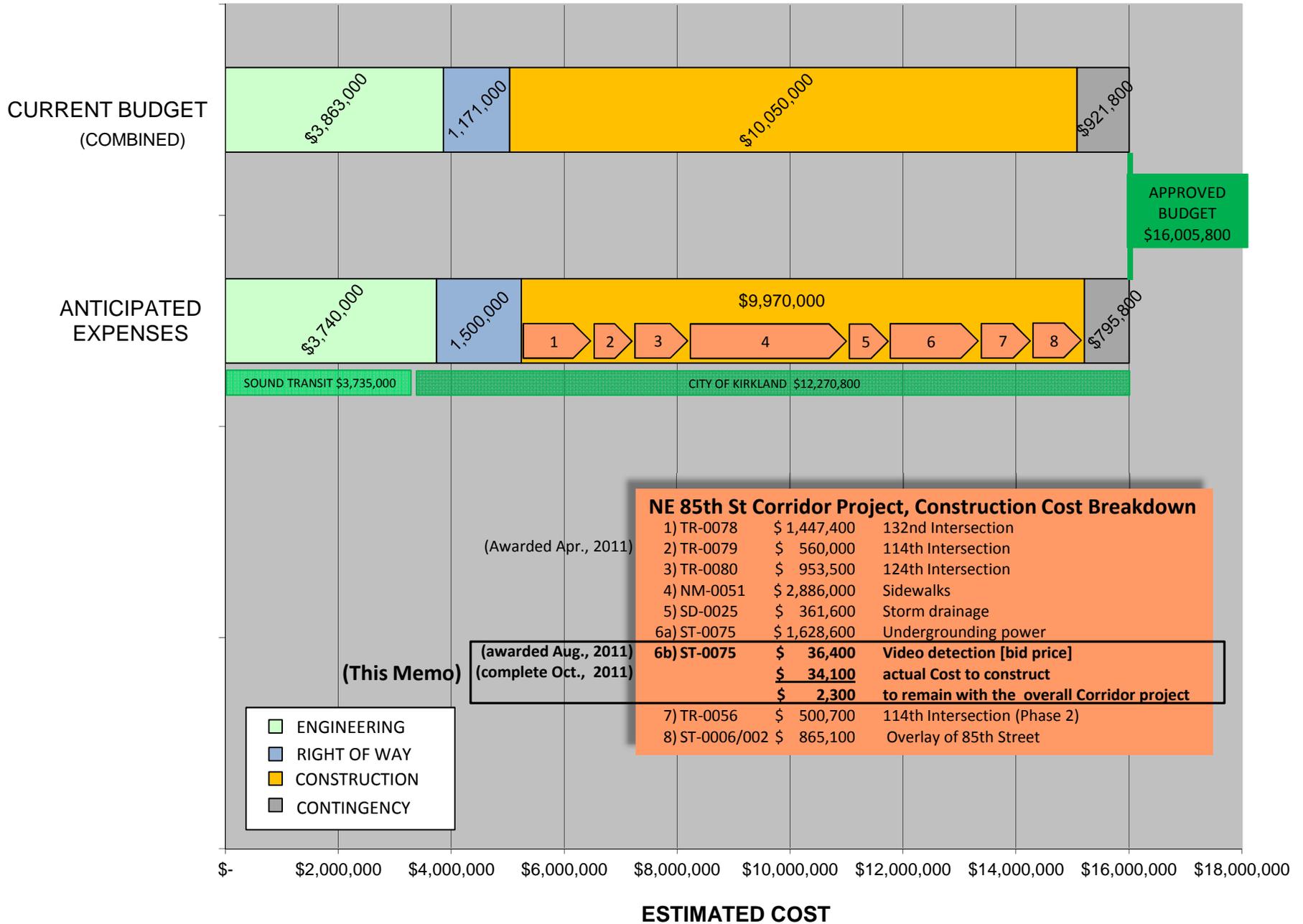
At their regular meeting of August 2, 2011, City Council awarded the Video Detection construction contract to Valley Electric in the amount of \$36,389. Construction began on September 8, 2011, and was completed on October 12, 2011; the total amount paid to the contractor was \$34,053.77 (Attachment B). The approximate \$2,300 in remaining funds will remain with the NE 85th Street Corridor Improvements.

Attachment: (2)



Vicinity Map
NE 85th Street Corridor Improvements
Video Detection Project

NE 85th STREET CORRIDOR IMPROVEMENTS PROJECT BUDGET REPORT





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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie Elsom, Sr. Operations and Financial Analyst
Ray Steiger, P.E., Public Works Director

Date: November 1, 2011

Subject: Ratification of changes to Cascade Water Alliance Interlocal Contract

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution authorizing the City Manger to sign the Cascade Water Alliance Amended and Restated Interlocal Contract as approved by the Cascade Board on October 26, 2011; authorizing to increase the cap on total annual dues from 5% to 9% of Cascade's annual revenue requirement, and allowing the limit to be amended in the budget by Board action by a 65% Dual Majority Vote.

BACKGROUND

The Kirkland City Council approved Cascade Water Alliance (Cascade) membership in March 1999 by Resolution 4181. The Interlocal Contract was entered into April 1999 and was last amended December 2004. Any change to the Interlocal Agreement requires ratification by 65% of Member agencies within 120 days after approval by the Cascade Board. On October 26, 2011, the Board unanimously approved adoption of the Amended and Restated Interlocal Contract with passage of Cascade Resolution No. 2011-17.

Cascade has been in existence for over a decade, and operable as a supply agency for over seven years. When Cascade was formed substantial growth was occurring throughout the region, the economy was booming, and many agencies were predicting they would run out of water supply in the near future. Times have changed, the recession has significantly slowed growth, there continues to be a downward trend in unit demand and the current portfolio of water supply and the acquisition of Lake Tapps promises water supply well into the future. The changing environment has caused a shift in the distribution of costs incurred by Cascade and payments made by member jurisdictions. The impact being existing users now bear more supply costs, existing users now bear costs intended for growth, and agencies historically using regional supply are paying more than agencies with independent supply.

During 2011, Cascade staff, Board members, and member staff have reviewed member charge equity and explored many alternatives to the method of allocating Cascade's costs to its members. On October 26, 2011, Cascade Board unanimously approved the following revisions to the allocation of costs:

- **Admin Cap increase** - raises the cap on total annual dues from 5% to 9% of Cascade's annual revenue requirement. The current structure forces some administrative costs to be recovered through demand shares. Raising the cap distributes costs to all members based on customer equivalent residential units (CERU's).
- **Impose minimum demand shares for Sammamish Plateau Water and Sewer District and the City of Issaquah** – sets minimum demand shares of .75 mgd for the City of Issaquah

and 1.0 mgd for Sammamish Plateau Water District. The high growth these agencies were experiencing drove much of the new supply needs; however, since growth has substantially slowed and both of these agencies have independent supply their share of Cascade costs has dropped materially.

- **RCFC Credit Purchase Program** - Establishes a program for the terms and conditions of redeeming Regional Capital Facilities Charge (RCFC) credits from one or more members. The City of Kirkland does not have any credits. Cascade issued credits in recognition of existing or future independent supplies, or as compensation for transfer of such resources. Under the current structure "credits" are redeemable in lieu of RCFC payments limited to 50% of growth occurring in any reporting period. Drastically reduced growth has reduced RCFC payments toward new supply forcing these costs to be recovered through demand shares. Establishing a new program for credit redemption is in the best interest of all Members. The credit purchase program adopted Oct 2011 by the Cascade Board offers the following options for redemption:
 - **Annual Redemption** - Member's "credits" may only be redeemed after Cascade receives reported growth and RCFC payment for at least 1,250 CERUs in a given fiscal year. Credits are redeemable at the adopted RCFC fee; currently \$6,005.
 - **One-Time Redemption Option** – As a one-time offer, expiring December 31, 2011, each Member with credits may choose to redeem any or all of its remaining credits for \$2,500 per CERU. Any member choosing this option would not be able to redeem any remaining credits until after December 31, 2025.

The new cost allocation would result in a reduction of Cascade costs to Kirkland of \$99,270 for 2012, a reduction of 0.6% of the Cascade portion of the Kirkland rate. Cost allocation changes are projected to reduce Cascades total rate impact by 1-2% per year going forward.

Some of the cost allocation changes require an amendment to the Interlocal Agreement. Amendments to the Interlocal Agreement (1) increase the "cap" on total annual dues from 5% to 9% of Cascade's annual revenue requirement; and (2) allow the limit to be amended in the budget by Board action by a 65% Dual Majority Vote. Only changes to the Interlocal Contract require ratification of Member Jurisdictions.

The final amendments affected the following section of the Interlocal Contract:

- Section 4.7 Budget; Dues; Financial Management.

The Board must approve an annual budget, determining Cascade's revenues and expenditures no later than sixty (60) days before the beginning of the fiscal year in which that budget will be in effect. The budget will be developed and approved according to a schedule established by the Bylaws. The budget must identify the levels of member charges on which revenue projections are based. The Board may amend the budget.

Each Member must pay annual dues to defray part or all of Cascade's administrative costs based on the number of CERUs served by its water system, regardless of water usage or capacity, and regardless of whether those units are served by the Supply System or by Independent Supply. Total administrative dues collected from all Members may not exceed ~~the greater of \$1,000,000 or 5%~~ 9% of Cascade's annual revenue requirement less debt service. This limit may be amended in the budget by a 65% Dual Majority Vote of the Board. The Board may establish minimum annual dues for Member and may provide that less than all of a Member's CERUs be taken into account in establishing dues.

All Cascade books and records shall be open to inspection by the Washington State.

SUMMARY

Staff recommends that the City Council adopt the attached Resolution authorizing the City Manager to sign the Cascade Water Alliance Amended and Restated Interlocal Contract as approved by the Cascade Board on October 26, 2011.

Cc: Tracey Dunlap, Finance Director

RESOLUTION R-4901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED AND RESTATED INTERLOCAL CONTRACT FOR THE CASCADE WATER ALLIANCE.

WHEREAS, the City of Kirkland is a member of the Cascade Water Alliance (Cascade) which provides for cooperative planning, development and management of regional water supplies; and

WHEREAS, the Cascade Board amended the Interlocal Cooperation Agreement on October 26, 2011, to: raise the maximum administrative dues that may be collected from the Members to 9% of Cascade’s annual revenue requirement and to allow the 9% limit to be amended in the budget by a 65% Dual Majority Vote of the Board.

WHEREAS, the Cascade Board has requested amendment of the interlocal agreement which the City of Kirkland is willing to accept; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an amended interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Amended and Restated Interlocal Contract."

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

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

MAYOR

Attest:

City Clerk

After recording, return to:

GordonDerr LLP 2025 First Avenue, Suite 500 Seattle, Washington 98121 (206) 382-9540

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

<p>DOCUMENT TITLE(S) (or transactions contained therein):</p> <p>INTERLOCAL CONTRACT</p>
<p>REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:</p> <p>N/A</p> <p><input type="checkbox"/> Additional reference #s on page ___ of document(s)</p>
<p>GRANTOR(S) (Last name first, then first name and initials)</p> <p>Cascade Water Alliance/Members of Cascade Water Alliance</p> <p><input type="checkbox"/> Additional names on page ___ of document</p>
<p>GRANTEE(S) (Last name first, then first name and initials)</p> <p>Cascade Water Alliance/Members of Cascade Water Alliance</p> <p><input type="checkbox"/> Additional names on page ___ of document</p>
<p>LEGAL DESCRIPTION (abbreviated: i.e., lot, block, plat or section, township, range)</p> <p>N/A</p> <p><input type="checkbox"/> Additional legal is on page ___ of document</p>
<p>ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER</p> <p>N/A</p> <p><input type="checkbox"/> Assessor Tax # not yet assigned</p>

INTERLOCAL CONTRACT

Amended and Restated

October 26, 2011

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**CASCADE WATER ALLIANCE
INTERLOCAL CONTRACT**

Recitals

WHEREAS, the Cascade Water Alliance, an intergovernmental organization created by Interlocal Contract effective April 1, 1999 (as amended July 2000 and November 2002) to further the interests of its Members with respect to water supply and to work cooperatively with other water supply entities in the region; and

WHEREAS, Members of the Cascade Water Alliance have determined to amend the Cascade Water Alliance's Interlocal Contract to better facilitate the purpose of the Cascade Water Alliance;

NOW, THEREFORE, it is agreed as follows:

ARTICLE 1. Agreement

The Cascade Interlocal Contract, effective April 1, 1999, and entered into under authority of the Interlocal Cooperation Act, Chapter 39.34 RCW is amended and re-stated as provided herein.

ARTICLE 2. Definitions

"Asset Transfer Agreement" means an agreement between Cascade and a Member by which the Member transfers title to Water Supply Assets to Cascade, with or without monetary consideration, to be operated and maintained as part of the Cascade Water System.

"Authorized Issuer" means either: (a) Cascade (or a successor entity); or (b) a Member or other entity authorized to issue Bonds for the benefit of Cascade approved by Resolution of the Board.

"Board" means the Board of Directors of Cascade.

“Bonds” means short-term or long-term bonds, notes, warrants, certificates of indebtedness, or other obligations issued by, or on behalf of Cascade.

“ByLaws” means the ByLaws of Cascade, as adopted and amended by the Board.

“Cascade” means Cascade Water Alliance.

“Cascade ERUs” (“CERUs”) means equivalent residential units, calculated according to the Regional Capital Facilities Charge Methodology.

“Cascade Source Exchange Program” means a program adopted by Resolution of the Board for the replacement of all or a portion of a public water systems existing water supply to benefit stream flow and fish without serving growth or increasing that system’s water supply. A program utilizing Lake Tapps Water Supply shall include the terms and conditions for source exchange contained in the Lake Tapps’ Water Right Report of Examination.

“Cascade Source Exchange Program Agreement” means an agreement between Cascade and a Member or another public water supplier to implement the Cascade Source Exchange Program.

“Cascade Supply Date” means the date for the Founding Members and each new Member, established by Resolution of the Board, upon which Cascade undertakes a Supply Commitment.

“Contract” means this Cascade Water Alliance Interlocal Contract.

“Demand Share” means either a Member’s current share of water provided through the Supply System, or estimated share of water to be provided through the Supply System,

whether Full Supply or Interruptible Supply, expressed in millions of gallons per day.

Demand Share is calculated according to the Rate Calculation Methodology.

“Dual Majority Vote” means Board approval of a proposal on the basis of a simple majority of all Members, allowing one vote per Member, together with a simple majority of all Members on the basis of each Member’s Weighted Vote. A “simple majority” means a majority of all Members of Cascade, not just the Members present and voting.

“65% Dual Majority Vote” means Board approval of a proposal on the basis of a 65% supermajority of all Members, allowing one vote per Member, together with 65% supermajority of all Members on the basis of each Member’s Weighted Vote. A “supermajority” means 65% of all Members of Cascade, not just the Members present and voting.

“Founding Member” means the City of Bellevue, Covington Water District, the City of Issaquah, the City of Kirkland, the City of Redmond, Sammamish Plateau Water and Sewer District, Skyway Water and Sewer District, and the City of Tukwila.

“Gross Cascade Revenue” means all of the earnings and revenues received by Cascade from any source whatsoever including but not limited to: (a) Member Charges; (b) revenues from the sale, lease or furnishing of other commodities, services, properties or facilities; (c) the receipt of earnings from the investment of money in any maintenance fund or similar fund; (d) and withdrawals from any rate reserve or rate stabilization fund or account.

However, Gross Cascade Revenue shall not include: (a) principal proceeds of Bonds or any other borrowings, or earnings or proceeds from any investments in a trust, defeasance or escrow fund created to defease or refund obligations relating to the Water Supply System

(until commingled with other earnings and revenues included in Gross Cascade Revenue) or held in a special account for the purpose of paying a rebate to the United States Government under the Code; (b) taxes and other income and revenue which may not legally be pledged for revenue bond debt service; (c) improvement district assessments; (d) federal or state grants allocated to capital projects; (e) payments under Bond Insurance or other credit enhancement policy or device; (f) insurance or condemnation proceeds used for the replacement of capital projects or equipment; (g) earnings in any construction fund or bond redemption fund; (h) deposits to any rate reserve or rate stabilization fund or account; or (i) any revenues generated by any Independent Supply except those amounts that are payable to Cascade pursuant to this Contract or another interlocal agreement.

“Independent Supply” or “Independent Supplies” means a Member’s Water Supply Assets that are not part of the Supply System.

“Member” or “Members” means one or more member agencies of Cascade.

“Member Charges” means all payments that Cascade Members are required by this Contract to make to Cascade, including but not limited to all Rates and Charges, RCFCs, dues, assessments and other payments from Members.

“Net Cascade Revenue” means Gross Cascade Revenue less Operations and Maintenance Costs.

“Non-Member” means any person or agency that is not a party to this Contract.

“Operations and Maintenance Costs” or “O&M Costs” means all expenses incurred by Cascade to operate and maintain the Supply System in good repair, working order and condition, including without limitation, payments made to any other public or private

entity for water or other utility service. Except as approved by the Board, Operations and Maintenance Costs shall not include any depreciation, capital additions or capital replacements to the Supply System.

“Rates and Charges” means the rates and charges (not including RCFCs) chargeable to each Member using the Rate Calculation Methodology plus any late payment or other charge that may be due.

“Rate Calculation Methodology” means the method of setting Rates and Charges adopted by the Board in accordance with Section 7.5

“Regional Capital Facilities Charges” (“RCFCs”) means the charges to each Member for new CERUs connected to that Member’s water distribution system.

“Regional Capital Facilities Charge Methodology” (“RCFC Methodology”) means the method of determining the RCFCs adopted by the Board in accordance with Section 5.5.

“Satellite Systems” means water supply facilities identified as such by the Board, including but not limited to facilities that serve a portion of a Member’s customers but that are not part of the Member’s main water system.

“Seattle Contract Purveyor” or “Seattle Contract Purveyors” means a Member that is or was a party to The City of Seattle Water Purveyor Contracts, Version A or Version B, dated November 1981 (as amended) executed prior to July 1, 1998.

“Supply Commitment” means the obligation undertaken by Cascade, established by Resolution of the Board to supply water to a Member. With respect to Members, that

obligation shall be characterized as **“Full Supply Commitment,”** or an **“Interruptible Supply Commitment”** defined as follows:

“Full Supply Commitment” for any or all of a Member’s water needs means that those needs, as projected in the Member’s lawfully adopted water supply plan, shall be met from the Supply System, net of independent supply and subject to the other limitations established in this agreement, on an equal parity with all other Full Supply Commitments, and with a guaranteed priority no lower than for any other Supply Commitment made by Cascade; provided that no Member is guaranteed any given amount of supply or capacity.

“Interruptible Supply Commitment” means a supply of all or part of a Member’s water needs from the Supply System on an as-available basis on a lower priority than any Full Supply Commitment.

The Supply Commitment for a Member shall be defined by this Interlocal Contract, the terms and conditions of membership, and the Supply Commitment resolution.

“Supply System” means the Water Supply Assets owned or controlled by Cascade.

“Water Supply Assets” means tangible and intangible assets usable in connection with the provision of water supply, including without limitation, real property, physical facilities (e.g., dams, wells, treatment plants, pump stations, reservoirs, and transmission lines), water rights, capacity and/or contractual rights in facilities or resources owned by other entities, and investments in conservation programs and facilities.

“Watershed Management Plan” means a plan adopted by Cascade for purposes of regional water supply, water transmission, water quality or protection, or any other water-related purpose, including but not limited to the plans identified in RCW 39.34.190(3).

“Water Supply Plan” means the Cascade Regional Water Supply Plan (which may include the Cascade Watershed Management Plan) adopted by the Board as provided in Section 8.1 and 8.2.

“Weighted Vote” means a vote in which each Member’s vote is counted according to the Member’s Demand Share, but no Member shall have a Weighted Vote of less than one.

ARTICLE 3. Formation of Entity; Purpose and Powers

Section 3.1 Formation. The Cascade Water Alliance was created on April 1, 1999 as a public body and an instrumentality of its Members, which exercises essential governmental functions on its Members’ behalf as authorized by the Interlocal Cooperation Act (RCW 39.34). Cascade is incorporated under RCW 39.34.040(3) as a public nonprofit corporation in the manner set forth in RCW 24.03 or 24.06 and it may, with Board approval, be incorporated as a partnership in the manner set forth in RCW 25.04, or the Board may organize the form of Cascade in any other manner permitted by law. In addition to its status under any other applicable law, Cascade shall constitute a “watershed management partnership” as provided in Chapter 39.34 RCW. The Board may approve the filing of Articles of Incorporation or similar documents in connection with incorporating Cascade or organizing it in some other manner.

Section 3.2 Membership. Subject to restrictions on future Cascade water rights, or to limitations upon water’s place of use imposed by contract or permit, any municipal water utility serving within the Central Puget Sound Region may be admitted to Cascade. The decision to admit new Members rests with the sole discretion of the Board, which shall

determine whether to extend a membership offer taking into consideration the audit findings, Cascade water resources, and any other factors the Board deems advisable.

When a municipality applies for membership, Cascade shall conduct a water supply audit according to the methodology and within the period determined by the Board. Audit results shall be provided to the Board and to the applicant.

If a membership offer is extended, it shall address the nature of the Water Supply Assets being transferred or retained and the “value” of those assets in terms of the calculation of an applicant’s Demand Share, RCFCs and other matters relating to the rights and obligations of the applicant and Cascade, which must be recorded in the form that the Board determines and which will constitute, along with this Contract, the conditions under which an applicant becomes a Member of Cascade. An applicant for membership shall be admitted by adoption of a Resolution of the Board accepting the application for membership and incorporating the terms and conditions of membership.

Each membership application must be accompanied by a nonrefundable application fee based on the cost of the audit and other costs related to the admission of a new Member or a request for new supply. The Board shall set the application fee for each applicant based on the estimated cost of processing the application, including the cost of the audit.

As a condition of membership, each new Member admitted to Cascade shall, in addition to any other applicable fees, rates, charges or assessments, pay to Cascade the membership fee, as established by the Board.

If an applicant's planning process or plans are materially out of compliance with the requirements of the Growth Management Act, the Board may condition an offer of membership upon the applicant's compliance with that act.

Section 3.3 Conversion to Municipal Corporation Status. In accordance with Section 10.4, Cascade may be converted into a separate municipal corporation if, and as permitted by law. Upon the creation of such a separate municipal corporation, all Cascade rights and obligations and all Member rights and obligations under this Contract shall transfer to that new municipal corporation.

Section 3.4 Purposes. Cascade's purposes include only those related to water resources, and do not include the provision of other general services to the public, and are to:

- a. provide a safe, reliable and high quality drinking water supply to meet the current and projected demands of Cascade Members serving the Central Puget Sound Region, and for non-Members as determined by Cascade, and to carry out this task in a coordinated, cost-effective, and environmentally sensitive manner;
- b. develop, contract for, manage, acquire, own, maintain and operate Water Supply Assets, including without limitation, surface water supplies, groundwater supplies, reclaimed water supplies, and other water supply resources as determined by the Board;
- c. contract with Seattle to transfer to Cascade and to modify Seattle's rights and duties with respect to Seattle Contract Purveyors;
- d. contract for, or assume certain contractual rights and duties related to the Tacoma Second Supply Pipeline project;
- e. purchase and provide water supply, transmission services, treatment facilities and other related services;
- f. provide conservation programs to promote the wise and efficient use of resources;
- g. carry out emergency water supply and shortage management programs for its Members when demands exceed available supply;

- h. coordinate and plan cooperatively with other regional or local water utilities and other entities to maximize supply availability and to minimize system costs;
- i. develop a Water Supply Plan addressing the needs of its Members and develop a Watershed Management Plan serving the needs of its Members and Cascade itself and develop a regional water supply plan with other water providers as Cascade may find convenient or necessary to meet regional, state and federal planning requirements, and to take a leadership role in developing and coordinating those supply plans;
- j. share costs and risks among Members commensurate with benefits received; and
- k. carry out, or to further other water supply purposes that the Members determine, consistent with the provisions of this Contract.

Section 3.5 Powers. To further its purposes, Cascade has the full power and authority to exercise all powers authorized or permitted under RCW 39.34 and any other laws that are now, or in the future may be, applicable or available to Cascade and to engage in all activities incidental or conducive to the attainment of the purposes set forth in Section 3.4 of this Contract, including but not limited to the authority to:

- a. acquire, construct, receive, own, manage, lease and sell real property, personal property, intangible property and other Water Supply Assets;
- b. operate and maintain facilities;
- c. enter into contracts;
- d. hire and fire personnel;
- e. sue and be sued;
- f. exercise the power or eminent domain (through its Members at their individual discretion, unless and until Cascade has that power under applicable law);
- g. impose, alter, regulate, control and collect rates, charges, and assessments,
- h. purchase and sell water and services within and outside the geographical boundaries of its Members;

- i. borrow money (through its Members or other entities at their individual discretion or as authorized by Chapter 39.34 RCW now or in the future), or enter into other financing arrangements;
- j. lend money or provide services or facilities to any Member, other governmental water utilities, or governmental service providers;
- k. invest its funds;
- l. establish policies, guidelines, or regulations to carry out its powers and responsibilities;
- m. purchase insurance, including participation in pooled insurance and self-insurance programs, and indemnify its Members, officers and employees in accordance with law;
- n. exercise all other powers within the authority of, and that may be exercised individually by all of its Members with respect to water supply, conservation, reuse, treatment and transmission, or any of the other purposes set forth in Section 3.4;
- o. exercise all other powers within the authority of, and that may be exercised individually by all its Members with respect to watershed planning and management; and
- p. exercise all other corporate powers that Cascade may exercise under the law relating to its formation and that are not inconsistent with this Interlocal Contract or with Chapter 39.34 RCW or other applicable law.

ARTICLE 4. Organization Structure; Board

Section 4.1 Composition, ByLaws and Meetings. Cascade is governed by a Board of Directors consisting of one individual representative appointed by Resolution of the Member's legislative authority. Members may similarly appoint Alternate Board Members. Each Board Member and each Alternate Board Member must be an elected official of the Member.

The Board shall adopt ByLaws consistent with this Interlocal Contract that specify, among other matters, the month of Cascade's Annual Meeting, Board powers and duties and those of the Executive Committee, Standing Committees, Officers and employees.

The Board shall meet as required by the ByLaws, but not less than quarterly.

Section 4.2 Powers of the Board. The Board has the power to take all actions on Cascade's behalf in accordance with voting provisions set forth in Section 4.3. The Board may delegate to the Executive Committee or to specific Cascade Officers or employees any action that does not require Board approval under this Contract.

Section 4.3 Voting. All Board actions must be approved by Dual Majority Vote of all Members, except where this Contract requires either a 65% Dual Majority Vote, as provided in Sections 5.2, 5.5, 7.1, 7.3, 8.3, 10.3, 10.4, and Article 11; or ratification by the Members' legislative authority, as provided in Section 10.4 and Article 11. The Board may act by voice votes, as set forth in the ByLaws. Any Member may require a recorded tabulation of votes either before or immediately after a voice vote is taken. Although voting is, in part, based on Weighted Vote, the Members expressly agree that there is only one class of voting membership, and voting occurs within that single class.

Any Member that has been declared to be in default of its obligations under this Interlocal Contract by the Board shall lose its right to vote until the Board has declared the default to be cured.

Section 4.4 Officers and Committees. Cascade Officers shall include a Chair, a Vice Chair, a Secretary and a Treasurer. The Chair serves as the chair of the Board (and may

be known as the “President”, if the ByLaws so designate) and performs those duties set forth in the ByLaws.

The Vice Chair shall perform the duties of the Chair in the Chair’s absence and shall perform other duties as set forth in the ByLaws. The Secretary shall be responsible for Cascade records and performs other duties as set forth in the ByLaws. The Treasurer shall be responsible for Cascade accounts and financial records and performs other duties as set forth in the ByLaws.

Consistent with the provisions of this Contract, the Board may, in the ByLaws, establish additional Officers and set forth their duties.

The Board may create and appoint Members to Standing Committees and special committees as it deems appropriate. Committee Members need not be elected officials or employees of Members, but Standing Committee Chairs must be Board Members or Alternate Board Members.

Section 4.5 Executive Committee. The Chair, Vice Chair, Secretary, Treasurer and chairpersons of Standing Committees together constitute Cascade’s Executive Committee. The Chair (or acting Chair) shall vote on matters before the Executive Committee only if necessary to break a tie. The Executive Committee’s duties and responsibilities are set forth in the ByLaws. The Executive Committee shall not have the power to:

- a. approve any contract for a term longer than three years;
- b. approve any contract involving expenditure by, or revenue to Cascade in excess of such amounts and under such circumstances as set forth in the ByLaws;

- c. retain or dismiss the chief executive officer or determine the chief executive officer's compensation; or
- d. take any actions expressly reserved to the Board by this Contract or the ByLaws.

The Executive Committee shall have the authority, if necessary, to avoid default on any Bond, to withdraw from any capital reserve fund or rate stabilization fund, an amount equal to the amount necessary to avoid a default and to authorize payment of that amount to avoid default.

Section 4.6 Staff, Consultants and Contractors. Cascade staff shall consist of a chief executive officer and other positions established by the Board. The Board shall appoint, designate the title of, and establish the compensation range of the chief executive officer. The Board shall hire or retain legal counsel and independent accountants and auditors for Cascade. The authority to hire other consultants may be delegated to the Executive Committee. The chief executive officer appoints persons to fill other staff positions, and those appointments may be subject to ratification by the Board or the Executive Committee if the ByLaws so provide. The Board may also provide that administrative, professional or technical services be performed by contract.

Section 4.7 Budget; Dues; Financial Management. The Board must approve an annual budget determining Cascade's revenues and expenditures no later than sixty (60) days before the beginning of the fiscal year in which that budget will be in effect. The budget will be developed and approved according to a schedule established by the ByLaws. The budget must identify the levels of Member Charges on which revenue projections are based. The Board may amend the budget.

Each Member must pay annual dues to defray part or all of Cascade's administrative costs based on the number of CERUs served by its water system, regardless of water usage or capacity, and regardless of whether those units are served by the Supply System or by Independent Supply. Total administrative dues collected from all Members may not exceed ~~the greater of \$1,000,000.00 or 5%~~ 9% of Cascade's annual revenue requirement, ~~less debt service.~~ This limit may be amended in the budget by a 65% Dual Majority Vote of the Board. The Board may establish minimum annual dues per Member and may provide that less than all of a Member's CERUs be taken into account in establishing dues.

All Cascade books and records shall be open to inspection by the Washington State Auditor.

ARTICLE 5. Asset Development and Supply Commitment

Section 5.1 Property Acquisition, Ownership and Disposition. Cascade may construct, purchase, rent, lease, manage, contract for, or otherwise acquire and dispose of Water Supply Assets and other assets. Cascade may control and manage both the assets it owns and the assets that are owned by Members that have transferred control and management of those assets to Cascade. This Contract does not vest in Cascade any authority with respect to Members' other facilities or assets, such as Water Supply Assets retained by Members as Independent Supply.

Subject to Cascade's agreement, a Member may transfer to Cascade its title to, or operational control and management of Water Supply Assets. Water Supply Assets may also be fully retained Members as Independent Supply, subject to the provisions of Article 6. At the discretion of the Board, Cascade may accept title to, or operational control and

management of Water Supply Assets offered by Members or accept supply assets that constitute all or part of a Member's Satellite System(s). The Board may accept supply assets subject to the terms and conditions arrange between Cascade and the Member, based on the result of the audit process and mutual needs.

Cascade may enter into Asset Transfer Agreements which shall provide for the terms and conditions of: (a) Cascade's operation of the transferred Water Supply Asset with respect to the Member transferring the asset; (b) Cascade's operation, maintenance and replacement of the Water Supply Asset as part of the Supply System; (c) return or disposition of the Water Supply Asset if Cascade terminates its existence or the Member withdraws; (d) continuation of service (if appropriate) to Members or former Members by the Member receiving the Water Supply Asset at reasonable rates and charges or payment to Cascade of the cost of replacing the Water Supply Asset; and (e) such other conditions as the Board and the Member agree upon.

Members shall not be deemed to hold legal ownership rights in any Water Supply Assets owned by Cascade whether those Water Supply Assets have been developed by, purchased by, or transferred to Cascade, and regardless of the accounting treatment of RCFC payments and other payments made to Cascade.

Section 5.2 Supply Commitment

Section 5.2.1 Commitment to Members. Beginning on the Cascade Supply Date, Cascade shall provide a Fully Supply Commitment to each Founding Member.

Thereafter, Cascade shall provide a Full Supply Commitment to meet all current and future water supply needs of a Member that joins with Water Supply Assets sufficient to provide for

its needs during the following fifteen (15) years (whether or not those Water Supply Assets are transferred to Cascade or retained as Independent Supply) commencing on the Member's Cascade Supply Date. When a supply contract is negotiated with Seattle, any Member that is a Seattle Contract Purveyor shall relinquish its rights under its Seattle Water Purveyor Contract to Cascade and execute such documents as may be necessary to transfer those rights to Cascade. Cascade shall accept those rights and a corresponding obligation to provide a Fully Supply Commitment (net of Independent Supply). The approval of a contract with the City of Seattle providing for the initial acquisition of rights to substantial Water Supply Assets, and any material amendment to that contract, shall be effective upon a 65% Dual Majority Vote.

Any Full Supply Commitment shall be subject to water shortages, to Cascade's ability to implement the Water Supply Plan, and to the portion of the Member's needs that can be served by the audited capacity of its Independent Supply. If the needed supply is not available, the shortage shall be shared by all the Members in accordance with Cascade's shortage management plan, except as otherwise provided in Section 5.5. Cascade is not obligated to provide water supply to service area expansions in or outside the urban growth boundary, unless Cascade agrees to such expanded service area. However, Cascade shall be obligated to provide water supply to the entire service area of each Member (as that service area is defined in terms under which the Member was admitted), whether or not some of that service area is within the Member's current jurisdictional boundaries and/or within the current urban growth boundary. Cascade is not obligated to provide increased water supply to any

Member if it is determined that the Member's planning process or plans are materially out of compliance with the requirements of the Growth Management Act.

A Member that joins with Water Supply Assets insufficient to provide for its needs for fifteen (15) years receives the Fully Supply it desires only if, when, and to the extent it is available within reliability standards determined by Cascade's system reliability methodology. If sufficient Full Supply is not available within reliability standards determined by Cascade's system reliability methodology, the Member receives partial Full or Interruptible Supply, and Full Supply must be provided within fifteen (15) years. Cascade shall then undertake to include in Cascade's Water Supply Plan, and to acquire the facilities or other assets necessary in the Board's determination to provide for that deficit. If Cascade fails to develop sufficient assets to timely provide the increased Full Supply, the commitment becomes a Full Supply Commitment at the end of that fifteen-(15) year period, and any shortage shall be shared by all Members in accordance with Cascade's shortage management plan.

If multiple Members request new Full Supply, requests must be honored in the order received (i.e., in the order in which application is made accompanied by the application fee). With respect to new Members, requests for Full Supply "vest" no earlier than the date that membership is effective. In cases of conflict or ambiguity, the Board may determine the order of requests.

Section 5.2.2 Additional Rules for Members Retaining Independent

Supply. Whenever Cascade has a Supply Commitment to a Member that retains Independent Supply, Cascade shall provide Full Supply for all of that Member's water supply needs minus

the amount of water that an audit determines may be provided by that Member's Independent Supply. Members are not required to share shortages resulting from the loss or all or part of Independent Supply, although Cascade may make Interruptible Supply available to a Member that loses Independent Supply at prices that are consistent with the price of Interruptible Supply being made available to others at that time. Cascade may at any time and at its cost and expense carry out audits of a Member's Independent Supply.

A Member requesting an additional Full Supply Commitment due to loss of Independent Supply shall make that request by Resolution of the requesting Member's legislative authority. When and as determined by the Board, the Member shall pay an amount equal to the RCFCs allocable to the number of CERUs that can be served by the replacement supply provided or to be provided by Cascade. Cascade shall then include the supply in its Water Supply Plan, and provide the supply when it becomes available, but in any event within fifteen (15) years. If, within fifteen (15) years the supply is not available, Cascade's commitment becomes a Full Supply Commitment and any shortage with respect to that supply must be shared by all the Members in accordance with the Shortage Management Plan, except as otherwise provided in Section 7.3.

Section 5.2.3 Additional Rules for Source Exchange. The Board may, at its sole discretion, authorize a Cascade Source Exchange Program Agreement with a Member or Non-Member. The terms and conditions of a Cascade Source Exchange Program Agreement shall be developed from a source exchange proposal submitted to the Board. The agreement shall identify: (a) the water right (instantaneous and annual) to be augmented or replaced; (b) the Water Supply Assets to be utilized; (c) mechanisms and arrangements for delivery of

regional water; (d) characteristics of supply obligation (for example, peak and average quantities, seasonal or annual delivery duration, interruptibility and shortage management); (e) reporting requirements; (f) changes in operation needed to benefit stream flow and fish; (g) rates and charges; and (h) such other conditions as the Board and the Member or public water supplier agree upon. The agreement may or may not provide for adjustments to a Member's RCFC payments or credits and whether or not the source exchange is a loss of a Member's Independent Supply that would be subject to the provisions of Section 5.2.2.

Section 5.3 Financing of Assets. The acquisition of new capital facilities and other Water Supply Assets may be financing using RCFCs, transfers or Water Supply Assets, Rates and Charges, the issuance of revenue Bonds and such other sources as the Board may deem appropriate.

Section 5.3.1 Issuance of Bonds. An Authorized Issuer may issue Bonds payable from and secured solely by all or a portion of Net Cascade Revenue, evidencing indebtedness up to an amount approved by Resolution for the Board in order to provide financing or refinancing to acquire, construct, receive, own, manage, lease or sell real property, personal property, intangible property and other Water Supply Assets, to establish debt service reserves, to provide for capitalized interest and to pay the costs of issuance of, and other costs related to the issuance of the Bonds. Such Bonds shall be payable solely from all or a portion of the Net Cascade Revenue or (if the Authorized Issuer is other than Cascade) from payments to be made by Cascade out of all or a portion of Net Cascade Revenue, and such Bonds shall not pledge the full faith and credit or taxing power or, except as expressly provided by contract, the revenue, assets or funds of any Member.

Members serving as Authorized Issuers may conduct the financing through “separate systems” permitted by their applicable bond resolutions, or in some other appropriate manner, and Cascade may compensate those Members for all costs associated with the financing. Bond-related documents of Authorized Issuers other than Cascade must expressly permit the Bonds to be refunded or prepaid without penalty prior to their stated maturity, on and after such dates as are approved by the Authorized Issuer and the Board, to allow for a transfer of the obligation to Cascade or to Cascade’s successor entity, including without limitation a joint operating agency or similar entity, as may be permitted by law.

Section 5.3.2 Pledge of Revenues. For as long as any Bonds payable from Net Cascade Revenue (or any portion thereof) are outstanding, Cascade irrevocably pledges to establish, maintain and collect all Member Charges in amounts sufficient to pay when due the principal of and interest on the Bonds (and, if the Authorized Issuer is other than Cascade, in addition to the foregoing pledge, to pledge to make timely payments to that Authorized Issuer for the payment of principal of and interest on the Bonds), together with amounts sufficient to satisfy all debt service reserve requirements, debt service coverage requirements, and other covenants with respect to the Bonds.

Each Member hereby irrevocably covenants that it shall establish, maintain and collect rates, fees or other charges for water and other services, facilities and commodities related to the water supply it receives from Cascade and/or its water utility at levels adequate to provide revenues sufficient to enable the Member to: (a) make the payment required to be made under this Contract; and (b) pay or provide for payment of all other charges and obligations payable from or constituting a charge or lien upon such revenues. Each Member hereby

acknowledges that this covenant and its covenant in Section 7.9 of this Contract may be relied upon by Bond owners, consistent with this Contract.

Each Member shall pay the Member Charges imposed on its whether or not the Water Supply Assets to be financed through the issuance of Bonds are completed, operable or operating, and notwithstanding the suspension, interruption interference, reduction or curtailment in the operation of any Water Supply Assets for any reason whatsoever, in whole or in part. Member Charges shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of any Member, or of any entity under this or any other agreement or instrument. However, credits against future RCFCs and Rates and Charges described in Sections 5.5 and 7.5, respectively, for development or addition of excess capacity that is either transferred to Cascade or retained as Independent Supply, shall not be considered “offsets” or “reductions” for the purposes of this Section.

If, in connection with the issuance of obligations, any Member establishes a new lien position on revenues relating to its water utility, that Member shall covenant in the relevant documents that the amounts to be paid to Cascade as Member Charges shall be treated either: (a) as part of that Member’s internal operation and maintenance costs payable prior to debt service on those obligations; and/or (b) for any portion of those Member Charges that is allocable to capital costs, as a contract resource obligation payable prior to debt service on those obligations. If any Member has existing outstanding revenue obligations relating to its water utility, it shall include substantially similar “springing covenants” in the documents relating to any new parity obligations.

Section 5.3.3 Continuing Disclosure. To meet the requirements of United States Securities and Exchange Commission (“SEC”) Rule 15c2-12(b)(5) (the “Rule”) as applicable to a participating underwriter for any Bonds and any obligation of each Member as an “Obligated Person” under the Rule, Cascade and each Member agree to make an appropriate written undertaking, respectively, for the benefit of holders of the Bonds consistent with the requirements of the Rule.

Section 5.3.4 Preservation of Tax Exemption for Interest on the Bonds. Each Member covenants that it will take all actions necessary to prevent interest on tax-exempt Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of tax-exempt Bonds or other funds treated as proceeds of those Bonds at any time during the term of those Bonds that will cause interest on those Bonds to be included in gross income for federal income tax purposes.

Section 5.3.5 Additional Certificates. Each Member further agrees to provide such certificates or verifications as are reasonably requested by an Authorized Issuer in connection with the issuance of Bonds under this Section.

Section 5.4 Supply Expansions and System Extensions. Cascade must provide for Supply System expansions and extensions to meet the needs of additional water customers of Members, subject to consistency with applicable growth management plans and comprehensive plans, Cascade’s water supply plan, orderly asset development, reasonable cost and financing capacity. The Board shall establish a water supply development process, including criteria governing the evaluation of new projects, and that process must promote

equality of costs and services (other than direct local services), regardless of geographic location. The results of the water supply planning process must be reflected in Cascade's Water Supply Plan. The Board shall have the authority to undertake new projects identified in Cascade's Water Supply Plan for the expansion of Water Supply Assets and regional transmission system extensions to meet Members' projected needs. To reduce costs, Cascade may, to the extent that the Board deems advisable, enter into agreements with Members to wheel water through their existing systems. When facilities are constructed that are used partially by Cascade for wheeling water and partially by Members or other entities for their purposes, the Board may determine an appropriate Cascade contribution to the cost of those facilities. Existing arrangements among Members (and between Members and Non-Members), in place when a Member joins Cascade, remain unaffected except as otherwise agreed between Cascade and the other entities concerned.

Section 5.5 Regional Capital Facilities Charges. To allocate growth costs to those Members that require capacity increases, each Member shall pay to Cascade an RCFC for each new CERU connected to its water distribution system. Growth in water usage by existing CERUs is not subject to RCFCs unless that growth constitutes as CERU increase as provided in the RCFC Methodology. Members with a supply deficit must pay an RCFC commensurate with that deficit. To the extent that a Member transfers to Cascade or retains as Independent Supply water supply in excess of its needs, it receives a corresponding credit against future RCFCs.

Subject to the provisions of Section 5.2.2, a Founding Member pays no RCFCs with respect to the number of CERUs served as of January 31, 2003, or other such later date as determined by Resolution of the Board.

A new Member with adequate supply shall commence paying RCFCs fifteen (15) years prior to the date that its Water Supply Assets are projected to be insufficient to provide for its needs as determined by the Board (taking into consideration the results of the Water Supply Audit).

A Member that joins with Water Supply Assets that are projected to be insufficient to provide for its needs for fifteen (15) years shall immediately pay RCFCs for the number of CERUs representing the deficit as determined by the Board.

RCFCs shall be calculated according to the RCFC Methodology, which shall define the analytical steps required to calculate the RCFCs according to the greater of: (a) the incremental difference between the average unit cost of expanding the system (i.e., the marginal cost of new capacity) and the average unit cost of the existing system; or (b) the average unit cost of past construction of the existing system plus then-planned Supply System improvements. The methodology shall provide for an annual escalator, recalculation and update not less frequently than every fifth year, and a methodology for determining CERUs. The RCFCs shall be imposed on the Member for each new CERU of that Member in accordance with the terms of this Contract. Amendments to the RCFC Methodology shall require a 65% Dual Majority Vote.

If a Founding Member owns Water Supply Assets or transfers Water Supply Assets to Cascade under Section 5.1, to the extent the audited capacity of those assets (including Seattle

Contract Purveyor rights) exceeds the Member's needs, that Member shall receive a credit against future RCFCs. If a Member seeks to transfer assets substantially in excess of its foreseeable needs, Cascade may negotiate appropriate compensation arrangements for the transfer.

Members that develop new Independent Supply that is approved by the Board in accordance with Article 6, similarly receive a credit effective when the Independent Supply is placed in service as determined by the Board.

A Member that accepts ownership of a Satellite System that Cascade agrees to serve shall pay an RCFC for the amount of supply needed to serve that system in excess of its rated capacity.

Members that experience a net reduction in the number of CERUs served shall receive a CERU-for-CERU credit against future RCFCs.

RCFC credits may not be transferred among Members without Board approval.

Members shall not be required to pass RCFCs to their customers as capital facilities charges, but may provide for the payment of RCFCs in whatever manner they deem appropriate.

For Members joining with an unmet net supply need, Cascade may, under circumstances determined by the Board, require the prepayment of RCFCs allocable to the full amount of the requested supply, i.e., when funds are needed to begin the construction of facilities immediately.

Section 5.6 Transfer Upon Mergers, Consolidations and Assumptions. If: (a) two or more Members merge or consolidate; (b) a Member or a Non-Member assumes

jurisdiction of part or all of a Member; or (c) a Member assumes jurisdiction of part or all of a Non-Member, the jurisdictions' water supply rights from and obligations to Cascade must be transferred or assumed under applicable law and consistent with the requirements of this Contract and the obligations of Cascade.

ARTICLE 6. New Independent Supply

Members may not bring new Water Supply Assets on-line as Independent Supply without Board approval. That approval may be granted or denied following an evaluation process, based on whether the Board determines that development of the proposed Independent Supply will benefit or be adverse to the interests of the Members as a whole. Recognizing that in certain circumstances the acquisition of additional Independent Supply might benefit (or cause no material harm to) the Members, new supplies under one (1) MGD may be approved by the Board regardless of the provisions of the Water Supply Plan and without a formal evaluation process. New supplies in amounts greater than one (1) MGD must be described in and be consistent with the Water Supply Plan.

Members that have invested in the development of new Independent Supply assets may offer to sell their interest in such assets to Cascade. Cascade may, in its sole discretion and subject to mutually agreeable terms and conditions, purchase the Member's interest in such Independent Supply asset by reimbursing or otherwise compensating the Member for its investment in the project to the extent that investment has been capitalized. Once Cascade has purchased a Member's interest in a project, the project will be considered a Water Supply Asset of Cascade and be incorporated into the Water Supply Plan.

ARTICLE 7. Asset Management

Section 7.1 Supply System Management. Cascade is responsible for managing, on behalf of all Members, the Supply System. Cascade is not responsible for managing Independent Supply unless it has expressly agreed to do so. Supply System management responsibilities shall be governed by Cascade's system management plan adopted by the Board. Cascade's system management plan concerns, without limitation, matters such as daily system operations and maintenance, interface with other supply providers, contractual obligations, water quality, billing, management and administration. Cascade may delegate and/or contract out its Supply System responsibilities.

Cascade must manage the Supply System in compliance with applicable laws, regulations and Cascade's minimum service standards. Adoption and amendments to the minimum service standards shall require a 65% Dual Majority Vote.

Section 7.2 Conservation. Cascade shall develop and carry out, and Members must participate in, water conservation programs that are uniform among Members. The Board shall develop and implement a Cascade conservation management plan that provides a mandatory base conservation program that functions to reduce both average and peak demands and may establish a charge or assessment to fund development and implementation of the program. Members may implement additional conservation programs. The Board may adopt wholesale charges in addition to normal Demand Share charges to encourage resource conservation. The Board may also provide or contribute to additional local conservation programs that are not offered to all Members, and these local programs may be locally funded or funded by Cascade. Members that fail to comply with base programs as set forth in

Cascade's conservation management plan may be required to assume a disproportionate reduction in water supply or to pay penalty charges, or both.

Section 7.3 Shortages and Emergency.

Section 7.3.1 Shortages. Members must respond to water shortages in a collective, shared fashion under a Cascade shortage management plan adopted by the Board. Resources must be shared in a manner that reduces the risk of severe shortages to each Member. Cascade's shortage management plan may include without limitation, a definition and classification of shortages, a shortage contingency plan including mandatory programmatic actions among all Members in the event of shortages, allocation of authority for determining and responding to shortages, and a communications and outreach program for the public. Members shall not be required to implement Cascade's shortage management plan in areas not served by the Supply System.

In the event of shortages, Cascade shall reduce or halt Interruptible Supply before invoking the Shortage Management Plan with respect to all Members with a Full Supply Commitment. However, the Board may, by 65% Dual Majority Vote, continue service in the amounts it deems appropriate to one or more Members receiving Interruptible Supply.

The Board may require that Members failing to comply with mandatory shortage management programs implemented under Cascade's shortage management plan assume a disproportionate reduction in supply or pay penalty charges, or both.

In the event of a Cascade-wide water shortage, Members with Independent Supply may, without penalty, decline to participate in the shortage management program for that shortage by foregoing all supply from Cascade for the duration of the emergency or shortage.

To avoid shortages resulting from emergencies or the inability to develop sufficient supplies, the Board may, by 65% Dual Majority Vote, establish moratoria on connections or additional commitments for future water services by the Members. A moratorium may be discontinued by a Dual Majority Vote of the Board.

Section 7.3.2. Emergency. The Board shall include in Cascade's shortage management plan policies and procedures for addressing short-term disruptions of water supply, transmission or water quality, and it may delegate to the General Manager authority to address such disruptions according to such policies and procedures.

Section 7.4 Water Quality. Cascade shall be responsible for water quality that meets or exceeds all federal or state requirements at the point of delivery from Cascade to the Member, consistent with applicable laws and regulations. Cascade assumes source water quality responsibility and liability with respect to Water Supply Assets under its ownership or control (including water wheeled to a Member through another Member's facilities). Cascade is also responsible for preparing and carrying out water quality activities compatible with the water quality requirements of regional water suppliers integrated with Cascade's system (e.g., Tacoma, Everett and Seattle).

Cascade may, in its sole discretion, determine and adjust the appropriate method and level of treatment of water that it supplies, so long as that water meets applicable state and federal requirements. If water that it supplies meets those requirements, Cascade shall not be obligated to adjust the method or level of treatment so that the water can be more readily blended with a Member's Independent Supply or more readily transmitted through a Member's internal system. Each Member shall remain responsible for water quality within its

respective distribution system, assuming that adequate water supply quality is provided by Cascade at the point of delivery from Cascade.

Each Member shall be responsible for all costs related to making water supplied by Cascade compatible with that Member's internal system, including but not limited to, costs of additional treatment.

Section 7.5 Water Supply Rates and Charges. The Board shall set Rates and Charges according to a Rate Calculation Methodology adopted from time to time by the Board. The Rate Calculation Methodology for Members' Supply Commitment shall provide for the definition and calculation of Demand Shares and for a uniform pricing structure with a commodity charge and fixed charges allocated by Demand Share.

Cascade may sell water to a Non-Member under terms and conditions established by the Board. The terms and conditions shall not be more favorable than the terms and conditions under which water is sold to Members. Revenue received from the sale of water to Non-Members shall be used to offset or reduce Rates and Charges to Members to the extent practicable, except that such revenue need not be treated as reducing or offsetting those amounts that are necessary for the payment of debt service on Bonds and for the provision of reserve and coverage requirements for the Bonds.

A Member shall be assigned a Demand Share based on the Board's best estimate of capacity to be used by that Member. Initially, the Board may base its estimate on a Seattle Contract Purveyor's use of water from Seattle. For a Member that joins without a supply history as a Seattle Contract Purveyor, or for a Member that has received only part of its water from Seattle, the Demand Share shall be established based on an audit of that Member's past

three (3) years of water use. After three (3) years as a Member, the baseline demand and capacity obligation for that Member shall be fixed based on actual experience as a Member. Specific Demand Shares may be set by the Board to account for circumstances, such as (by way of example and not by limitation) costs of extending the Supply System to a Member, or when Independent Supplies affect regional demand patterns. When water supply from Cascade is wheeled through a Member to another Member, Cascade may presume that the first Member receiving the water is the “User” for calculation of Demand Shares unless the Members concerned instruct Cascade to use a different allocation. Rate credits for Water Supply Asset transfers are not deducted in the calculation of Demand Shares but are applied to reduce what a Member would otherwise pay.

The Board must set Member Charges at levels it determines to be sufficient, together with other available revenue sources, to provide adequately for Operation and Maintenance Costs, Bond debt service, coverage and other covenants, replacement and renewal of facilities, reserves and other costs that the Board deems appropriate. The Board may provide that a Member’s failure to participate in the planning process may result in penalty charges.

A Member that has transferred Water Supply Assets shall receive a credit, determined when those assets are audited and transferred, based on the useful life of those facilities and on the Member’s use of the water produced by those assets or an amount of water equivalent to the amount of supply from them.

The Board may implement wholesale charges (additional to Demand Share-based charges and variable commodity charges) to reduce extreme peak use (e.g., “peaking-off of the pipe”).

Water Rates and Charges must be the same for all Members receiving the same class of service (subject to credits, surcharges and penalty charges).

Section 7.6 New Water Surcharge.

A new water surcharge of \$0.75 per 100 cubic feet (ccf) shall be imposed, effective on the Cascade Supply Date, and continue through December 31, 2011. It shall be applicable to all water purchased by Members over and above each Member's Old Water Allowance in the Seattle Purveyor Contract, if applicable, or to all water purchased by non-Seattle Purveyor Members. New water surcharge revenues shall be used to offset or reduce Rates and Charges to Members to the extent practicable, except that such revenue need not be treated as reducing or offsetting those amounts that are necessary for payment of debt service on Bonds and for the provision of reserve and coverage requirements for the Bonds.

Section 7.7 Franchises and Easements. Except to the extent otherwise required by state law, each Member shall provide franchises and rights of way on, under or across that Member's streets or other property, to Cascade and to other Members for Water Supply Assets, without charging any fees, rent or charges other than the customary and usual right-of-way permit and inspection fees.

Section 7.8 Sales of Water to Non-Members. Unless approved by the Board, a Member shall not sell water, including source exchange water, supplied by Cascade, nor shall a Member sell Independent Supply offset by water supplied by Cascade to a Non-Member. Notwithstanding the foregoing, any Member may sell water supplied by Cascade to a Non-Member to the extent required by a contract in effect as of the date the Member joins Cascade.

Section 7.9 Payment Procedures; Default; Step-Up Provisions.**Section 7.9.1 Invoice and Payment.**

(a) Cascade shall provide each Member with periodic invoices showing the Member Charges payable by that Member for the billing period and the due date. Invoices shall be provided monthly or on other such periodic schedule as determined by the Board, but no more frequently than monthly nor less frequently than once every six months. The Board will determine a due date for all invoices.

(b) Payment of any and all invoices shall be due and payable on or before the due date, and shall be made by wire transfer or such other means as are agreed to by Cascade and the Member. If a treasurer, trustee, fiscal agent or escrow agent is appointed in connection with the issuance of Bonds, Cascade may require, and specify on the invoice, that certain amounts be provided directly to that person or entity, and the Member shall pay those amounts in the manner and to the person so specified.

(c) If full payment of any invoice is not received on or before the due date, such payment shall be considered past due and a late payment charge shall accrue for each day that the invoice remains unpaid. The late payment charge shall equal the product of the unpaid amount and an interest rate established by the Board. Late payment charges shall continue to accumulate until the unpaid amount of the invoice and all late payment charges are paid in full. Further, if an invoice or any portion thereof remains unpaid for more than sixty (60) days after the due date, Cascade may pursue any legally available remedy at law or equity for the unpaid amount, including without limitation, specific performance and collection of the late payment charge. Cascade's right to enforce payments in this regard may be assigned to a

treasurer, trustee, credit enhancement provider or other entity. Furthermore, upon written notice, Cascade may reduce or suspend delivery of water until the invoice and late payment charges are paid.

(d) If any Member disputes all or any portion of an invoice, it shall notify Cascade immediately upon receipt. If Cascade does not concur, the Member shall remit payment of the invoice in full, accompanied by written notice to Cascade indicating the portions of the invoice that the Member disputes and the reasons for the dispute. The Member and Cascade shall make a good faith effort to resolve such dispute. If the Member fails to remit payment of the invoice in full pending resolution of the dispute, the prevailing party in an action relating to the collection of that invoice shall be entitled to reasonable attorney fees and costs.

Section 7.9.2 Default and Step-Up.

(a) If any Member fails to make any payment in full for more than fifty (50) days past the due date, Cascade shall make written demand upon that Member to make payment in full within ten (10) days of the date that the written demand is sent by Cascade. If the failure to pay is not cured within the ten (10) day period, the Member shall be deemed to be in default.

(b) Upon an event of default as described in subsection 7.9.2(a), the other Members shall pay Cascade (in addition to Member Charges otherwise due) the defaulting Member's Member Charges in proportion to each remaining Members' Demand Share in accordance with a schedule established by Resolution of the Board.

(c) The payment of a proportionate share of the existing defaulted Member's Member Charges by Members shall not relieve the defaulting Member of its liability for those

payments. Cascade shall have a right of recovery from the defaulting Member on behalf of each Member. Cascade may commence such suits, actions or proceedings at law or in equity, including but not limited to suits for specific performance, as may be necessary or appropriate to enforce the obligations of this Contract against any defaulting Member. Cascade's right to enforce payments in this regard may be assigned to a treasurer, trustee, credit enhancement provider or other entity. Amounts recovered by Cascade as payment of amounts due shall be passed through to each Member in proportion to the share that each assumed, in cash or in credit against future Member Charges as the Board shall determine.

(d) The prevailing party in any such suit, action or proceeding, shall be entitled to recover its reasonable attorney fees and costs against the defaulting Member.

ARTICLE 8. Planning

Section 8.1 Water Supply Plan. Cascade must plan for its Members' water supply needs. That planning shall be to be compatible with the equivalent planning responsibilities of other wholesale water providers and with state, county and city planning responsibilities under the Growth Management Act. The Board must adopt, and may from time to time amend, a Water Supply Plan that must be based on no less than a twenty- (20) year planning horizon. Cascade shall coordinate its planning effort with local and regional utilities and other appropriate agencies and work to encourage cooperative region-wide planning and coordination.

Each Member shall actively participate in Cascade's water supply planning and shall provide to Cascade accurate data regarding its facilities and operations together with good-faith estimates of future needs and a description of any involvement in the development of

new Independent Supplies. Each Member's water comprehensive or system plan shall be consistent with any plans adopted by Cascade, and shall be consistent with applicable requirements of the Growth Management Act and comprehensive plans.

Section 8.2 Watershed Management Plan. Cascade may adopt Watershed Management Plans, as appropriate, for the watersheds within its service area provided that a Watershed Management Plan may take the place of, or may be incorporated into a Cascade Water Supply Plan. In fulfilling its responsibilities for watershed management, Cascade may enter into interlocal agreements with Non-Member municipalities to engage in watershed management, including development of Watershed Management Plans and the implementation and financing of such plans.

Section 8.3 System Reliability Methodology. Cascade shall develop and adopt a system reliability methodology for planning, operation and management purposes. Adoption and amendments to the system reliability methodology shall require a 65% Dual Majority Vote.

ARTICLE 9. Filings

This Contract must be filed with the King County Office of Records and Elections or with any other applicable county auditor, in accordance with RCW 39.34.040, and must be submitted for review by the Washington State Department of Health and the Washington State Department of Ecology, in accordance with RCW 39.34.050.

ARTICLE 10. Duration and Dissolution; Withdrawal

Section 10.1 Duration. Except as provided in Section 10.3, Cascade shall remain in existence for the longer of the following: (a) the period it holds any assets; (b) the period during which Bonds are outstanding; or (c) the period it continues to include Members.

Section 10.2 Withdrawals. A Member may notify Cascade of its intent to withdraw by delivery to Cascade of a Resolution of its legislative authority expressing such intent. Upon receipt of such Resolution, the Member shall lose its right to vote and the Board shall determine (a) the withdrawing Member's allocable share of the cost of the then-existing obligations of Cascade; and (b) the withdrawing Member's obligations to Cascade. "Then-existing obligations of Cascade" means obligations or costs incurred by Cascade as of the date the Member's withdrawal notice is received, including but not limited to Bond obligations, contract obligations and cash financed capital projects; provided that a withdrawing Member's allocable share shall in no event include an obligation for future expenses for which Cascade has not incurred a legal obligation; and provided further, that to the extent the Member's obligation (with respect to such costs) is re-paid over time, the Member shall be entitled to a credit for supply abandoned by the Member and is otherwise used by Cascade. A "withdrawing Member's obligation to Cascade" includes but is not limited to, the Member's share of fixed operating costs, any other expenses contained in Cascade's adopted budget for that year, and any assessments or other similar charges lawfully imposed by Cascade. For purposes of the preceding sentence, "fixed operating costs" shall be determined in the year of withdrawal, and the Member's obligation with respect to such costs shall be limited only to that amount required to pay for supply abandoned by the Member and not otherwise used by Cascade.

The allocable share of cost or obligations shall be determined by the Board, taking into consideration as deemed applicable by the Board: (a) the ratio of the Member's Demand Share to total Member demand; (b) the ratio of the Member's contribution to Cascade revenue to total Cascade revenue including RCRCs; (c) the cost or a portion of the cost of capital projects or facilities specially benefiting the Member; and (d) and any other factor the Board deems appropriate to consider. The Member's withdrawal shall be effective on payment of such allocable share or provision for arrangements to pay such allocable share that are satisfactory to the Board. Until the effective date of withdrawal, the Member shall continue to comply with all applicable provisions of this Interlocal Contract.

Upon withdrawal, except as provided in an Asset Transfer Agreement, the withdrawing Member shall have no right to, or interest in any Water Supply Assets owned by Cascade. The withdrawing Member shall be deemed to have abandoned any and all rights to service, to the use of Cascade Water Supply Assets or other rights with respect to Cascade (except as otherwise expressly provided in this Contract).

Notwithstanding the provisions of this Section 10.2, Cascade will, upon the withdrawal of a Member that has transferred operational control and management of (but not title to) an Independent Supply Asset to Cascade under Section 5.1, return operational control of such asset to the withdrawing Member. Return of operational control and management will be subject to: (a) continued use by Cascade, to the extent and for such time as the Board deems such use necessary for Cascade to continue providing service to its Members; and (b) payment or provision for payment of any Cascade costs, including but not limited, to those associated with the withdrawing Member's Independent Supply Asset.

The Board may establish additional generally applicable conditions and requirements for withdrawal.

Section 10.3 Dissolution. Cascade may be dissolved by a 65% Dual Majority Vote. Upon dissolution, except as provided in an Asset Transfer Agreement, Cascade's assets initially shall be held by its then current Members as tenants in common. Each Member's ownership interest must be based on that Member's Demand Share as of the time of the dissolution. Cascade's liabilities (including Bonds and other contractual obligations) initially shall be distributed based on Members Demand Shares as of the time of the dissolution. Assets and liabilities must be distributed in accordance with agreement or contract, under a voluntary mediation process, or by a court of law. A court may appoint an arbitrator or special master. Distribution shall be based on the best interests of efficient and economic water supply in the entire area served by the Members, subject to a rebuttable presumption that Water Supply Assets will be returned to the Member that originally transferred them to Cascade. That presumption may be overcome by a showing that another asset distribution is in the best interests of efficient and economic water supply. The proceeds of any sale of assets must be distributed among the then current Members based on the Demand Shares at the time of dissolution.

Section 10.4 Successor Entity. Notwithstanding the provisions of Section 10.3, upon a 65% Dual Majority Vote (ratified within one hundred and twenty (120) days by 65%), as measured by Dual Majority Vote of the Members' legislative authorities, all assets, liabilities, and obligations of Cascade may be transferred to any successor entity (including without limitation, a joint operating agency or other municipal corporation, as permitted under

state law), and all obligations of Members and parties contracting with Cascade become obligations to the successor entity.

ARTICLE 11. Amendments.

Amendments to this Contract shall be effective upon approval by 65% Dual Majority Vote (ratified within one hundred and twenty (120) days by 65%), as measured by Dual Majority Vote of the Members' legislative authorities.

ARTICLE 12. Applicable Law and Venue.

This Contract is governed by the laws of the state of Washington. The venue for any legal action arising from a dispute under this Contract is the Superior Court for King County.

ARTICLE 13. No Third Party Beneficiaries.

There are no third-party beneficiaries to this Contract except for the rights of Bond owners as provided in Section 5.3.2, no person or entity other than an agency signatory to this Contract shall have any rights hereunder or any authority to enforce its provisions, and any such rights or enforcement must be consistent with and subject to the terms of this Contract.

ARTICLE 14. Severability.

If any provision of this Contract or its application is held by a court of competent jurisdiction to be illegal, invalid, or void, the validity of the remaining provisions of this Contract or its application to other entities or circumstances shall not be affected. The remaining provisions continue in full force and effect, and the parties' rights and obligations must be construed and enforced as if the Contract did not contain the particular invalid provision. But if the invalid provision or its application is found by a court of competent jurisdiction to be substantive and to render performance of the remaining provisions

unworkable and infeasible, is found to seriously affect the consideration, and is inseparably connected to the remainder of the contract, the entire Contract is deemed void.

ARTICLE 15. Entire Agreement.

This Contract constitutes the entire and exclusive agreement between the parties relating to the specific matters covered in this Contract. All prior or contemporaneous verbal or written agreements, understandings, representations or practices relative to the foregoing are superseded, revoked and rendered ineffective for any purpose. This Contract may be altered, amended or revoked only as set forth in Article 11. No verbal agreement or implied covenant may be held to vary the terms of this Contract, any statute, law, or custom to the contrary notwithstanding.

Cascade Water Alliance

By: _____

Title: Chair _____ Date: _____

Attest: _____

Title: Chief Executive Order _____ Date: _____

Authorized by: Resolution No. 2011-17 _____

Date: October 26, 2011 _____

Cascade Water Alliance

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

City of Bellevue

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

Covington Water District

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

City of Issaquah

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

City of Kirkland

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

City of Redmond

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

Sammamish Plateau Water & Sewer District

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

Skyway W&S District

ARTICLE 16. Execution.

This Contract may be executed in one or more counterparts.

Signatory Agency

By: _____

Title: _____ Date: _____

Attest: _____

Title: _____ Date: _____

Authorized by (Resolution or Ordinance): _____

Date: _____

City of Tukwila



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Annexation Staff Team
Marilynne Beard, Assistant City Manager

Date: November 3, 2011

Subject: ANNEXATION IMPLEMENTATION STATUS REPORT

RECOMMENDATION:

City Council receives a report on the status of the implementation of the North Juanita, Finn Hill and Kingsgate annexation.

BACKGROUND DISCUSSION:

The City's single largest annexation took effect on June 1, 2011. A significant amount of pre-planning was done to provide for a smooth transition of services and governance. December 1, 2011 will mark six-months from the effective date. As with any annexation, the actual implementation takes place in phases. Given the size of the JFK annexation, all actions relative to annexation will take years to complete (e.g. completion of the Public Safety Building construction and assimilation of annexation area capital needs into the City's Six-year Capital Improvement Program). The purpose of this report is to provide a status on the first six months of implementation, discussion of issues that have arisen since June 1 and a summary of outstanding policy issues and near term actions that will take place. This report is organized similarly to past reports with sections on operations, intergovernmental, financial and communications.

OPERATIONS

Police

Police operations are continuing to run smoothly based on the department's original approach and directives. Prior to implementation, command staff spoke with all Patrol squads and emphasized the importance of making positive contacts with the public. Ongoing monitoring systems include:

- Reviewing daily patrol activity
- Reviewing citations issued and the actual violations
- Soliciting feedback from officers on the street as to public comments being received both in person and via email
- Looking for trends in all feedback and responding quickly and appropriately

Patrol:

Officers are excited to work the new area and have already demonstrated strong knowledge and comfort for the geography and needs of the new area. They are continuing to balance an equal mix of warnings with citations and educating citizens when appropriate. Officers and citizens are observing/reporting a general inattention to speed zones and stop signs and the department has focused their efforts accordingly. The Police Department's *Community Traffic Complaint* program continues to help direct enforcement resources to the areas of greatest community concern. This community driven approach continues to be well utilized throughout the city, and has quickly been embraced by the annexation neighborhoods. For instance, from June 1 through October 31, the Traffic enforcement requests from the annexation neighborhoods alone have generated:

- 39 separate requests for directed patrol at different locations
- 4,473 minutes or 74.55 total hours of directed officer enforcement in response to specific community requests
- Resulting in 216 citations (the majority of which are speeding and stop sign violations)

Public feedback is being received both in person by officers and via email. There have been few actual formal complaints and a great many positive responses from the community with citizens often waving down officers to say thank you. There had initially been some negative feedback regarding what was perceived as a great number of officers generating a great number of citations. This has subsided a great deal and the new community has begun to view the KPD as "their Police Department." This was also evident from the feedback received at the recent Finn Hill and Juanita neighborhood Council meetings.

The district and staffing model configured for annexation seems to be adequate and many citizens have commented positively about the response time to their calls as compared to their previous experience. This input is important and has been disseminated to the officers.

Many of the citizens have expressed amazement that they were responded to so quickly (or at all). A very satisfying theme that has emerged is community feedback with increasingly specific observations of positive changes to poor driving behaviors. Many have remarked that it's obvious that things have changed, because people are driving slower and actually stopping at stop signs. The common concern amongst the neighborhoods is speeding, stop signs and

school zones. The Police Department has responded accordingly and has directed patrol to consider these and school zone violations an enforcement priority.

General Calls for Service:

Calls for service in the area were analyzed and compared to similar areas in other parts of the City. The calls for service in the new neighborhoods have been as expected and not unlike other similarly situated Kirkland neighborhoods. For example, Finn Hill is very much like Bridle Trails in that it is highly residential. While they do experience some property crimes such as thefts and burglary, the occurrence of such incidents is much less than areas that have a shared commercial/residential demographic. Specific to the annexation areas, the highest number of calls for service is for accidents, domestic violence, motor vehicle prowls, misdemeanor thefts and warrant arrests. This closely mirrors the primary calls for service in the pre-annexation areas.

The noise complaint situation between the Kingsgate sports bar "Tony's" and the adjacent residential neighbors is improving. The neighbors were originally very skeptical that anything would be done post annexation and they are now admittedly quite surprised with how quickly the situation has improved. The business owner was also originally quite displeased with the focus on his tavern and is now very cooperative and interactive in making many small changes that has led to helpful noise reductions. While it is important to note that such situations are not uncommon in such mixed use areas, the rapid transition from a perception of "nobody cares and nothing will get done" to "maintaining and monitoring an improved situation," is a clear example of overcoming skepticism by delivering what we promised.

Data is used by the department to identify enforcement priorities. When an officer is not on a 911 call, they are expected have an understanding of their patrol district's needs or problems. This allows the officer to develop a pro-active "game plan" to best use their available time to respond to community concerns and community-driven priorities. The officers are encouraged to continually be thinking, "If time allows, what can I do to positively impact my district?"

Each neighborhood is unique as to needs and concerns, and KPD officers are responding accordingly. The schools have been very vocal and supportive regarding positive changes they have observed. The clear message is that we are making a difference.

Municipal Court

The case filing trends for the Kirkland Municipal Court have been consistent with the police patrol officers' enforcement emphasis in traffic-related complaints. Traffic related infractions have increased 8 percent from the same period last year (June through October) and criminal traffic charges have increased 28 percent for the same period. In anticipation of the increased caseload, additional court calendars were scheduled in the second courtroom starting in June. Because of this the Court has been able to maintain hearings within regular Court hours to handle the volume.

In September, the Municipal Court requested a new pool of jurors from Superior Court for residents who have a Kirkland zip code. Therefore, citizens from the newly annexed areas should start to receive juror summons notices. Each month 250 jurors are summonsed for a one week period.

Fire and Emergency Medical and Emergency Management

Fire Operations:

Fire operations (Fire & EMS response) are performing as expected based on the department's station and personnel assignments instituted on June 1. The City already had fire and EMS responsibilities in the Finn Hill and Juanita sections of the annexation area through a long-standing contract with King County Fire Distinct #41. This area was covered by staffing Station 27 (Juanita) with 1 engine cross-staffed with an Aid Car plus one dedicated aid car (A29) with a total of 5 personnel each day. On Finn Hill, Station 25 was staffed with one engine also cross-staffed with an aid car and Station 24 was staffed from 7 pm to 5 am by Fire Reserve Association members with one non-transport aid car.

The Kingsgate neighborhood previously served by Woodinville Fire and Rescue added approximately 10,000 residents. In order to maintain appropriate coverage for the larger city the department hired nine firefighters and changed the allocation of department resources on June 1. A "front-line" Engine was added to the existing fleet. This engine is now housed at the Rose Hill station (Station 26) and is cross-staffed with an aid car. The Ladder Company previously located at Station 26 was moved to Station 27 and cross-staffed with an aid car (Aid 29). Aid 29 is no longer a dedicated aid car. Engine 27 and Aid 27 have remained cross-staffed at station 27 (Juanita).

The department has realized the expected benefits of the new resource allocation. Ladder 27 is more centrally located and closer to a more commercial district which is one of a ladder company's main assignments. This location gives the ladder company a greater coverage area for the 5.5 minute fire response time standard. The dual company station allows opportunity for the six person Ladder Technician Team on-duty daily to respond and train together for technical rescues. Non-certified Ladder Technicians can hold a position or be assigned to the team on Engine 27 to receive training to become certified thus reducing detailing of personnel and possible overtime. The Station 26 response area is mostly residential and the engine is capable of faster response times to fire and medical calls than the Ladder was.

The daily minimum staffing of eighteen was increased to a daily minimum staffing of nineteen. Additionally, three firefighters have been promoted to the rank of Lieutenant to supervise the crews assigned to the new Engine 26. The department was able to improve safety to the community and firefighters by promoting three Captains (one per shift). These Captains are assigned as a Battalion Aid to Battalion Chief assisting on critical emergency calls as well as day-to-day activities, such as training and deployment. They assume the role of Acting Battalion Chief in the absence of the shift Battalion. They also replace the first officer position needing to be filled when staffing levels are below minimum by filling the vacant officer position.

Woodinville Fire and Rescue had planned to add an aid car to their response plan after annexation. As of this report, the addition is still under discussion within Woodinville. Station 27 is responding through mutual aid to Woodinville's response area that was previously served by the now-closed station 34.

From June 1 to October 31 (5 months) station 27 responded to 489 engine and ladder truck calls and 968 aid (EMS) calls. In contrast, during the five months from January 1 to May 31, 2011, Station 27 responded to 323 engine calls and 831 aid (EMS) calls.

The added annexation area of the Kingsgate neighborhood seems to have made a smooth transition from Woodinville Fire & Rescue to the Kirkland Fire Department.

Emergency Management:

The Fire Department already included the community in emergency management outreach programs such as Map Your Neighborhood and CERT. City emergency planning efforts have necessarily expanded in other departments who will now respond and require recovery effort for the annexation area during a major incident.

Fire Prevention:

Plan review for single family residences, both new and additions, has numbered approximately 30. Some of these were permitted in King County and transferred to the City. In some cases, a fire sprinkler system was required, but there is no information as to why. Each permit requires a review by Fire Prevention, whether or not they were already reviewed by King County. Conflicts between the County and City requirements for sprinklers are being addressed with the help of the City Attorney.

It is usually necessary to do a site visit on any permit in the annexation area, as staff has no knowledge of the actual conditions as to hydrant location, access, topography, etc. The information available on the King County permit [website](#) is usually not sufficient. Staff is working with both Northshore Utility District and Woodinville Water District to get the appropriate information as to fire flow and hydrant locations.

Contractors are often confused regarding which entity they are supposed to call for a fire inspection on a fire sprinkler or fire alarm system. Both the City and the County are working hard to correctly refer contractors to the appropriate government during this transition period. We are also finding unmonitored alarm systems, primarily in multi-family complexes. We are working to get those corrected.

Neighbor fire safety complaints significantly increased initially. Typical complaints were related to tall dry grass, outdoor burning/smoke, and fire lane issues. However, now that the summer is over the complaints have tapered off.

Knox box lock cores have been changed over in the area served by Woodinville Fire, but the list provided by Woodinville was incomplete and a number of "extras" are popping up.

Engine companies have begun fire safety inspections in the new neighborhoods which had not been done with much frequency in the past and have discovered issues such as some buildings having out-of-service alarms.

Tracking of business licenses by King County appeared incomplete and has limited our ability to identify occupancies for inspection – this will likely improve over time.

Fire activity and investigations in general have been lower than anticipated in the new Kirkland area (as of October 31, 2011).

Streets

The Street Division anticipated that street sweeping would be a high priority in the new neighborhoods and an operator was hired and an additional new sweeper was purchased concurrent with annexation. New neighborhood residents were expecting this maintenance activity and phone calls of appreciation have been at an all time high.

Right-of-way mowing was not initially thought to be a high priority but public requests for this maintenance activity in the annexation area were unexpectedly high. With the addition of 2011 REET maintenance funds, a second flail mower was rented. In order to mow only appropriate areas, a mowing map was quickly developed and put into service. To accommodate this increased work load with the existing staff, 4-day/10-hour shifts were implemented for the mowing season to have sufficient equipment operators. Again, public appreciation has been very high. Work plans for 2012 now include the purchase or rental of a second mowing machine and hiring of seasonal utility workers to meet the expectations of the new neighborhoods.

Along with the mowing program, the level of needed maintenance adjacent to existing guardrails was not anticipated and will be addressed with the purchase of a truck-mounted sprayer using REET maintenance funds. The new neighborhoods have 17 times the number of guardrails compared to the pre-annexation work load. Conventional flail mowing cannot be used between the guardrail posts and the amount of labor hours makes hand work impractical and cost-prohibitive. The sprayer will allow staff to implement an integrated pest management program (IPM) similar to that used in other areas of the City and by King County. An additional benefit of the purchase of the sprayer is that this unit is designed to be dual purpose; the second purpose for this equipment is as a de-ice applicator. In the de-ice mode, this unit is identical to equipment that was purchased in 2010 and will double our inclement weather capability.

The determination of right-of-way ownership has been an unexpected challenge. In areas where public roads meet private roads, barricades are being reviewed for appropriateness. A policy will be developed to help determine how these areas will be maintained in the future.

The City's GIS group has started to collect data and map street type assets. This project will prioritize the following kinds of assets: trees/canopy, signs, streetlights (public and private), traffic signals, mowing (sensitive area determinations), curbs, paths/trails, sidewalks (condition rating) and greenbelts (as identified in the interlocal agreement with King County).

Development Services

The amount of development activity overall has exceeded expectations in Public Works, Planning and Building Services.

In Public Works, development engineering permit review and inspection revenue is exceeding the year-end estimate by 60 percent as of September 30. Most developers and builders are pleased to be working with the City and have submitted many requests to transfer development permits from King County to the City. The Public Works Development group fields many phone calls from citizens in the new neighborhoods and there has been about four positive comments on annexation to every one complaint.

Building Division permit activity has been increasing in the new neighborhoods. In September, total number of permits was up 54 percent from prior to annexation. Approximately one third of all permits came from the new neighborhoods but they are generally smaller valued projects so the revenue is not proportional to the number of permits (excluding the two new schools). There were 38 new single family permit applications submitted citywide since June 1 with 16 of those from the new neighborhoods.

Land use permits have also increased with the pre-submittal meetings and Planning Official Decisions showing the largest increase. Neither of these, however, have high fees. Consequently, Planning permit revenues have not significantly increased. Both activities are time intensive, but pre-submittals are a good indicator of future activity. The data is not specific to neighborhoods so no conclusions can be drawn about the number of permits from the new neighborhoods at this time. However, it is clear that overall activity is up compared to 2010 as shown in the table below.

	Applications Received	
	2010	2011
<i>Jan - June</i>	80	102
<i>July - Sep</i>	37	57
<i>Year to date</i>	117	159

There are several development applications that started at the County and are being completed by the City which were not anticipated. These projects are taking quite a bit of staff time due to their complexity and coordination requirements with King County staff. Fees were not transmitted from the County for these applications because they had already been expended by the County. Examples of these transferred projects include the Big Finn Hill Park lacrosse/soccer field, Juanita Townhomes Binding Site Plan, the Totem Green Final Subdivision and the Sabour SEPA appeal.

At the counter, Planning staff has been busy with the oversized vehicle registration effort, numerous questions about zoning, and tree removal requests from the new neighborhood residents and applicants. As anticipated, implementation of the County's Holmes Point Overlay zoning in the western portion of Finn Hill has proved challenging, adding significant time to development review, tree removal requests and customer inquiries for affected properties.

Code Enforcement

The Planning Department receives and enters all complaints into the permit tracking system except for surface water complaints that are tracked by Public Works. Once entered, complaints are routed to the appropriate department for initial investigation. The code enforcement complaints received by Planning has increased from an average of 17 per month to an average of 26 per month since June 1. The most common complaints from the new neighborhoods that have been investigated are property maintenance/yard appearance/grass height, home occupations and tree removals. The City inherited a number of unresolved violations in the Denny Creek area which have required extra research. In addition, about 50 case files were transferred from King County to the City. Staff has been working to prioritize

cases based on the age and seriousness of the complaint and there may be additional cases opened once the files have been reviewed.

Solid Waste

The majority of customers received carts/dumpsters by the first day of service on July 1, 2011. Some issues were encountered with cart distribution which included incomplete or missed cart deliveries, missed deliveries due to inconsistencies in delivery lists received from Allied Waste and the inadvertent removal of customer-owned carts. Waste Management was flexible and responsive throughout the process and most container delivery complaints were resolved within the first week of service. Both Waste Management and Kirkland Utility Billing received several hundred calls per day in the first week, the majority of which were from customers requesting smaller carts in response to Kirkland variable rate structure.

The total number of missed pick up (MPUs) has been tracked as a means to evaluate the success of the transition from the customer's perspective. In pre-annexation Kirkland between July and September 2010, 69 MPU complaints were received or .48 per 1,000 service events. Between July and September 2011, a total of 568 MPU complaints were received or 2.1 per 1,000 service events. As drivers have learned their routes, the number of MPUs has gradually declined from 274 in July to on 110 in September and staff expects this trend to continue. The total number of MPUs is generated from a total of about 89,000 service events per month.

Staff began outreach to its initial 1,100 self haulers in May via a postcard in an effort to inform them of the City's code requirement to have curbside garbage service. Between May and August, approximately 500 self haulers signed up for service, reducing the number to 585. A second postcard mailer was sent in early September. A third and final postcard was mailed to the remaining 416 self haulers in mid-October. Residents that do not sign up for service by November 7 will automatically receive a default weekly garbage service (\$17.99/month) consisting of a 35 gallon garbage cart, 64 gallon recycling cart, and 96 gallon yard waste cart in the last two weeks of November. Service for these customers will begin on December 1.

The City and Waste Management printed and mailed a comprehensive services guide to all single and multi-family residences. The mailing was well received and generated numerous calls, particularly requests from multifamily residents for free multifamily recycling baskets and assistance in getting a food recycling program established at their condo or apartment. In August, City and consultant staff physically visited each business in the annexation area to explain the City's services, rates, and to offer recycling assistance.

In downsizing estimates made around the time of the adoption of the contract with Waste Management, staff and its consultant estimated that up to 14 percentage points of cart downsizing would occur in the annexation area in 2011 in response to Kirkland variable garbage rate structure based on the City's prior experience. Due to an excellent outreach campaign, annexation area residents downsized 20 percentage points in only three months. The downsizing trend continues but at a much slower rate than what occurred in and around the July 1 transition date.

Prior to the implementation, staff had some concern that the City's outstanding single family recycling diversion rate and that our annual number one ranking in King County might be

affected by the annexation. The historical average diversion rate in the annexation area was about 55 percent compared to pre-annexation Kirkland which typically ranged between 65 to 70 percent. For July to September 2010, the single family recycling diversion rate was 68.5 percent and the multifamily diversion rate was 16.8 percent. For the same three month period in 2011, the diversion rate was 66.6 percent and 16.1 percent, respectively, which is only a slight decline and less than anticipated. The average diversion rate through September 2010 was 69.8 percent for single family and 16.2 percent for multifamily, whereas the average diversion rates for the same period in 2011 were 68.3 percent and 16.4 percent, respectively.

Surface Water Engineering and Maintenance

Prior to the annexation, the King County Water and Land Resources Division completed inspection of drainage facilities in the annexation area and developed approximately \$40,000 in work orders for the Roads Division. Roads noted that they did not have funding to do this work, and so it was left undone as of the annexation date. City crews are now starting this work and recently repaired a serious problem on Goat Hill. Crews are finding that there is a larger amount of structure cleaning needed than anticipated based on City video circuit-inspections. Changing locks and signs and doing basic fence installations and repair of ponds in the annexation area created the need for a 2012 service package request as this "startup" work will exceed the usual budget for such items.

Several parcels of open space lands were transferred to the Surface Water Division for maintenance and management. These parcels have workloads involving drainage complaints, rat/pest controls, hazardous tree removals, invasive species removals, code enforcement issues for illegal dumping and illegal private use on public land and habitat restoration.

Drainage problems continue to be discovered. Most fall into the "neighborhood drainage assistance" type of project, where the County was not liable for a fix, but felt it was warranted given the cost/benefit analysis. Neighborhood drainage project funds were cut by the County in 2010. The number of drainage and water quality complaints is about where we expected the to be.

To meet the new demands, a new eductor truck, mini excavator and utility truck and Lead Worker pick-up truck were purchased to service the annexation area storm water conveyance system. Three new employees were hired for the maintenance and operations storm water division and two more will be hired in January 2012, with the purchase of a dump truck and trailer. Two additional staff will be added for a video inspection team in 2013 and video inspection and mowing equipment will be acquired as the final phase for storm water maintenance and operations hiring for a total of seven new staff and increased seasonal staff funds hired to maintain the new neighborhoods.

The Surface Water Maintenance and Operations Manager has met with multiple agencies in the northeast sector of King County to facilitate a multiple agency construction of a zero waste recycling decant center. A grant will be submitted with the Department of Ecology to assist with the construction of the project and may involve a joint agreement with the City of Redmond, the Northshore Utility District, King County and the Washington State Department of Transportation. Surface water CIP funds would assist funding a portion of the match for this project.

King County started the Billy Creek ravine stabilization project and had pledged to the City that it would be complete by the June 1 annexation date. For several reasons, that did not happen and the cost of the project increased due to further erosion damage and a change in the project scope. Kirkland was asked to contribute funding and to develop an agreement with King County for design and construction of the project. Council approved funding and an agreement in September and construction is now underway and is scheduled to be complete by November 15. The owner of the property where the outfall of the pipe system was supposed to have been placed refused to grant an easement for construction. A temporary outlet has been placed on the next property upstream. Geotechnical engineers estimate that this outfall will remain stable for two to three years, so negotiations with the downstream owner will continue, as will plans and budgeting in the Surface Water CIP for construction of a permanent outfall.

A few surface water revenue issues have been discovered since the annexation took effect. There has been some difficulty in determining expected surface water revenue for the annexed areas and GIS staff is currently cross-checking County files with City records to verify parcels. King County advised the City that it is keeping one month of surface water revenue (for the month of June 2011) that the City was expecting to receive. The budget has been adjusted to reflect the lower revenue. Finally, King County also provided several types of surface water fee discounts that Kirkland does not currently offer. There may be inquiries and concerns about this in the coming years as owners find that their fees are higher because of the lack of discounts.

Parks and Community Services

Standard park signs were installed at Kingsgate, Edith Moulton, Juanita Heights, and Windsor Vista parks. Additionally, park rules signs and some selected informational signs were added to areas of need. Partnering with the community on maintenance is an ongoing effort. In particular, the trails that grace Edith Moulton Park have received significant attention and will continue to be a focus moving forward. The City will also be adding 132nd Square Park in January and will begin maintenance at that time. City staff did participate in the new picnic shelter that was built with community volunteerism and the Pomegranate Center at 132nd Square Park.

Seasonal staff was hired this summer to assist with tasks and internal promotional opportunities were filled. The bulk of hiring and equipment investment will take place in 2012. This fall and winter staff will work with Human Resources and Fleet to put into motion investment in annexation equipment and to recruit full time positions. The goal will be to bring staff on in January to train, prepare, and orient them in preparation of 2012 summer season.

In recreation, the City has been for many years mailing recreation brochures to the new neighborhoods. There has been a drop in revenue as expected due to resident versus nonresident rates. No new positions were added in the recreation area.

Capital Improvement Program (CIP)

Public Works:

The Amended 2011-2016 CIP is scheduled for adoption at the special meeting on December 12. This CIP update does not include specific projects within the new neighborhoods with the exception of the new NE 132nd Street Sidewalk Improvement project. This new project came as a result of its proximity to Finn Hill Junior High and specific requirements of a State funded sidewalk grant opportunity – the grant application was submitted in August, 2011. Additionally, the annual street preservation and striping programs were increased, partially to account for new roads added with annexation. Specific locations are not identified yet.

The next full CIP process for 2013 -2018 begins in early 2012 and will be finalized in December, 2012. This CIP process will involve updating cost estimates for existing CIP projects (funded and unfunded), as well as the addition of new transportation and surface water capital improvements within the new neighborhoods. The water and sewer systems in the new neighborhoods are managed by other agencies.

For the 2013-2018 CIP, candidate projects within the new neighborhoods are being identified though information provided by King County and its previously planned projects. In addition, ideas are coming to staff at various neighborhood meetings and via telephone conversations, email, and the City's Public Works Webpage [Suggest a Capital Project](#). Residents are being encouraged to monitor the City's web site for future information about public involvement opportunities during the next CIP process and to become involved in neighborhood associations as an effective way for promoting capital improvement project ideas.

Capacity transportation projects are generally prioritized as they are envisioned in the City's Comprehensive Plan, while non-motorized transportation candidates are ranked through a [Project Evaluation Process and Summary](#) process. Similarly, utility projects are prioritized through guidance provided by the City's various comprehensive plans for water, sewer, and surface water. The City's Surface Water Master Plan will be updated in 2012 to include the new neighborhoods. The City's next Comprehensive Plan Update, which will include new growth targets and perhaps a new transportation network, is not scheduled to *begin* until 2013 and, as a result, the prioritization of new capacity transportation projects throughout the City will be similar to the current CIP process. To aid in the prioritization of City-wide transportation projects, the City's Transportation Commission now has a [Transportation Commission work plan](#) for 2012 to help guide staff with the process by:

- Developing new level of service standards that align with transportation principles
- Developing clear goals and prioritization systems for project categories
- Developing ideas and strategies for linking pollution, climate change and health into Comprehensive Plan policies
- Reviewing and revising the concurrency system

At their November 1, 2011 meeting, the City Council also asked the Transportation Commission to study possible safety improvements to Juanita Drive.

Public Safety:

A consultant has been hired to assist the City with the Finn Hill Fire Station siting process. Their proposal includes a robust public outreach element that will be initiated in the coming months.

The Public Safety Building is now at 50 percent conceptual design and an updated cost estimate will be received this week. Initial results indicate that the project cost is higher than first expected due to changes in project scope (number of jail beds and addition of vehicle bay) and some unanticipated structural costs. The cost estimate is being prepared in such a way as to facilitate City decisions with regard to building programming changes that will keep the project within the available budget.

Technology

Most of the annexation work for IT was related to the GIS function. The following table summarizes the major tasks and current status:

Task	Status
Develop and release priority annexation data RFP	Completed on time; GIS vendor selected
Develop enterprise annexation GIS master plan	Completed on time; adopted by GIS Steering team
Update real property layer	Vendor completed on time and within budget
Update street network layer	Completed by NORCOM ahead of Kirkland's schedule
Update other layers as identified via RFP process	Priority layers done; remaining data development underway
Support departmental annexation GIS needs	Customs maps, analyses, and data development exceeded estimates by at least 1/3; lag in King County production of AA records has delayed some city GIS activities

This work was completed under budget.

INTERGOVERNMENTAL**King County Records**

The interlocal agreement provided for records to be transferred from King County to the City in two batches, with deadlines of June 1, 2011 and September 1, 2011. The City has received some of the records, however, the majority from both batches has not yet been transferred. The City Manager will be sending a letter this week to King County requesting that the County provide us with an updated target for the remaining records awaiting transfer by November 20.

Northshore Utility District (NUD)

The NUD franchise fee discussion between the City and District is continuing. Informational materials were prepared explaining the basis of the franchise fees and how they relate to the

City's tax base and total impact on new residents. The materials were distributed at the Finn Hill and Juanita neighborhood meetings and through multiple list servs. Most citizen contacts about this issue were resolved once they received an explanation and the number of contacts is minimal at this point.

A meeting was held between City and NUD staff to discuss a possible franchise agreement amendment that would temporarily suspend the annual cost of living adjustment for the franchise fee until the percentage of the fee compared to the District's utility revenue is closer to the 10.5 percent utility tax rate. In exchange, the City wanted some consideration of how any potential future hydrant charges would be handled. At that meeting, the NUD staff indicated that the need to defer inflationary increases was not needed at this time. However, they did suggest that the City consider delaying the 2012 CPI increase of 3.7 percent until April when NUD implements their annual rate adjustment. All adjustments for rates and franchise fees would be completed at the same time.

City staff advised NUD that the City's legislative agenda included a request to clarify the issue regarding the obligation for cities to pay utility districts for fire hydrants. The District indicated that they were not aware of any plan for the utility districts to lobby against the legislation. They did however indicate that they would be sending an invoice to the City for hydrant charges. Given the City's differing legal opinion regarding the ability of utility districts to impose hydrant charges on municipalities, the City staff advised NUD that the bill would not be paid. NUD asked the City to keep them advised on legislative progress on this matter and understood the City's position with regard to payment of the invoice.

Finn Hill Parks and Recreation District

Staff from the City Manager's Office, Police, Parks and Community Services and Public Works departments held a series of meetings with the Finn Hill Parks District commissioners regarding clarification of responsibilities and coordination of services. A summary of the topics discussed and follow-up items is included as Attachment A. Since that meeting, most of the items on the list have been completed and City staff is either in the process of completing outstanding tasks or awaiting further direction from the District.

City of Redmond Water Utility

At the southeast corner of the new annexation area, within Totem Lake near NE 124th Street and 139th Avenue NE, there is a small water service area (formerly the Rose Hill Water District) that is currently served by the City of Redmond. Kirkland staff has been in discussions with Redmond staff about the transfer of forty customer accounts (representing sixty-six meters) from Redmond's Water Utility to Kirkland's Water Utility. The on-going discussions have been about whether compensation should be paid to Redmond for the facilities as part of the Joint Operating Agreement. The next regularly scheduled conversation on the matter is set for November 8, 2011, at the Water Utility Joint Board meeting with representatives from Kirkland, Redmond and Bellevue.

FINANCIAL

The City Council was provided an update on the City's general financial status as well as annexation finances at the mid-biennial budget review held on November 1. The following discussion recaps portions of that discussion and provides additional information on specific issues that have arisen since June 1.

Revenue

The 2011 budget includes revenues projected for the annexation area, most of which are not expected until the last few months of the year. The following are selected highlights:

- **Fire District 41** revenues for the first quarter and two months of the second quarter have been received. The remaining Fire District 41 levy revenues are not expected from King County until December 2011. The City has received the District's fund balance, which has been set-aside for the purposes defined in the interlocal agreement between the City and the District
- **Sales tax** – Although annexation became effective June 1, 2011, businesses in the new neighborhoods were required to begin collecting and reporting at the Kirkland sales tax rate as of July 1, 2011. The City should have received these revenues in September. Analysis of the September sales tax data indicated very few of the businesses from the new neighborhoods were reporting sales tax coded to the City. Initial discussions with the Department of Revenue (DOR) have revealed the following information about the 947 known accounts in the new neighborhoods:
 - 392 or over 40 percent of the businesses are annual reporters, and therefore, the sales tax revenue from these businesses will not be received by the City until the first part of next year.
 - 123 or 13 percent of the businesses are active non-reporters. These are accounts that are not required to file as the Small Business tax credit would eliminate any tax liability. Typically these are small service-based businesses that are not required to collect sales tax.
 - 109 or 11.5 percent of the businesses reported some sales tax in July and/or August coded to Kirkland.

DOR staff is continuing to research the remaining 323 businesses and to verify that all businesses are correctly coding their sales tax remittances. City staff continues its outreach efforts to businesses and to closely monitor annexation area sales tax revenue.

- The City will not begin receiving City-levied **property tax** revenue from the new neighborhoods until 2012. The City will receive a prorated share of the County's road levy and the Fire District levies in December 2011. The exact amount of the levy will not be known until the City receives its final levy worksheet from King County in December.
- Citywide **utility tax** receipts are lagging budget primarily because of the telecommunications sector, which is estimated to be \$627,000 under budget in 2011.

The decline in the telecommunications sector reflects changes in consumer spending patterns in response to the economic downturn and aggressive efforts by providers to ensure that they are only paying on taxable services (excluding broadband and related services). Of this amount, the annexation area shortfall is estimated to be approximately \$146,000. Revenues from other sectors are within expectations. We are continuing to aggressively pursue compliance on the part of telecommunications companies to ensure that they are paying for services provided in the newly annexed areas.

- **Business licenses** were required for businesses in the new neighborhoods prior to June 1, 2011. To date, approximately 800 businesses reporting over 2,500 FTEs have registered, generating revenues of approximately \$280,000. City staff is continuing its canvassing efforts to ensure registration of remaining businesses in the new neighborhoods.
- The City will receive a **one-time payment in December 2011 from Woodinville Fire and Rescue** for a share of the District's assets proportionate to the District's assessed valuation assumed by the City in the annexation.
- **Benefit Service Charges** -- Woodinville Fire & Rescue (WF&R) collects a separate benefit service charge that supports service provision, in addition to its property tax levy. Since the City has been providing services to the newly annexed areas since June 1, the City contends that a prorated share of these revenues should accrue to the City for the remainder of 2011 (similar to the WF&R property tax levy). City staff has discussed this matter with staff from the King County Assessor's Office and the King County Treasurer's Office, and the County's position is that they have no legal authority to send any of the benefit service charge revenues to the City, without specific comment on the validity of the City's arguments. As of this writing, the City is considering its legal options for pursuing a portion of these revenues.

Expenditures

The 2011 budget included anticipated expenditures related to annexation. In light of the fact that annexation-related revenues would not be received by the City until the fourth quarter of 2011, departments were asked to closely monitor their expenditures. As part of the mid-biennial review, departments were asked to provide updated expenditure estimates for 2011. The following are selected highlights:

- A little over \$1 million in personnel cost savings is due to vacancies in annexation positions in the Police Department in 2011.
- Jail Contract costs are at 36 percent of budget through September and this is partially because the anticipated increase in jail population due to annexation has not yet been realized.
- Under-expenditures in one-time funded annexation service packages results in a reduction in the amount transferred out of the General Fund to the Information Technology Fund of approximately \$119,000 in 2011. Most of this under expenditure is due to lower costs than budgeted for hardware, software, and storage.

The net financial results of annexation will not be fully known until at least the end of 2013 when the City has a full year of revenue and expense experience.

COMMUNICATIONS AND OUTREACH

Since the Council's acceptance of the annexation in December 2009, communications and outreach efforts have been focused on public education and involvement around defining neighborhood boundaries, addressing the impacts of annexation to the 2011-2012 Budget, and planning efforts for an annexation celebration. Just before the June 2011 effective date, communications efforts were focused on changes in service providers (e.g. Police services), new requirements and regulations (e.g. oversized vehicle registration), explaining the address change process, and encouraging residents to participate in the annexation celebration activities. Since June 1, much of the City's communication has been occurring on the phone, in-person, and via email to address specific issues residents are having.

Communications to new residents in the coming months will include:

- Reminder about oversized vehicle registration requirements
- Explanation about changes in fees and taxes that become effective in January 2012 such as property taxes
- Tips about ways to stay informed through City communications

Below is a summary of the public outreach and public information efforts conducted in 2011.

Public Outreach

Neighborhoods & Community Group Meetings:

The annexation area is divided into three neighborhood areas – North Juanita, Kingsgate and Finn Hill. The North Juanita neighborhood joined with the existing Juanita Neighborhoods Association and has now applied for a matching grant. The Kingsgate Neighborhood is in the process of incorporating as a 501(c)4 entity, after which they too will be eligible to apply for a matching grant. The Finn Hill area is considering merging with the Denny Creek Neighborhood Alliance. Discussions are ongoing and they anticipate concluding the process by the end of 2011. All of the new neighborhoods have been participating in the Kirkland Alliance of Neighborhoods meetings.

This year's Neighborhood U was designed to welcome and involve residents from the annexation area into Kirkland neighborhoods. Hosted by the Kirkland Alliance of Neighborhoods, the May 11 event brought in over 130 participants. Former and current elected officials, neighborhood leaders, and a City planning commissioner shared experiences on building and sustaining active and vibrant neighborhoods. Also featured were fast-paced informational presentations from City staff providing an insider's view to various City programs, services and operations.

The City Council held meetings in all three of the new neighborhoods.

- The meeting with the Kingsgate Neighborhood was held March 16, 2011 with 65 residents and 24 questions submitted in advance.
- The meeting with the Finn Hill Neighborhood was held October 19, 2011 with 110 residents and 48 questions submitted in advance.
- The meeting with the Juanita Neighborhoods was held on November 3, 2011 with 37 residents and 11 questions submitted in advance.

Staff presentations were made at several neighborhood association meetings regarding updates on Juanita Beach Park, Street Preservation program, and discussions about neighborhood organizing and the City's Neighborhood Service programs.

Community Event Outreach:

In late September, City staff were present at the Denny Fest neighborhood event held at O.O. Denny Park. General City, recycling and surface water management information was available.

Annexation Website

The City's annexation webpage continues to be a primary source of annexation information. In April, 2011, the City changed its website address to www.kirklandwa.gov. This made for easier access to the annexation webpage at www.kirklandwa.gov/annexation. Some web trends from 2010 and 2011 interestingly reflect:

- In 2010, there were over 9,700 visits to the annexation homepage. In 2011, the homepage was visited 11,722 from January to September.
- Average monthly visits to the annexation home page in May and June 2011 were about 2,500 visits. There was a decrease in July 2011 (1,000 visits). The May/June spike was most likely attributed to the effective date of annexation and the decrease could be attributed to the direct mailings that annexation residents received.

Email Alerts (List Serv)

A great deal of information has been released by the City through the Annexation List Serv (email notification) which, as of October 31, 2011 has 1,360 subscribers. The City sent nine (9) updates in 2011 which explained the address change process, invited residents to the annexation celebration events and, most recently, gave details about utility franchise agreements and fees.

Annexation information has also been released through other City list serv notifications. For example, if the City issues a news release about annexation, it was forwarded to "News Room" subscribers. If the City's newsletter contains an article on annexation, then "City Update" page subscribers were notified.

The following table reflects the increases in four list serv subscribers from April 2009 to October 2011.

Name of List Serv	Subscribers as of April 2009	Subscribers as of April 2010	Subscribers as of December 2010	Subscribers as of October 2011	Increase number of subscribers 2009-11	Percent Increase in Subscribers
Annexation	682	995	1,213	1,360	678	99%
News Room (News Releases)	143	292	391	483	340	238%
City Update (Newsletter)	Unknown	703	914	1,123	420	60%
Neighborhood News	730	856	911	996	266	35%

Printed Materials & Direct Mailings

Frequently Asked Questions (FAQ) Handouts:

In April 2011 the Frequently Asked Questions (FAQ) handouts listed below were updated and posted to the website. Hard copies were provided to the City Council and are available at City Hall. They will be made available at neighborhood association and other meetings. Topics include:

- Annexation Process
- City Finances
- Public Safety (fire, EMS, police, court)
- Parks, Recreation & Community Services
- Zoning & Building Requirements
- Utility, Solid Waste & Other Services
- Community Involvement

The "Annexation Process" FAQ is no longer in print and has been converted to a webpage.

City Services Guide:

In May 2011, residents in the new neighborhoods received a 40-page booklet "Your Guide to the City of Kirkland." More than 12,000 copies were mailed. The Guide is available online. Copies were made available during the annexation celebration events and have been available at City Hall, both community centers, and both libraries and at neighborhood Council meetings.

Garbage/Recycling Collection Mailers:

In May 2011, residents in the new neighborhoods received a postcard mailer from Waste Management, Inc. which explained the old cart pickup and new cart delivery schedule.

Before a single family Comprehensive Services Guide was delivered (attached to annexation area customers' new carts) in the last two weeks of June, the City of Kirkland Public Works Department sent a postcard to approximately 1,100 self-hauler residents notifying them to set up an account with the City for waste management services. In August, a multifamily version

of the Comprehensive Services Guide was delivered to all apartment tenants and condominium owners in the annexation area.

In early fall, the City mailed its "Reuse-Recycle-Conserve" newsletters for single family, multifamily and business customers. All of these included information on the recycling services provided by City of Kirkland and tools and assistance the City offers, primarily the free food scrap buckets, recycling bins, and technical assistance by staff.

In September, City Public Works Solid Waste staff visited businesses in the annexation area to distribute a flyer outlining the recycling services available for businesses and Green Business Kits, which included recycling guidelines. A follow-up outreach effort will occur in the coming year to see how successful this outreach was in getting businesses to sign up for and/or increase their recycling.

Business License Notification Letter:

In early May, the Business License Division mailed out almost 3,400 letters to business addresses registered with the State in the annexation area, including home occupations, notifying them of the City's business license requirements. More than 2,000 responses were received. Some notified businesses applied for a license; some notified the City that the company is no longer in business, and others notified the City that the business has relocated. The Business Licensing Division will continue to follow up on those companies that have not responded.

Bothell Address Mailer:

In July 2011, annexation homes and businesses whose Bothell, 98011 address changed to Kirkland, 98034 received an informational tri-fold mailer titled "Did Your Address Change from Bothell to Kirkland? Important Information about Address Changes, Updates to Drivers' Licenses, Vehicle Registrations and Passports, and Voter Registration." This mailer was then converted to an informational webpage.

City Update Newsletter

The *City Update* newsletter is published quarterly (March, June, September and December). All editions are posted on the City's website and limited copies are made available at City and public buildings and public and neighborhood meetings. Annexation was featured in the 1st Quarter, 2nd Quarter and 3rd Quarter editions in 2011.

Electronic Communication

Many questions from annexation residents have been received by the City through the "Ask A Question" feature on the webpage and through the annexation email address (annexation@kirklandwa.gov). The annexation Email address is still active and receiving correspondence from the new neighborhoods.

From January through May, 2011, 30 emails were received; 38 were received from June through October.

Media Messaging

News releases about annexation topics are typically issued when a significant policy issue has been decided by the Council. News releases are forwarded internally and then released to media (TV, radio, newsprint), community organizations, other cities, and community blogs. One news release and one media advisory were issued in 2011 about the annexation celebration events.

Annexation has been featured in editions of "Currently Kirkland," the City's weekly news show. Feature stories, which have been posted to the annexation website, include:

- [Increased Police presence being felt in the new neighborhoods](#) 📄
- [Where are the upcoming annexation celebrations?](#) 📄
- [How will a new fire station in Finn Hill improve fire response times?](#) 📄
- [Will my taxes change in the annexation area?](#) 📄
- [When will my address change?](#) 📄
- [Can annexation residents run for Council?](#) 📄
- [Which County parks in the annexation area will the City of Kirkland Maintain?](#) 📄
- [Finn Hill Neighborhood Feature Story](#) 📄

CONCLUSION

While there continue to be new issues identified as staff provides service to the new neighborhoods, overall the implementation has been smooth.

ATTACHMENT A

***City of Kirkland and Finn Hill Park and Recreation District (FHPRD)
Meeting Notes
August 8, 2011***

Attendance: FHPRD Commissioners Rick Smith and Frank Radford
Dave Asher, Kirkland City Council
Marilynne Beard, Kirkland City Manager's Office
Captain Bill Hamilton and Lieutenant John Haslip, Kirkland Police
Michael Cogle, Deputy Director, Kirkland Parks and Community Services

Interests and questions from FHPRD regarding O.O. Denny Park:

- Communication protocol between FHPRD and City of Kirkland, particularly between Commission and Kirkland Police and Kirkland Parks
- Clarification of roles of district's contracted security service and coordination with Kirkland Police
 - Juvenile drinking at O.O. Denny
 - Potential for hiring off-duty Kirkland Police officers for park security and/or special events
- Coordination of special events at O.O. Denny Park
 - Security and planning for Northshore Utility District planned project at O.O. Denny Park to decommission pump station and install new sewer line
- Parking signage and enforcement on Holmes Point Road
- Other issues and general governance
 - GIS mapping needs
 - Animal control
 - Eventual assumption of O.O. Denny Park maintenance and operations by Kirkland
 - Interlocal agreement

Communications

The District would like more regular contact from Kirkland Police regarding incidents at O.O. Denny Park. Captain Hamilton described the current protocol followed by Kirkland PD regarding incidents in City parks. Parks Department is notified when there is an incident involving City liability, anything that may have community sensitivity or significant criminal activity or property loss.

- ✓ Lieutenant Haslip will be the primary contact for Commissioner Radford, with Captain Hamilton as a back-up
- ✓ Lieutenant Haslip will provide a brief summary of police activity in and around O.O. Denny prior to the Commission's monthly meeting which occurs the first Thursday of each month
- ✓ Kirkland Police were invited to attend the next commission meeting scheduled for August 11 at O.O. Denny Park

There was also an apparent miscommunication between Kirkland Parks and the District's contracted security service, Puget Sound Security.

- ✓ Frank Radford will forward emails to Michael Cogle so that City staff can follow-up

Roles of Puget Sound Security and Kirkland Police

The Commissioners noted that PSS is responsible for being on site at the park for 6 hours per day on Saturday and Sunday, performing 15-minute walk-throughs at mid-day and securing the park in the evening by assuring that all cars have left the parking lot and that the gate is locked. PSS checks on improper conduct at the park and is to call Kirkland Police for any significant behavior or incidences that are better addressed by a police officer. The District formally adopted Kirkland's park rules with a few minor edits. There was some concern about which agencies should or do have keys to the gate including the District, Kirkland Fire and Kirkland PD and King County Marine Patrol.

- ✓ Kirkland Police will contact King County Marine Patrol to discuss gate lock and access for the District and Kirkland PD and report back to the District
- ✓ Rick Smith will provide a list of emergency contact information to Captain Hamilton who will provide it to his staff, Kirkland Parks and NORCOM (City's 911 dispatch center)
- ✓ The District will provide a list of adopted park rules to Kirkland PD and Kirkland Parks.

The District inquired as to the availability of off-duty Kirkland Police officers to perform security work at O.O. Denny

- ✓ Rick Smith will contact Captain Hamilton to discuss this possibility further

The District is concerned about the tradition of juveniles consuming alcohol in the wooded areas of the park.

- ✓ The District will provide more detailed information to Kirkland PD about the specific locations so that Police patrols can periodically check on those areas

Special Events

The District has a process for renting the shelter at O.O. Denny that includes rules regarding liquor, sound amplification, etc. Special rules apply to groups larger than 100 people. The shelter rental process is handled by the District's landscape maintenance, Total Landscaping. Some events have prompted noise complaints to the District and Kirkland Police. The District Commissioners will begin reviewing all large shelter rental requests that involve sound amplification prior to executing a rental agreement. Michael Cogle described the City's process for coordinating and permitting special events. The District is interested in coordinating with the City's Special Events Coordinator on large events. Michael Cogle provided a copy of the City's special events rules (KMC). Annual large events held at O.O. Denny include DennyFest, Christmas Ships and Park to Park Swim.

- ✓ Kirkland Parks will determine whether the City's special events permit process applies to O.O. Denny Park

- ✓ Michael Cogle will provide the District with contact information for the Special Events Coordinator, Sudie Elkayssi.
- ✓ The District will provide Sudie Elkayssi a list of scheduled shelter rentals for groups over 100 people and other large scheduled events

The Northshore Utility District will be completing a major capital project in the park – decommissioning the pump station and installing new sewer line. The project is scheduled to take place from October 2011 to April 2012. The District noted the need to secure the construction site for the Christmas Ship event that will be held during this period and is seeking assistance from Kirkland Public Works as part of the permitting process. There is also a potential street vacation associated with this project.

- ✓ Marilynne Beard will identify a contact person in Public Works for the District

Parking on Holmes Point Drive

The District would like to work with the City on parking signage and enforcement on Holmes Point Drive.

- ✓ Marilynne Beard will identify a contact person in Public Works who will work with Kirkland Police and the District on this issue.
- ✓ The District suggested that Ken Goodwin would be a good local contact for this issue as he had worked on it in the past. The District will provide contact information for Mr. Goodwin.
- ✓ Captain Hamilton subsequently suggested that before any changes in signage and/or enforcement are made, that we work together on a communication strategy with the surrounding neighbors.

Other Issues and Governance

The District would like to have more detailed mapping of the park available on the City's GIS. This could be of use to the District and the Kirkland PD. The District is working toward mapping the area.

- ✓ In the interim, District Commissioners will conduct a walk-through of the park with the Kirkland Police to identify high traffic and popular areas that may be of interest to the Police
- ✓ The District will send GIS coordinates for park trails to Michael Cogle when available

The District is working with Jason Filan, Kirkland Parks Maintenance Manager, on animal control services. The District now contracts with the City's animal enforcement officer for off-leash dog enforcement at the park. The District has been very pleased with the service and has updated their rules to clarify that dogs must be on a leash at all times in and around the park (including the water).

The District is interested in the eventual assumption of O.O. Denny Park maintenance by the City of Kirkland and understands that budgetary constraints required deferral of that responsibility. In the meantime, it was agreed that an interlocal agreement between the City and the District might be helpful in clarifying roles and responsibilities.

- ✓ Rick Smith will provide a copy of the interlocal agreement between the District and the City of Seattle (owners of the park) for maintenance and operations to the City
(completed)
- ✓ Marilynne Beard will provide a copy of the interlocal agreement between King County and Kirkland for the recent annexation and transference of governance and operations to the District
- ✓ The District will contact their legal counsel (Ken Davidson) and advise him of their interest in executing an interlocal agreement with the City. Marilynne Beard will be the point of contact for Mr. Davidson.

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

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MEMORANDUM

To: Kurt Triplett, City Manager

From: Oskar Rey, Assistant City Attorney

Date: November 3, 2011

Subject: Kirkland Municipal Code Title 11 Recodification and Update

The City Attorney's Office has been working on a recodification and update of Kirkland Municipal Code ("KMC") Title 11. KMC Title 11 was entitled "Public Peace, Morals and Safety" and it will be retitled "Criminal Code." Title 11 contains provisions relating to criminal law, as well as regulations relating to fireworks, public nuisances, junk vehicles and park rules. A draft of the proposed KMC Title 11 Recodification Ordinance ("Ordinance") was presented to the Council's Public Safety Subcommittee on October 20, 2011, and the Subcommittee requested that it be brought to the Council for adoption.

KMC Title 11 has not been comprehensively updated in many years. As a result, portions of it are obsolete and out of date. The purpose of this project is to bring KMC Title 11 up to date, and eliminate portions that are no longer necessary or adequately covered by state law. Where possible, the organization and section numbering has been retained for the convenience of Kirkland Police Department staff and City prosecutors. The City Attorney's Office has consulted with the City's prosecutors with respect to the provisions of the proposed Ordinance. In some cases, KMC provisions outside Title 11 have been amended or repealed as a result of the Title 11 changes.

In the course of its work, the City Attorney's Office utilized the following principles:

--The City should, wherever possible, incorporate the applicable RCWs by reference. Specific Kirkland provisions should only be in place to the extent the City wants to depart from the applicable RCW or have a provision in place that is not covered by the RCWs. The current KMC Title 11 incorporates some, but not all, of the necessary RCW sections. In other instances, it incorporates RCW sections that have since been recodified or repealed. The proposed Ordinance addresses obsolete references and provides a comprehensive list of the RCWs that should be adopted by reference.

--The City should abolish the "Serious Crime" designation and either utilize the applicable state law classification (misdemeanor or gross misdemeanor) or designate one of those classifications in cases where it is a local offense. For a time, the City was in the practice of designating certain crimes as "serious crimes." Such crimes were designated by placing a capital "S" at the beginning of the title of the applicable KMC Section. The "S" designation was only utilized sporadically and created confusion among those attempting to research the KMC. Accordingly, the City Attorney's Office recommends abolishing the "S" designation and, where

necessary, refer to the crime as either a "misdemeanor" or a "gross misdemeanor." In many cases, that was not necessary since the applicable state law already contained an appropriate designation.

--Evaluate the classification of certain minor offenses to ensure they are properly classified as misdemeanor, gross misdemeanor or civil infraction. For example, the Ordinance would make Title 11 consistent with state law by designating littering in small amounts as a civil infraction instead of a misdemeanor. Littering in larger amounts would constitute a misdemeanor or gross misdemeanor, depending on the volume of litter deposited (see Ordinance, pp. 35-36, proposed KMC 11.64.040).

In addition to the principles stated above, the Ordinance makes the following substantive changes to Kirkland's regulations:

--The Ordinance addresses state law that preempts the City's current restrictions on firearm possession. RCW 9.41.290 preempts and invalidate municipal ordinances that are inconsistent with, more restrictive than, or exceed the requirements of the state law. State law (RCW 9.41.300) provides that firearms may be prohibited in court facilities, certain types of secure facilities, and the portions of restaurants and bars that are restricted to persons over the age of 21. Current KMC 11.41.060 is in conflict with state law to the extent it purports to prohibit firearm possession in City parks, Kirkland City Hall, and the portions of restaurants and bars that are not restricted to persons over the age 21. The Ordinance addresses this conflict by incorporating by reference the provisions of RCW 9.41.300 and not recodifying the current version of KMC 11.41.060. The Ordinance also deletes a provision from KMC 11.80.070 that prohibited the possession of firearms in parks. As a result, the restrictions on firearm possession within the City will be consistent with state law.

--The Ordinance adopts several sections of RCW Chapter 16.52 relating to the prevention of animal cruelty (See Ordinance, p. 2, Section 5). This was done at the request of the Kirkland prosecutor, who indicated that these provisions will supplement provisions of the King County Code, which the City already adopts by reference (See KMC Chapter 8.04).

ORDINANCE O-4334

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE AND REPEALING THE EXISTING TITLE 11 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW TITLE 11 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Kirkland Municipal Code (“KMC”) Section 1.04.010 is hereby amended to read as follows:

1.04.010 Classes of crime—Penalties.

(a) Any offense defined by this code and any violation of a mandatory provision of this code or any other ordinance of the city constitutes a crime, unless it is a civil ~~infractio~~violation or traffic infraction. Civil ~~infractio~~violations include only those ~~infractio~~violations specifically designated as such in this code or in any ordinance of the city. Traffic infraction means an offense under the provisions of Title 12 of this code, for which monetary penalty may be imposed pursuant to RCW Chapter 46.63, et seq. Crimes are either misdemeanors or gross misdemeanors.

(b) ~~Gross Misdemeanor. Every crime designated in any section of this code or any other ordinance of the city as a serious crime is a gross misdemeanor. Designation as a serious crime may be by notation with (S) immediately preceding the code section, or by use of the words “serious crime” within the section which establishes the elements of the crime or by listing in Section 1.04.011. Any person convicted of a gross misdemeanor for which no penalty is specifically prescribed shall be punished by imprisonment for up to three hundred sixty-four days for not more than one year, or by a fine of not more than five thousand dollars, or by both such imprisonment and fine.~~

(c) Misdemeanor. Every crime which is not a gross misdemeanor is a misdemeanor. Any crime designated as a simple crime in this code or any other ordinance is a misdemeanor. Any person convicted of a misdemeanor for which no punishment is specially prescribed shall be punished by imprisonment for not more than ninety days or by a fine of not more than one thousand dollars or both such imprisonment and fine.

(d) Notwithstanding the maximum penalties established in this section for gross misdemeanors and misdemeanors, the maximum penalty which may be imposed upon any person convicted of a criminal violation of a city ordinance, including any section of this code shall not exceed the maximum penalty which could be imposed for violation of a state criminal statute having the same elements.

(e) Notwithstanding the penalties established by this chapter, unless specified otherwise, violation of any section contained in Title 14 of this code and Section 11.80.110 are civil infractions and the penalty for

violation shall be an amount established for such violation by ordinance or court rule.

Section 2. Kirkland Municipal Code Sections 1.04.011, 8.04.025 and 12.04.030 are hereby repealed.

Section 3. Kirkland Municipal Code Section 5.19.090 is hereby amended to read as follows:

5.19.090 Penalty.

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be guilty of a ~~serious crime, which is a~~ gross misdemeanor. Each day of violation shall be considered a separate offense.

Section 4. Kirkland Municipal Code Section 7.32.080 is hereby amended to read as follows:

7.32.080 Unlawful activities.

It is unlawful for the owner, proprietor, manager or person in charge of any massage parlor or public bathhouse, or for any employee of the establishment to knowingly:

(1) Harbor, admit, receive or permit to be or remain in or about such premises, any person under the influence of intoxicating liquor or narcotic drugs or other controlled substances, or any person whose conduct threatens the immediate physical health or safety of any other person lawfully present in the establishment;

(2) Permit, allow or authorize any activity or course of conduct in the establishment in violation of RCW Chapter 9A.88 and Sections 11.20.170 through 11.20.300 of the Kirkland Municipal Code Chapter 11.20 relating to lewd and unlawful public exposure, and prostitution and body studies.

Section 5. A new Kirkland Municipal Code Section 8.04.075 is hereby adopted to read as follows:

8.04.075 Portions of RCW Chapter 16.52 adopted by reference.

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

RCW 16.52.080 Transporting or confining in unsafe manner—
Penalty.

RCW 16.52.085 Removal of animals for feeding—
Examination—Notice—Euthanasia.

RCW 16.52.200 Sentences—Forfeiture of animals—Liability for
costs—Civil penalty—Education, counseling.

RCW 16.52.207 Animal cruelty in the second degree.

Section 6. Kirkland Municipal Code Title 11 is hereby repealed and reenacted to read as follows:

**Title 11
CRIMINAL CODE**

Chapters:

- 11.04 Preliminary Article**
- 11.08 Adoption of RCW Sections Not Specifically Set Forth**
- 11.12 Adoption of Specific RCW Sections**
- 11.16 Miscellaneous Offenses**
- 11.20 Offenses Against Public Morals**
- 11.24 Nuisances**
- 11.41 Firearms and Weapons**
- 11.52A Burglary and Trespass**
- 11.60 Fireworks**
- 11.64 Littering**
- 11.76 Junk Vehicles**
- 11.80 Park Rules**
- 11.84A Public Disturbance**
- 11.92 City Jail Custodial Care Standards**

**Chapter 11.04
PRELIMINARY ARTICLE**

Sections:

- 11.04.010 Preliminary article.**
- 11.04.020 Jurisdiction.**

11.04.010 Preliminary article.

A. This title shall be known and may be cited as the "Kirkland Criminal Code."

B. As used in this title, "RCW" shall mean the Revised Code of Washington.

C. As used in this title, "KMC" shall mean the Kirkland Municipal Code.

D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

E. By adopting Washington state statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Kirkland. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine; or

2. Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.

11.04.020 Jurisdiction.

The following persons are subject to punishment:

A. A person who commits in the city any crime as defined by ordinance, in whole or part;

B. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

C. A person who being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;

D. A person who commits an act out of the city which affects persons or property within the city which, if committed within the city, would be a crime.

Chapter 11.08

ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

11.08.010 Adoption of RCW sections not specifically set forth.

11.08.010 Adoption of RCW sections not specifically set forth.

A. Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in RCW Chapter 9A.28. The adoption of class C felonies shall be subject to the provisions of subsection A of this section and of KMC Chapter 11.04.

Chapter 11.12

ADOPTION OF SPECIFIC RCW SECTIONS

Sections:

11.12.010 Chapter 2.48 RCW, entitled "State Bar Act" – Adoption by reference.

11.12.020 Chapter 7.21 RCW, entitled "Contempt of Court" – Adoption by reference.

11.12.030 Chapter 7.80 RCW, entitled "Civil Infractions" – Adoption by reference.

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

11.12.050 RCW Title 9A, entitled "Washington Criminal Code" – Adoption by reference.

11.12.060 RCW Title 10, entitled "Criminal Procedure" – Adoption by reference.

11.12.070 Chapter 13.32A RCW, entitled "Family Reconciliation Act" – Adoption by reference.

- 11.12.080 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.**
- 11.12.090 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.**
- 11.12.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.**
- 11.12.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.**
- 11.12.120 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.**
- 11.12.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.**
- 11.12.140 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.**

11.12.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.

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

RCW 2.48.180 Definitions – Unlawful practice a crime – Cause for discipline – Unprofessional conduct – Defense – Injunction – Remedies – Costs – Attorneys’ fees – Time limit for action.

11.12.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.

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

RCW 7.21.010 Definitions.
 RCW 7.21.020 Sanctions – Who may impose.
 RCW 7.21.030 Remedial sanctions – Payment for losses.
 RCW 7.21.040 Punitive sanctions – Fines.
 RCW 7.21.050 Sanctions – Summary imposition – Procedure.
 RCW 7.21.070 Appellate review.

11.12.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.80.120 Monetary penalties – Restitution.

11.12.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by

reference and shall be given the same force and effect as if set forth herein in full:

- RCW 9.01.055 Citizen immunity if aiding officer, scope – When.
- RCW 9.01.110 Omission, when not punishable.
- RCW 9.01.130 Sending letter, when complete.
- RCW 9.02.050 Concealing birth.
- RCW 9.03.010 Abandoning, discarding refrigeration equipment.
- RCW 9.03.020 Permitting unused equipment to remain on premises.
- RCW 9.03.040 Keeping or storing equipment for sale.
- RCW 9.04.010 False advertising.
- RCW 9.04.090 Advertising fuel prices by service stations.
- RCW 9.08.030 False certificate of registration of animals – False representation as to breed.
- RCW 9.08.065 Definitions.
- RCW 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.
- RCW 9.08.072 Transferring stolen pet animal to a research institution—Penalty
- RCW 9.08.078 Illegal sale, receipt or transfer of pet animals— Separate offenses
- RCW 9.12.010 Barratry.
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.
- RCW 9.16.005 Definitions.
- RCW 9.16.010 Removing lawful brands.
- RCW 9.16.020 Imitating lawful brand.
- RCW 9.16.030 Counterfeit mark – Intellectual property.
- RCW 9.16.035 Counterfeiting – Penalties.
- RCW 9.16.041 Counterfeit items – Seizure and forfeiture.
- RCW 9.16.050 When deemed affixed.
- RCW 9.16.060 Fraudulent registration of trademark.
- RCW 9.16.070 Form and similitude defined.
- RCW 9.16.080 Petroleum products improperly labeled or graded--Penalty.
- RCW 9.16.100 Use of the words “sterling silver,” etc.
- RCW 9.16.110 Use of words “coin silver,” etc.
- RCW 9.16.120 Use of the word “sterling” on mounting.
- RCW 9.16.130 Use of the words “coin silver” on mounting.
- RCW 9.16.140 Unlawfully marking article made of gold.
- RCW 9.16.150 “Marked, stamped or branded” defined.
- RCW 9.18.080 Offender a competent witness.
- RCW 9.18.120 Suppression of competitive bidding.
- RCW 9.18.130 Collusion to prevent competitive bidding-- Penalty.
- RCW 9.18.150 Agreements outside state.
- RCW 9.24.010 Fraud in stock subscription.
- RCW 9.24.040 Corporation doing business without license.
- RCW 9.26A.090 Telephone company credit cards – Prohibited acts.
- RCW 9.26A.100 Definitions.

- RCW 9.26A.110 Fraud in obtaining telecommunications service – Penalty.
- RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle.
- RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- RCW 9.26A.140 Unauthorized sale or procurement of telephone records—Penalties—Definitions
- RCW 9.27.015 Interference, obstruction of any court, building, or residence – Violations.
- RCW 9.35.005 Definitions.
- RCW 9.35.030 Soliciting undesired mail.
- RCW 9.38.010 False representation concerning credit.
- RCW 9.38.015 False statement by deposit account applicant.
- RCW 9.38.020 False representation concerning title.
- RCW 9.40.040 Operating engine or boiler without spark arrester.
- RCW 9.40.100 Tampering with fire alarm or fire fighting equipment – False alarm – Penalties.
- RCW 9.41.010 Terms defined.
- RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons—Penalties.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.
- RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.
- RCW 9.41.100 Dealer licensing and registration required.
- RCW 9.41.110 Dealer’s licenses, by whom granted, conditions, fees – Employees, fingerprinting and background checks – Wholesale sales excepted – Permits prohibited.
- RCW 9.41.140 Alteration of identifying marks – Exceptions.
- RCW 9.41.220 Unlawful firearms and parts contraband.
- RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
- RCW 9.41.240 Possession of pistol by person from eighteen to twenty-one.
- RCW 9.41.250 Dangerous weapons – Penalty—Exemption for law enforcement officers.
- RCW 9.41.260 Dangerous exhibitions.
- RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.
- RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.
- RCW 9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.
- RCW 9.41.800 Surrender of weapons or licenses – Prohibition on future possession or licensing.
- RCW 9.41.810 Penalty.
- RCW 9.44.080 Misconduct in signing a petition.

RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.

RCW 9.45.070 Mock auctions.

RCW 9.45.080 Fraudulent removal of property.

RCW 9.45.090 Knowingly receiving fraudulent conveyance.

RCW 9.45.100 Fraud in assignment for benefit of creditors.

RCW 9.45.270 Fraudulent filing of vehicle report of sale

RCW 9.47A.010 Definition.

RCW 9.47A.020 Unlawful inhalation – Exception.

RCW 9.47A.030 Possession of certain substances prohibited, when.

RCW 9.47A.040 Sale of certain substances prohibited, when.

RCW 9.47A.050 Penalty.

RCW 9.51.010 Misconduct of officer drawing jury.

RCW 9.51.020 Soliciting jury duty.

RCW 9.51.030 Misconduct of officer in charge of jury.

RCW 9.61.230 Telephone harassment.

RCW 9.61.240 Telephone harassment – Permitting telephone to be used.

RCW 9.61.250 Telephone harassment – Offense, where deemed committed.

RCW 9.61.260 Cyberstalking.

RCW 9.62.010 Malicious prosecution.

RCW 9.62.020 Instituting suit in name of another.

RCW 9.68.015 Obscene literature, shows, etc. – Exemptions.

RCW 9.68.030 Indecent articles, etc.

RCW 9.68.050 “Erotic material” – Definitions.

RCW 9.68.060 “Erotic material” – Determination by court – Labeling – Penalties.

RCW 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.

RCW 9.68.080 Unlawful acts.

RCW 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.

RCW 9.68.110 Motion picture operator or projectionist exempt, when.

RCW 9.68.130 “Sexually explicit material” – Defined – Unlawful display.

RCW 9.68A.011 Definitions.

RCW 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.

RCW 9.68A.090 Communication with minor for immoral purposes – Penalties.

RCW 9.68A.103 Permitting commercial sex abuse of a minor— Penalty.

RCW 9.68A.110 Certain defenses barred, permitted.

RCW 9.68A.120 Seizure and forfeiture of property.

RCW 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.

RCW 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.

RCW 9.73.010 Divulging telegram.

RCW 9.73.020 Opening sealed letter.

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

11.12.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

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

RCW 9A.04.020 Purposes – Principles of construction.
 RCW 9A.04.040 Classes of crimes.
 RCW 9A.04.050 People capable of committing crimes – Capability of children.
 RCW 9A.04.060 Common law to supplement statute.
 RCW 9A.04.070 Who amenable to criminal statutes.
 RCW 9A.04.080 Limitation of actions.
 RCW 9A.04.090 Application of general provisions of the code.
 RCW 9A.04.100 Proof beyond a reasonable doubt.
 RCW 9A.04.110 Definitions.
 RCW 9A.08.010 General requirements of culpability.
 RCW 9A.08.020 Liability for conduct of another – Complicity.
 RCW 9A.08.030 Corporate and personal liability.
 RCW 9A.12.010 Insanity.
 RCW 9A.16.010 Definitions.
 RCW 9A.16.020 Use of force – When lawful.
 RCW 9A.16.060 Duress.
 RCW 9A.16.070 Entrapment.

RCW 9A.16.080 Action for being detained on mercantile establishment premises for investigation – “Reasonable grounds” as defense.

RCW 9A.16.090 Intoxication.

RCW 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.

RCW 9A.20.010 Classification and designation of crimes.

RCW 9A.20.030 Alternative to a fine—Restitution.

RCW 9A.28.020 Criminal attempt.

RCW 9A.28.030 Criminal solicitation.

RCW 9A.28.040 Criminal conspiracy.

RCW 9A.36.041 Assault in the fourth degree.

RCW 9A.36.050 Reckless endangerment.

RCW 9A.36.070 Coercion.

RCW 9A.36.150 Interfering with the reporting of domestic violence.

RCW 9A.36.160 Failing to summon assistance

RCW 9A.36.161 Failing to summon assistance--Penalty

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.

RCW 9A.40.080 Custodial interference – Assessment of costs – Defense – Consent defense, restricted.

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment in the third degree.

RCW 9A.42.037 Criminal mistreatment in the fourth degree.

RCW 9A.42.040 Withdrawal of life support systems.

RCW 9A.42.045 Palliative care.

RCW 9A.42.050 Defense of financial inability.

RCW 9A.42.080 Abandonment of a dependent person in the third degree--Exception.

RCW 9A.42.090 Abandonment of a dependent person – Defense.

RCW 9A.42.110 Leaving a child in the care of a sex offender.

RCW 9A.44.010 Definitions.

RCW 9A.44.030 Defenses to prosecution under this chapter.

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.

RCW 9A.44.170 Custodial sexual misconduct in the second degree.

RCW 9A.44.180 Custodial sexual misconduct – Defense.

RCW 9A.46.010 Legislative finding.

RCW 9A.46.020 Definition – Penalties.

RCW 9A.46.030 Place where committed.

RCW 9A.46.040 Court-ordered requirements upon person charged with crime – Violation.

RCW 9A.46.050 Arraignment – No-contact order.

RCW 9A.46.060 Crimes included in harassment.

RCW 9A.46.080 Order restricting contact – Violation.

RCW 9A.46.090 Nonliability of peace officer.

RCW 9A.46.100 “Convicted,” time when.

RCW 9A.46.110 Stalking.
RCW 9A.48.010 Definitions.
RCW 9A.48.050 Reckless burning in the second degree.
RCW 9A.48.060 Reckless burning – Defense.
RCW 9A.48.090 Malicious mischief in the third degree.
RCW 9A.48.100 Malicious mischief – “Physical damage”
defined.
RCW 9A.48.105 Criminal street gang tagging and graffiti.
RCW 9A.48.110 Defacing a state monument.
RCW 9A.49.001 Findings.
RCW 9A.49.010 Definitions.
RCW 9A.49.030 Unlawful discharge of a laser in the second
degree.
RCW 9A.49.050 Exclusions.
RCW 9A.50.010 Definitions.
RCW 9A.50.020 Interference with health care facility.
RCW 9A.50.030 Penalty.
RCW 9A.50.070 Protection of health care patients and
providers.
RCW 9A.52.010 Definitions.
RCW 9A.52.050 Other crime in committing burglary
punishable.
RCW 9A.52.060 Making or having burglar tools.
RCW 9A.52.070 Criminal trespass in the first degree.
RCW 9A.52.080 Criminal trespass in the second degree.
RCW 9A.52.090 Criminal trespass – Defenses.
RCW 9A.52.100 Vehicle prowling in the second degree.
RCW 9A.52.120 Computer trespass in the second degree.
RCW 9A.52.130 Computer trespass – Commission of other
crime.
RCW 9A.56.010 Definitions.
RCW 9A.56.020 Theft – Definition, defense.
RCW 9A.56.050 Theft in the third degree.
RCW 9A.56.060 Unlawful issuance of checks or drafts.
RCW 9A.56.096 Theft of rental, leased, lease-purchased or
loaned property.
RCW 9A.56.140 Possessing stolen property – Definition –
Presumption.
RCW 9A.56.170 Possessing stolen property in the third degree.
RCW 9A.56.180 Obscuring the identity of a machine.
RCW 9A.56.220 Theft of subscription television services.
RCW 9A.56.240 Forfeiture and disposal of device used to
commit violation.
RCW 9A.56.260 Connection of channel converter.
RCW 9A.56.270 Shopping cart theft.
RCW 9A.56.330 Possession of another’s identification.
RCW 9A.60.010 Definitions.
RCW 9A.60.045 Criminal impersonation in the second degree.
RCW 9A.60.050 False certification.
RCW 9A.61.010 Definitions.
RCW 9A.61.020 Defrauding a public utility.
RCW 9A.61.050 Defrauding a public utility in the third degree.

RCW 9A.61.060 Restitution and costs.
 RCW 9A.72.010 Definitions.
 RCW 9A.72.040 False swearing.
 RCW 9A.72.050 Perjury and false swearing – Inconsistent statements – Degree of crime.
 RCW 9A.72.060 Perjury and false swearing – Retraction.
 RCW 9A.72.070 Perjury and false swearing – Irregularities no defense.
 RCW 9A.72.080 Statement of what one does not know to be true.
 RCW 9A.72.085 Unsworn statements, certification.
 RCW 9A.72.140 Jury tampering.
 RCW 9A.72.150 Tampering with physical evidence.
 RCW 9A.76.010 Definitions.
 RCW 9A.76.020 Obstructing a law enforcement officer.
 RCW 9A.76.030 Refusing to summon aid for a peace officer.
 RCW 9A.76.040 Resisting arrest.
 RCW 9A.76.050 Rendering criminal assistance – Definition of term.
 RCW 9A.76.060 Relative defined.
 RCW 9A.76.070 Rendering criminal assistance in the first degree.
 RCW 9A.76.080 Rendering criminal assistance in the second degree.
 RCW 9A.76.090 Rendering criminal assistance in the third degree.
 RCW 9A.76.100 Compounding.
 RCW 9A.76.130 Escape in the third degree.
 RCW 9A.76.160 Introducing contraband in the third degree.
 RCW 9A.76.170 Bail jumping.
 RCW 9A.76.175 Making a false or misleading statement to a public servant.
 RCW 9A.80.010 Official misconduct.
 RCW 9A.84.010 Riot.
 RCW 9A.84.020 Failure to disperse.
 RCW 9A.84.030 Disorderly Conduct
 RCW 9A.84.040 False reporting.
 RCW 9A.88.010 Indecent Exposure.
 RCW 9A.88.030 Prostitution.
 RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.
 RCW 9A.88.090 Permitting prostitution.
 RCW 9A.88.110 Patronizing a prostitute.
 RCW 9A.88.120 Additional fee assessments.
 RCW 9A.88.130 Additional requirements.
 RCW 9A.88.140 Vehicle impoundment—Fees and fine.

11.12.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by

reference and shall be given the same force and effect as if set forth herein in full:

- RCW 10.14.120 Disobedience of order – Penalties.
- RCW 10.14.170 Criminal penalty.
- RCW 10.99.010 Purpose – Intent.
- RCW 10.99.020 Definitions.
- RCW 10.99.030 Law enforcement officers—Training, powers, duties—Domestic violence reports
- RCW 10.99.040 Duties of court – No-contact order.
- RCW 10.99.045 Appearances by Defendant—Defendant’s history--No-contact order
- RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.
- RCW 10.99.055 Enforcement of orders
- RCW 10.99.060 Prosecutor’s notice to victim—Description of available procedures.
- RCW 10.99.070 Liability of peace officers.
- RCW 10.99.080 Penalty assessment.

11.12.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.

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

- RCW 13.32A.080 Unlawful harboring of a minor – Penalty – Defense – Prosecution of adult for involving child in commission of offense.

11.12.080 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.

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

- RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.
- RCW 26.10.220 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.
- RCW 26.26.138 Restraining order – Knowing violation – Penalty – Law enforcement immunity.
- RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.
- RCW 26.28.085 Applying tattoo to a minor – Penalty.
- RCW 26.44.020 Definitions.
- RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case

- planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Investigations--Interviews of children – Records – Risk assessment process.
- RCW 26.44.040 Reports – Oral, written – Contents.
- RCW 26.44.050 Abuse or neglect of child—Duty of law enforcement agency or department of social and health services—Taking child into custody without court order, when
- RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.
- RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.
- RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.
- RCW 26.44.080 Violation – Penalty.
- RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.
- RCW 26.50.110 Violation of order – Penalties.
- RCW 26.50.140 Peace officers – Immunity.
- RCW 26.52.010 Definitions.
- RCW 26.52.050 Peace officer immunity.
- RCW 26.52.070 Violation of foreign orders – Penalties.

11.12.090 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.

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

- RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.
- RCW 28A.635.030 Disturbing school, school activities or meetings – Penalty.
- RCW 28A.635.090 Interference by force or violence – Penalty.
- RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful--Penalty.
- RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

11.12.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.

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

- RCW 46.80.010 Definitions.
- RCW 46.80.080 Records – Penalty.

11.12.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.

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

- RCW 66.04.010 Definitions.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
- RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
- RCW 66.28.210 Keg registration – Requirements of purchaser.
- RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
- RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.
- RCW 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers.
- RCW 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- RCW 66.44.080 Service of process on corporation.
- RCW 66.44.090 Acting without license.
- RCW 66.44.100 Opening or consuming liquor in a public place – Penalty.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sales of liquor by drink or bottle.
- RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.
- RCW 66.44.150 Buying liquor illegally.
- RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.
- RCW 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.
- RCW 66.44.175 Violations of law.
- RCW 66.44.180 General penalties – Jurisdiction for violations.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on

- licensed premises – Penalty – Notice – Separation of actions.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.
- RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.
- RCW 66.44.270 Furnishing liquor to minors – Possession, use--Penalties--Exhibition of effects – Exceptions.
- RCW 66.44.280 Minor applying for permit.
- RCW 66.44.290 Minor purchasing or attempting to purchase liquor--Penalty.
- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
- RCW 66.44.310 Minors frequenting off-limits area – Misrepresentation of age – Penalty – Classification of licensees.
- RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
- RCW 66.44.325 Unlawful transfer to a minor of age identification.
- RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.
- RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
- RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.

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

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

- RCW 69.41.010 Definitions.
- RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions--Penalty.
- RCW 69.41.050 Labeling requirements--Penalty.
- RCW 69.41.300 Definitions.
- RCW 69.41.320 Practitioners – Restricted use – Medical records.

RCW 69.41.350 Penalties.
 RCW 69.43.010 Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.
 RCW 69.43.105 Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Record of Transaction--Exceptions--Penalty
 RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Electronic sales tracking system--Penalty.
 RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.
 RCW 69.43.130 Exemptions – Pediatric products – Products exempted by the state board of pharmacy.
 RCW 69.50.101 Definitions.
 RCW 69.50.102 Drug paraphernalia – Definitions.
 RCW 69.50.201 Enforcement of Chapter—Authority to change schedules of controlled substances
 RCW 69.50.202 Nomenclature.
 RCW 69.50.204 Schedule I
 RCW 69.50.206 Schedule II
 RCW 69.50.208 Schedule III
 RCW 69.50.210 Schedule IV
 RCW 69.50.212 Schedule V
 RCW 69.50.4014 Possession of 40 grams or less of marihuana – Penalty.
 RCW 69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.
 RCW 69.50.404 Penalties under other laws.
 RCW 69.50.407 Conspiracy.
 RCW 69.50.412 Prohibited acts: E – Penalties.
 RCW 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.
 RCW 69.50.425 Misdemeanor violations – Minimum penalties.
 RCW 69.50.505 Seizure and Forfeiture
 RCW 69.50.506 Burden of proof; liabilities
 RCW 69.50.509 Search and seizure of controlled substances

11.12.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.

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

RCW 70.74.010 Definitions.
 RCW 70.74.160 Unlawful access to explosives.
 RCW 70.74.295 Abandonment of explosives.
 RCW 70.74.300 Explosive containers to be marked – Penalty.
 RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.
 RCW 70.74.400 Seizure and forfeiture.

RCW 70.93.060 Littering prohibited—Penalties—Litter cleanup
restitution payment
RCW 70.155.010 Definitions.
RCW 70.155.080 Purchasing, possessing by persons under
the age of 18 – Civil infraction – Courts of
jurisdiction.

**11.12.140 Chapter 74.34 RCW, entitled “Abuse of Vulnerable
Adults” – Adoption by reference.**

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

RCW 74.34.020 Definitions.
RCW 74.34.053 Failure to report – False reports – Penalties.
RCW 74.34.145 Protection of vulnerable adults – Notice of
criminal penalties for violation – Enforcement under
RCW 26.50.110.

**Chapter 11.16
MISCELLANEOUS OFFENSES**

Sections:

**11.16.010 Making a false or misleading statement to a
police officer**

**11.16.010 Making a false or misleading statement to a police
officer.**

It is unlawful for any person to knowingly make a false or misleading statement to a police officer. For the purposes of this section, “material statement” means a written or oral statement reasonably likely to be relied upon by a police officer in the discharge of his or her official powers or duties.

**Chapter 11.20
OFFENSES AGAINST PUBLIC MORALS**

Sections:

11.20.010 Definitions.
11.20.020 Lewd act.
**11.20.030 Location of performers providing certain
forms of entertainment and patrons restricted.**
11.20.040 Lewd act—Exemptions.
11.20.050 Lewd act—Affirmative defenses.

11.20.060 Public display of sexually explicit material.**11.20.070 Urinating in public.****11.20.080 Facilitating offense.****11.20.010 Definitions.**

As used in this chapter, the following words and terms shall have the meaning set forth in this section:

(1) "Exposed" means the state of being revealed, exhibited or otherwise rendered open to public view.

(2) "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom-type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interests, depicts sexual conduct in a patently offensive way, and lacks serious literary, artistic, political or scientific value.

(3) "Lewd act" means public:

(A) Exposure of any portion of the human anus, genitals or pubic region; or

(B) Exposure of the female breasts lower than the upper edge of the areola; or

(C) Touching, caressing or fondling of the male or female genitals or female breast, whether clothed or naked; or

(D) Masturbation; or

(E) Sexual conduct as defined by subsection 7 of this section.

(4) "Person" means and includes natural persons of either sex, firms, corporations, and all associations of natural persons, whether acting by themselves or by an agent, servant, or employee.

(5) "Public" or "public display" means easily audible or visible from a public thoroughfare, or from property of others, or in a public place in a manner so obtrusive as to make it difficult for an unwilling observer, should one arrive, to avoid the observation.

(6) "Public place" means any place in which the general public has a right to be present, and any area open to public view, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food or drink is served, or entertainment provided. Also, public place is an entire area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(7) "Sexual contact" means:

(A) Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or

(B) Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another; whether such

persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or

(C) Any contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex; or

(D) Masturbation, manual or instrumental, of one person by another.

(8) "Sexually explicit material" means any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (i.e., bestiality or oral or anal intercourse), direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition. In determining whether material is prohibited for public display under this definition, such material shall be adjudged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of this section.

11.20.020 Lewd act.

Every person who intentionally performs any lewd act in a public place or in public is guilty of a gross misdemeanor.

11.20.030 Location of performers providing certain forms of entertainment and patrons restricted.

(a) Every entertainer who shall appear in any public place while unclothed or with any portion of the crack of the buttocks, the genitals, pubic region or female breasts below the upper edge of the areola exposed, where such activity is lawful, shall confine himself or herself to a stage or other surface that is raised at least eighteen inches above the level of the floor upon which the closest patrons are seated or standing, and not closer than six feet from the nearest patron. Violation of this section is a gross misdemeanor.

(b) No person or patron who enters a public place wherein nude entertainment is permitted, as described in Section 11.20.030, shall go within six feet of the raised stage. Violation of this section is a gross misdemeanor.

11.20.040 Lewd act—Exemptions.

The prohibitions set forth in Section 11.20.020 shall not apply to any:

- (1) "Expressive dance" as defined in Section 11.20.010;
- (2) Play, opera, musical, or other dramatic work; or
- (3) Class, seminar or lecture conducted for a scientific or educational purpose;

11.20.050 Lewd act—Affirmative defenses.

It is an affirmative defense to a prosecution for violation of Section 11.20.020 that the nudity or other public exposure, when considered in the context in which presented, provided actual literary, artistic, political or scientific value and was not provided for commercial or

sexual exploitation or with an emphasis on an appeal to a prurient interest.

11.20.060 Public display of sexually explicit material.

(a) A person is guilty of displaying sexually explicit material if he or she knowingly places such material upon public display, or if he or she knowingly fails to take prompt action to remove a display from property in his possession after learning of its existence.

(b) Material is placed upon public display if it is placed on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that sexually explicit material is easily visible from a public thoroughfare or from the property of others.

(c) Public display of sexually explicit material is a misdemeanor.

11.20.070 Urinating in public.

A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place, other than a washroom or toilet room, or at a place and under circumstances where such act could be observed by any member of the public. Violation of this section is a misdemeanor.

11.20.080 Facilitating offense.

It is unlawful for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any offense prohibited by this chapter upon the premises. Violation of this section is a misdemeanor.

**Chapter 11.24
NUISANCES**

Sections:

11.24.010 Definitions.

11.24.020 Public nuisance defined.

11.24.030 Violation of city or state law—Found to be in violation of federal law.

11.24.040 Determination of public nuisance by director.

11.24.050 Administrative abatement of nuisance on public property authorized—Procedure.

11.24.060 Administrative abatement of nuisance on private property authorized—Procedures—Order—Review.

11.24.070 Abatement by city—Safeguards.

11.24.080 Abatement—Cost—Collection.

11.24.090 Public nuisance—Criminal offense.

11.24.100 Remedies—Cumulative—Not exclusive.

11.24.010 Definitions.

(a) “Costs” means, but is not limited to, contract expense and city employee labor expense incurred in abating a nuisance, a rental fee

for city equipment used in abatement, costs of storage, disposal or destruction, legal expenses and attorneys' fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders, and any other costs incurred by the city excluding, however, fees and expenses associated with appeals authorized by this chapter or by state law.

(b) "Director" means Kirkland's director of planning and community development, the chief of police or either of their designees.

(c) "Graffiti" means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, dye or any other substance capable of marking property.

(d) "Responsible parties" means, as applicable, the owners of the property constituting the nuisance, the owners of the property upon which the nuisance is occurring and any other persons, corporations or other entities responsible for creating, allowing, maintaining or continuing the nuisance.

11.24.020 Public nuisance defined.

Every act done, every omission to perform a duty and any property allowed to remain in place which unreasonably:

(1) Annoys, injures or endangers the health, welfare, safety, comfort or repose of members of the public in any manner, including but not limited to:

(a) Depositing or disposing of any garbage, waste, litter, or other offensive material in any public park, street, alley, highway or other private or public area within the city;

(b) Performing any trade, employment, or manufacture in the city which results in offensive odors, hazardous wastes, or other annoyances and which annoys, injures or is offensive or detrimental to the health, welfare or safety of employees or to members of the public;

(c) Burning any material so as to cause or permit the smoke, ashes, soot, or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health, welfare or safety of any person or neighborhood;

(d) Maintaining or using any building, house, room, or other structure or vehicle for the purpose of lewd acts or prostitution as defined in Chapter 11.20;

(e) Maintaining or using any house, room, booth, or other structure as a place of resort where disorderly persons are allowed to congregate, or in which drunkenness is carried on or permitted;

(f) Beginning, maintaining, permitting or abandoning any excavation which is detrimental to the health, welfare or safety of the public;

(g) Storing, maintaining, or using, in or upon any public or private place in the city so as to be offensive or injurious to the health, welfare or safety of the public, or unpleasant or disagreeable to the adjacent residences or persons, any unsound, putrid or unwholesome substance; any structure, drain, sewer or septic tank; or any noxious, offensive, hazardous or otherwise dangerous chemicals or substances;

(h) Maintaining or operating premises, buildings and vehicles whereon or wherein intoxicating liquor is manufactured, sold, furnished, or consumed, in violation of the laws of the state or the ordinances of the city;

(i) Permitting or maintaining vacant, unused or unoccupied buildings and structures within the city in a manner detrimental to the health, welfare or safety of the public;

(j) Discarding, abandoning or leaving in any place accessible to children any refrigerator, icebox or deep-freeze locker having a capacity of one and one-half cubic feet or more, or any other container manufactured, custom-made or homemade, designed for storage, which has not had the door or latching mechanism removed to prevent the latching or locking of the door;

(k) Placing or maintaining any sign, poster or other advertising matter of any nature upon a telephone or other poles, trees, sidewalks, streets, signs, traffic signs or other traffic-control devices or other structures or places within streets, alleys or other public places or rights-of-way;

(l) Maintaining buildings, vehicles or other structures, or any parts thereof, wherein any gambling, as defined by RCW 9.46.020, may be found, and any gambling device, as defined by RCW 9.46.020, may be found, except as licensed and within the scope of the license required under state or city law;

(m) Permitting irrigation or other water to run by or on any street, alley or other public place so as to cause settling or damage to the street, alley or other public place, or to cause annoyance, damage or hazard to any user of the street, alley or other public place; or

(n) Writing graffiti or allowing graffiti to remain in place;

(2) Offends public decency; or

(3) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a public park, street, alley, highway, or other public area, shall constitute a public nuisance. Where the meaning of any of the foregoing terms is not obvious, they shall have that meaning as provided under the common law.

11.24.030 Violation of city or state law—Found to be in violation of federal law.

(a) Any business within the city that is operated either in violation of city or state law or has been found to be in violation of federal law is declared to be a public nuisance.

(b) Any act, omission, or property which includes, causes, or involves one or more violations of any city ordinance adopted to further the public interest in protecting, maintaining, or restoring the physical and natural environment is declared to be a public nuisance.

11.24.040 Determination of public nuisance by director.

The director shall determine whether the act, omission or property complained of, or otherwise discovered, constitutes a public nuisance. Standards developed by the director for making these determinations shall be consistently applied.

11.24.050 Administrative abatement of nuisance on public property authorized—Procedure.

(a) A public nuisance found upon a right-of-way, public easement or other public property shall be abated summarily by the director by removal and disposal or destruction at the director's discretion.

(b) Private property removed and not disposed or destroyed may be held by the city or its designee for thirty days from the date removed. Thereafter, if the property is unclaimed, the property may be sold by auction and the proceeds from the sale may be retained by the city. The owner of the property may claim the property until sold by paying all costs incurred by the city and designee in removing and holding the property.

11.24.060 Administrative abatement of nuisance on private property authorized—Procedures—Order—Review.

(a) Upon the discovery of a public nuisance on private property that does not constitute an immediate threat to the public health, welfare or safety, the director shall issue an order of abatement to the appropriate responsible parties identifying the nuisance and applicable code section violated, imposing a civil fine of not more than five thousand dollars and the date by which it must be paid, ordering a method of abatement, the date by which abatement must be accomplished, and containing notice of any right of appeal.

(b) In case of a failure to abate or to appeal, the director shall notify the appropriate responsible parties that the city will abate the nuisance, the date abatement will occur, and that the city will assess the cost of abatement and any fine levied jointly and severally against the responsible parties, the subject property or both; provided, that in cases of immediate necessity as determined by the director, prior notification under this subsection may be dispensed with and the director shall provide the notice after the abatement has occurred. Such notice shall state the date the abatement occurred, the amount due the city for costs incurred in abating the nuisance, any fines levied and identifying the sources as provided in Section 11.24.080 from which such costs and fines may be satisfied.

(c) An order of abatement or any notice required herein shall be served upon the appropriate responsible parties as determined by the director.

(1) Such service may be done personally, by certified mail to the last known address of each person to whom the order or notice applies, by posting the real property upon which the nuisance is occurring or by certified mail to the owner of the real property at the address appearing on the tax rolls for King County.

(2) In the event any of these persons cannot be found or no address can be obtained after reasonable effort, and posting would violate any law or would be impracticable, upon a written finding of the foregoing by the director, the order or notice may be given by publication once in the city's official newspaper as designated pursuant to Chapter 1.08.

(d) An order of abatement, including fine, may be appealed to the hearing examiner using the procedures provided in KZC 170.40(5)(b) and (d), (6)(a) and (7).

(1) The hearing examiner may sustain the order and fine, modify the order and fine or dismiss the order and fine; provided, that whenever the order is sustained or modified, the hearing examiner shall establish a new date for abatement or affirm the original date. When appropriate, the hearing examiner may also require that the appellant post a bond to secure performance of the abatement by the appellant.

(2) A sustained or modified order shall also provide that in the event the appellant does not abate the nuisance by the date provided in the order, the director may abate the nuisance in any reasonable manner without further notice and that any costs and fines may be satisfied by the sale of any property obtained by the abatement or collected directly from the appellant or other responsible parties previously notified of the order of abatement.

(e) The decision of the hearing examiner may be appealed to the city council using the procedures provided in KZC 150.80(2) through (4) and KZC 150.95 through 150.125. Whenever an order of abatement is affirmed or modified, the council shall establish a new date for abatement or affirm the original date and provide that in the event the appellant does not abate the nuisance by the date provided in the order, the director may abate the nuisance in any reasonable manner without further notice and that any costs and fines may be satisfied by the sale of any property obtained by the abatement or collected directly from the appellant or other person(s) responsible for the nuisance that were previously notified of the order of abatement.

(f) Notwithstanding the foregoing, the director may summarily abate a public nuisance on private property without prior notice using the procedures set forth in Section 11.24.050 whenever it is:

(1) Of such a character and so situated that it can be abated without the invasion or destruction of property or the prejudice of any right; or

(2) Of such character as to constitute an imminent threat to the public health, welfare or safety.

11.24.070 Abatement by city—Safeguards.

Any abatement of a nuisance by the city must be implemented with due care so as to minimize risk of injury to persons or unnecessary destruction of property. In all cases the city employee abating the nuisance is authorized to employ such assistance and adopt such means as may be necessary to effect the abatement of the nuisance.

11.24.080 Abatement—Cost—Collection.

(a) At the director's discretion, the costs of abatement and fines shall be a lien against and collected from the sale of the property constituting the nuisance, the responsible parties, who shall be jointly and severally liable for the costs, or both.

(b) The city shall maintain an account of all costs incurred in performing an abatement.

(c) In addition to other powers given in this chapter to collect abatement costs, the city attorney may bring suit for recovery of the costs of any abatement in any court of competent jurisdiction, in the

name of the city, against the subject property or the responsible parties.

11.24.090 Public nuisance—Criminal offense.

(a) Any person who creates, causes, allows, maintains, or continues a public nuisance is guilty of a misdemeanor.

(b) Additionally, any person(s) subject to a final order of abatement who fails to abate the nuisance as provided in a final order of abatement shall be guilty of a gross misdemeanor, and each day the nuisance is maintained shall be a separate offense.

(c) In addition to such other penalties as may be imposed, a court entering a judgment of guilty under subsection (a) or (b) of this section may order as a condition of sentence: (1) the abatement of the public nuisance on such terms and conditions as may be just and equitable; and (2) the reimbursement of the city for any abatement costs as defined in this chapter.

(d) For purposes of subsection (b) of this section, a “final order” means an order of abatement that was not appealed or an order of abatement affirmed on appeal and from which affirmance no further appeal is or could be taken.

11.24.100 Remedies—Cumulative—Not exclusive.

The remedies provided in this chapter, including but not limited to fines, recovery of costs and criminal prosecution, are not exclusive and the city retains the right to pursue all other rights or remedies that might be available. Further, the remedies provided in this chapter, and any other rights or remedies available, are cumulative and any or all may be pursued concurrently or at any separate time.

**Chapter 11.41
FIREARMS AND WEAPONS**

Sections:

11.41.055 Dangerous weapons

11.41.075 Disposition of confiscated and forfeited firearms

11.41.140 Air gun defined

11.41.150 Possession of air guns

11.41.160 Exceptions

11.41.170 Penalty for violations of air gun regulations

11.41.055 Dangerous weapons.

(a) Every person who manufactures, sells or disposes of or has in his possession any instrument, martial arts weapon or other weapon of the kind usually known as blackjack, slingshot, nunchaku, throwing star, sand club or metal knuckles or spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol or other dangerous weapon; or who uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

(b) Subsection (a) of this section shall not apply to any of the following:

(1) The possession of a nunchaku, throwing star or other martial arts weapon on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense;

(2) The manufacture of a nunchaku, throwing star or other martial arts weapon for sale to, or the sale of a nunchaku, throwing star or other martial arts weapon to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(c) "Nunchaku" means any device consisting of two or more lengths of wood, metal, plastic or similar substance connected with wire, rope or other means.

(d) "Throwing star" means any device which is a multipointed, metal object designed to embed upon impact.

11.41.075 Disposition of confiscated and forfeited firearms.

Firearms taken into the custody of the Kirkland police department shall be disposed of as follows:

(1) Firearms illegal for any person to possess shall be destroyed.

(2) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(3) The Kirkland police department may retain a maximum of ten percent of legal forfeited firearms for agency use.

(4) All other firearms that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010 shall be destroyed.

11.41.140 Air gun defined.

As used in this chapter, "air gun" means and includes the following: air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air, gas, electricity, or spring loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB (metal or plastic), paint ball, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

11.41.150 Possession of air guns.

(a) Except as hereinafter provided, it is unlawful:

(1) For any person under eighteen years of age to carry or shoot any air gun within the city when not in the presence of his parent or other adult in loco parentis and under the direction and control of such adult;

(2) For any parent or person in loco parentis to allow, give or permit the possession of any air gun, falling within the definition contained in Section [11.41.140](#), to any child under the age of eighteen years, except under the provisions of subsection (a)(1) of this section;

(3) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapons in the direction of the person or residence of another, while within such range as would make possible injury to the person or damage the property of another;

(4) For any person to point or shoot an air gun in the direction of, while within such range as to kill, injure, or disturb any nongame bird or harmless bird or songbird;

(5) For any merchant to sell or rent any air guns to minors under eighteen years of age, except when such minor is in the presence of his parent or other adult in charge of such child.

(b) Provided further, that the provisions of subsections (a)(3) and (4) of this section shall not prohibit the use of such weapons by a person over eighteen years of age, when such use is reasonably necessary and represents reasonable force in the protection of the person or property of the user or another.

11.41.160 Exceptions.

The provisions of Section [11.41.150](#)(a)(1) and (2) shall not apply:

(1) When such minor is possessing or using such weapons on a gun range or game course operated or conducted by any school, educational institution or other regulated group, pursuant to rules and regulations provided by the chief of police or city ordinance and licensed by the city; or

(2) When such minor is carrying such weapon unloaded and otherwise properly dismantled, to and from such licensed or authorized course; or

(3) When confined to an area within the property of the parents of such minor which complies with the regulations relating to private practice or target ranges or game courses as promulgated by the chief of police.

11.41.170 Penalty for violations of air gun regulations.

Any person convicted of violation of the provisions of Sections 11.41.150 and 11.41.160 shall be guilty of a misdemeanor, and the weapon so used in violation of the provisions hereof shall be confiscated by the court.

Chapter 11.52A BURGLARY AND TRESPASS

11.52A.110 Unlawful entry into motor vehicle.

It shall be unlawful for any unauthorized person to enter and remain in a motor vehicle without the permission of the owner or person entitled to the possession thereof.

11.52A.120 Making or having auto theft tools.

(1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, slim jim, bit, nippers, or implement adapted, designed, or commonly used for the commission of auto prowling or auto theft under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of an auto theft, or knowing that the same is intended to be so used, shall be guilty of making or having auto theft tools.

(2) Making or having auto theft tools is a gross misdemeanor.

Chapter 11.60 FIREWORKS

Sections:

11.60.010 Definitions.

11.60.020 Sale of fireworks unlawful.

11.60.030 Possession, use and discharge of fireworks unlawful.

11.60.040 Permit required to display fireworks.

11.60.050 Permit fees.

11.60.060 Issuance—Nontransferable—Voiding.

11.60.070 Application for public display permit.

11.60.080 Standards for public fireworks.

11.60.090 Use of fireworks in public parks and on public land.

11.60.100 Special effects for entertainment media.

11.60.110 Nonprohibited acts—Signal purposes, forest protection.

11.60.120 Construction.

11.60.130 Enforcement.

11.60.010 Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereafter amended shall govern the construction of this chapter, when applicable. RCW 70.77.120 through and including RCW 70.77.230 as now stated or hereinafter amended, is adopted by this reference and a copy of such shall be kept on file in the office of the city clerk for public use and inspection. In addition, the following terms are defined:

(1) Dangerous Fireworks. Any fireworks not defined as “consumer fireworks” under the provisions of RCW 70.77.136.

11.60.020 Sale of fireworks unlawful.

It is unlawful for any person, firm or corporation to sell any fireworks within the city; provided, that this prohibition does not apply to duly authorized public displays.

11.60.030 Possession, use and discharge of fireworks unlawful.

Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and at an approved location), it is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within the city. Violation of this section, to the extent it also constitutes a violation of RCW 70.77.488, RCW 70.77.510 or RCW 70.77.515, shall constitute a gross misdemeanor. Otherwise, violation of this section shall constitute a misdemeanor.

11.60.040 Permit required to display fireworks.

It is unlawful for any person, firm or corporation to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

11.60.050 Permit fees.

The fee for a public display permit for the public display of fireworks shall be one hundred dollars, payable in advance.

11.60.060 Issuance—Nontransferable—Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code.

11.60.070 Application for public display permit.

Applications for a permit to hold, conduct, or operate a public display of fireworks as defined under Chapter 70.77 RCW shall be made to the building official for a permit. Such a permit shall also require the approval of the fire chief or his/her duly appointed representative. Applications shall be made at least fourteen days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display and, in particular, shall hold a pyrotechnic operator license issued by the state of Washington as defined by Chapter 70.77 RCW and Chapter 212-17 WAC.

11.60.080 Standards for public fireworks.

All public fireworks displays shall conform to the following minimum standards and conditions:

(1) All public fireworks displays must be planned, organized, and discharged by a state-licensed pyrotechnician.

(2) A permit must be obtained from the city and approved by the fire chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his address, the name of the pyrotechnician and his address, the exact location, date and time of the proposed display, the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

(3) The applicant for a public display of fireworks permit shall include with the application evidence of a bond issued by an authorized surety or a certificate of public liability insurance. Such bond or certificate shall conform to the requirements set forth in RCW 70.77.285 and 70.77.355.

(4) A drawing shall be submitted with the application to the fire chief showing a plan view of the fireworks discharge site and the surrounding area within a five-hundred-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams, and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(5) When, in the discretion of the fire chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may, at the direction of the fire chief or designee, require that a Kirkland fire pumper and a minimum of three firefighters shall be on site thirty minutes prior to and after the conclusion of the display. All compensation for fire personnel and apparatus will be paid by the applicant in an amount calculated according to the Washington State Chiefs Association's fee schedule and shall be designated to the Kirkland fire and life safety district.

(6) All combustible debris and trash shall be removed by the applicant from the area of discharge for a distance of three hundred feet in all directions.

(7) Applicant shall dispose of all unfired or "dud" fireworks in a safe manner.

(8) Applicant shall provide the fireworks discharge site a minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket.

(9) The permit may be immediately revoked at any time deemed necessary by the fire chief or designee due to any noncompliance, weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of combustible or flammable material in the vicinity due to fall debris from the display.

(10) Areas of public access shall be determined by the fire chief or designee and maintained by the applicant in an approved manner.

11.60.090 Use of fireworks in public parks and on public land.

It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park owned by the city of Kirkland; provided, however, nothing herein shall be deemed to limit the authority of the city to allow event display of special fireworks under a permit issued in accordance with the provisions of this chapter. Violation of this section shall constitute a misdemeanor.

11.60.100 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the city of Kirkland to purchase, possess, transport or use such fireworks.

11.60.110 Nonprohibited acts—Signal purposes, forest protection.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

11.60.120 Construction.

This chapter is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto.

11.60.130 Enforcement.

The fire chief, or designee, in coordination with the building official, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he/she may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or designee, and/or to comply with any provisions of this code relating to temporary structures.

**Chapter 11.64
LITTERING**

Sections:

- 11.64.010 Declaration of purpose**
- 11.64.020 Definitions**
- 11.64.030 Enforcement**
- 11.64.040 Littering prohibited—penalties**
- 11.64.050 Notice to public of contents of this chapter**
- 11.64.060 Litter receptacles—distribution, placement, violations and penalties**
- 11.64.070 Litter bags—violations and penalties**
- 11.64.080 Removal of litter from receptacles—responsibility**
- 11.64.090 Violations—penalties**

11.64.010 Declaration of purpose

The purpose of this Chapter is to protect the public health, safety and welfare, and to control and remove litter and garbage from the City to the maximum practical extent possible. The intent of this Chapter is to add to and to coordinate existing litter control and removal efforts of private and public entities and individuals, and not to terminate or supplant such efforts.

11.64.020 Definitions

As used in this Chapter, unless the context indicates otherwise, the following words shall have the meanings set forth below:

(1) "Litter" means and includes all types of garbage, refuse, trash, and waste material;

(2) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle of any person, and is not limited to the State approved litter bag but must be similar in size and capacity;

(3) "Litter receptacle" means an appropriately sized and shaped litter storage and collection receptacle intended to be used for the purpose of containing litter deposited therein, and includes but is not limited to those containers approved by the Department of Ecology as to standards as to size, shape, capacity, and color and bearing the State anti-litter symbol;

(4) "Person" means any industry, public or private corporation, copartnership, association, firm, individual or other entity whatsoever;

(5) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings. Public place also means any area that is used or held out for use by the public whether owned or operated by public or private interests, and shall include lakes, rivers, streams and other waterways;

(6) "Vehicle" means every device in, upon, or by which any person or property is or may be transported, including devices used exclusively upon stationary rails or tracks. Vehicle also means any boat, ship, vessel, barge, or other floating craft.

11.64.030 Enforcement

City law enforcement officers, code enforcement officers, and those employees otherwise duly delegated and vested with enforcement authority all shall enforce the provisions of this Chapter and all rules and regulations adopted hereunder. Additionally, litter violations on private property may also be deemed a nuisance subject to abatement as provided in Chapter 11.24 of this code, or such other process as is provided in the City's codes.

11.64.040 Littering prohibited—penalties

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in the City not owned by him or her or in the waters of this City whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or

(b) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2) Except as provided in RCW 70.93.060(4) and RCW 7.80.120(1)(a), any person discarding, throwing or dropping litter from any motor vehicle shall be guilty of a misdemeanor.

(3) Except as provided in subsection 6 of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(4) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(5) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(6) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, potentially dangerous litter in any amount.

(7) Any person who deposits, abandons or discards any vehicle or motor vehicle parts, fluids or accessories, upon any public property or upon the private property of another without permission shall be guilty of a gross misdemeanor.

11.64.050 Notice to public of contents of this chapter

Pertinent portions of this Chapter, or pertinent notices, may be posted along the public streets and highways of the City and at all entrances to City parks, recreational areas, at all public beaches, and at all other public places in the City where persons are likely to be

informed of the existence and content of this Chapter and the penalties for violating its provision.

11.64.060 Litter receptacles—distribution, placement, violations and penalties

(1) Litter receptacles shall be of an appropriate size and design pursuant to standards adopted by the City or by the State Department of Ecology, and shall bear an anti-litter symbol as designed and adopted by the State Department of Ecology, or other suitable identification as a litter receptacle in accordance with WAC 173-310-050.

(2) Litter receptacles of the appropriate size and design, pursuant to City or State standards, shall be placed along the public streets and highways of this City and shall further be placed at all parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, boat launching areas, beaches and bathing areas and at such other public places within the City as may be specified by rule or regulation adopted by the City Manager, or designee.

(3) It shall be the responsibility of any persons owning or operating any establishments or public places in which such litter receptacles are required by this Section to procure and place such receptacles at their own expense on the premises.

(4) Violation of this Section shall be a Class 3 civil infraction pursuant to RCW 7.80.120. Any person violating the provisions of this Section or rules or regulations adopted thereunder, shall be subject to an infraction for each day of violation.

11.64.070 Litter bags—violations and penalties

The owner of any vehicle who fails to keep and use a litter bag in his or her vehicle shall be guilty of a violation of this Section and shall be subject to penalties as provided in this Chapter.

11.64.080 Removal of litter from receptacles—responsibility

Responsibility for the removal of litter from receptacles placed on private or public property which is used by the public shall remain the responsibility of the owner or the person in possession of such property.

11.64.090 Violations—penalties

Every violation of this Chapter for which no penalty is specially provided shall be punished by a Class 3 civil infraction pursuant to RCW 7.80.120.

**Chapter 11.76
JUNK VEHICLES***

Sections:

11.76.010 Purpose.

11.76.015 Definition of director.

11.76.020 Definition of junk vehicle.

11.76.030 Notice of violation and order to correct – Certification of vehicles as junk.

11.76.040 Exceptions.

11.76.050 Hearings.

11.76.060 Determination of responsibility.

11.76.070 Abatement and removal.

11.76.080 Costs of removal and disposal – Recovery.

11.76.090 Subsequent violation – Misdemeanor.

* For provisions relating to impoundment of abandoned or unauthorized vehicles, see Chapter 12.40.

11.76.010 Purpose.

This chapter establishes procedures for the abatement and removal of junk vehicles, as public nuisances, from private property, pursuant to RCW 46.55.240.

11.76.015 Definition of director.

“Director” means Kirkland’s director of planning and community development, the chief of police, or either of their designees.

11.76.020 Definition of junk vehicle.

“Junk vehicle” means a vehicle certified by notice of violation and corrective order under Section 11.76.030 as meeting at least three of the following requirements:

- (1) Is three years old or older;
- (2) Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission;
- (3) Is apparently inoperable; or
- (4) Has a fair market value equivalent only to the approximate value of the scrap in it.

11.76.030 Notice of violation and order to correct – Certification of vehicles as junk.

(a) Whenever the director, or the director’s designee, determines that a vehicle, vehicles, or parts thereof are junk vehicles, a notice of violation and order to correct shall be served upon the owner of the property upon which the vehicle is located and the last registered owner of the vehicle (unless the vehicle is in such condition that identification numbers are not available to determine ownership or the owner of the land has denied the certifying individual entry to the land to obtain the vehicle identification number). The notice of violation and order to correct shall:

- (1) Separately identify each vehicle and certify that each vehicle is a “junk vehicle” as defined in Section 11.76.020;
- (2) State that the vehicle must be removed and establish a date, at least fifteen days from the day the notice is served or mailed, for compliance;
- (3) Clearly denote the city’s authority to impound.

(b) The notice of violation and order to correct shall be served either by (i) personal service; or (ii) certified mail with a five-day return receipt requested.

(c) Whenever possible, a copy of the notice of violation and order to correct shall be posted at a conspicuous place on the property.

(d) The notice of violation and order to correct shall state that a public hearing may be requested before the city hearing examiner and that if no hearing is requested within fifteen days from the date of the postmark of the notice or personal service of the notice, the junk vehicle will be removed.

(e) If a request for hearing is received within fifteen days of the postmark, a notice of hearing giving the time, location and date of such hearing on the question of abatement and removal of the vehicle, vehicles or parts thereof as a public nuisance shall be mailed, by certified mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership or the owner of the land has denied the certifying individual entry to the land to obtain the vehicle identification number.

11.76.040 Exceptions.

This chapter shall not apply to a vehicle, vehicles, or parts thereof that:

(1) Are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or

(2) Are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and which is fenced according to RCW 46.80.130.

11.76.050 Hearings.

Hearings under this chapter shall be heard by the city hearing examiner. The hearing examiner shall determine whether the city has proven by a preponderance of evidence that the vehicle, vehicles or vehicle parts are junk vehicles subject to abatement. The decision of the hearing examiner may be appealed to the Kirkland municipal court for final judgment.

11.76.060 Determination of responsibility.

(a) The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and may deny responsibility for the presence of the vehicle on the land stating the reason for such denial.

(b) If it is determined at the hearing that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

(c) Nothing in this chapter shall relieve the property owner from any civil penalties which may accrue from any zoning code violation related

to the improper placement, parking, or storage of vehicles or parts thereof.

11.76.070 Abatement and removal.

After a hearing has been held, if requested consistent with this chapter, or after the time for compliance has passed, if no hearing has been requested, the vehicle, vehicles, or parts thereof shall be removed at the request of the director or the director's designee. The vehicle, vehicles, or parts thereof so removed shall be disposed of at a licensed vehicle wrecker with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

11.76.080 Costs of removal and disposal – Recovery.

The costs of removal and disposal shall be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership complied with RCW 46.12.101, or against the owner of the property on which the vehicle is stored, subject to the provisions of [Section 11.76.060](#).

11.76.090 Subsequent violation – Misdemeanor.

Any subsequent violations of this chapter shall be subject to the abatement procedures provided for herein, and, in addition, any person receiving subsequent notices of violation and corrective orders shall be guilty of a misdemeanor.

Chapter 11.80 PARK RULES

Sections:

- 11.80.010 Title of chapter.**
- 11.80.020 Police power.**
- 11.80.030 Definitions.**
- 11.80.040 Posting signs, posters and notices.**
- 11.80.050 Injury to park property unlawful.**
- 11.80.060 Animals at large prohibited.**
- 11.80.070 Firearms and explosives.**
- 11.80.080 Teasing, annoying or injuring animals prohibited.**
- 11.80.090 Certain vocations and loudspeakers prohibited.**
- 11.80.100 Business activities in parks**
- 11.80.110 Watercraft.**
- 11.80.120 Emergency aid by watercraft.**
- 11.80.130 Riding vehicles and animals.**
- 11.80.140 Camping areas.**
- 11.80.150 Practicing and playing games.**
- 11.80.160 Depositing refuse and litter.**
- 11.80.180 Permit for assemblies required.**
- 11.80.190 Races prohibited.**
- 11.80.200 Building fires.**

- 11.80.210 Intoxicating liquors and drugs prohibited.**
- 11.80.220 Adoption of rules and regulations by director.**
- 11.80.230 Aiding and abetting violations.**
- 11.80.250 Parks closed between ten p.m. or eleven p.m. and dawn.**

11.80.010 Title of chapter.

This chapter may be cited as the park rules for the city of Kirkland.

11.80.020 Police power.

This chapter is hereby declared to be an exercise of the police power of the city for the public peace, health, safety and welfare and its provisions are to be liberally construed.

11.80.030 Definitions.

The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

(1) "Director" means the director of the parks and recreation department of the city as established by Chapter 3.68.

(2) "Park" means and includes all city parks and all areas within the boundaries of a city park, including structures, regardless of whether the area is under the management and control of the park and recreation department.

(3) "Park board" means the board of park commissioners as established and created by Chapter 3.36.

(4) Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.

11.80.040 Posting signs, posters and notices.

(a) It is unlawful for any person, without prior written permission of the director, to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park; provided, that the director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

(b) It is unlawful for any person, without prior written permission of the director, to use, place or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or to place or erect in any park a permanent or temporary structure of any kind; provided, that before granting any such permit, the director shall establish general rules and regulations pertaining hereto, including provisions pertaining to removal, protection of the city park department and its employees, protection of the interests of the general public, and of persons using said park.

11.80.050 Injury to park property unlawful.

It is unlawful for any person to remove, destroy, mutilate or deface any structure, or any part of any structure, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system or sprinkling system, or any other property lawfully located within any park.

11.80.060 Animals at large prohibited.

The provisions of Chapter 8.04 of the Kirkland Municipal Code, including all portions of the King County Code adopted by reference, shall apply in all parks. It is unlawful for any person to allow or permit any animal owned by him or within his possession or under his control to run at large in any park or enter any designated swimming area located therein. The director, acting pursuant to Section 11.80.220, may adopt rules prohibiting dogs or other types of domesticated animals from entering certain parks or certain portions of parks after consultation with the city council.

11.80.070 Firearms and explosives.

It is unlawful to shoot, fire or explode any firearms, fireworks, firecracker, torpedo or explosive of any kind or to shoot or fire any air gun, bows and arrows, B.B. gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park, except in such designated recreational areas as may be by the department of park and recreation be developed and provided for such activities.

11.80.080 Teasing, annoying or injuring animals prohibited.

It is unlawful for any person in any park, in any manner to tease, annoy, disturb, molest, catch, injure or kill or to throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird or fowl; or to catch any fish or feed any fowl except at those places as may be so designated for the catching of fish or the feeding of fowl by the director.

11.80.090 Certain vocations and loudspeakers prohibited.

It is unlawful to sell, solicit or peddle in any park without first obtaining a written permit from the director. It is also unlawful to operate or use any loudspeaker or sound amplification devices in any park without first obtaining a written permit from the director.

11.80.100 Business activity in parks.

It is unlawful to conduct any type of business activity in any park without first entering into a concession contract according to the rules and regulations of the park and recreation department therefor with the

city. As used in this section, "business activity" shall include, but not be limited to, the following:

- (a) Sale of food, beverages or merchandise;
- (b) Providing classes or other forms of instruction for a fee or other valuable consideration; or
- (c) Use of park facilities for advertising any business, product or service.

11.80.110 Watercraft.

It is unlawful for any person to have, keep or operate any boat, float, raft or other watercraft in or upon any bay, lake, slough, river, or creek, within the limits of any park, or to land the same at any point upon the shores thereof bordering upon any park, except at such places as shall be set apart for such purposes by the director and so designated by signs.

11.80.120 Emergency aid by watercraft.

It is unlawful for any person to land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving.

11.80.130 Riding vehicles and animals.

It is unlawful for any person to ride or drive any vehicle or animal over or through any park except along and upon the park drive parkways, park boulevards, and bicycle paths, or at a speed in excess of the posted speed limit or in excess of fifteen miles per hour where no speed limit is so posted or to stand or park any vehicle in any park except in areas designated for such purpose by the director and so posted by signs, or to stand or park any vehicle between the hours of eleven p.m. and seven a.m. of the following day except in such areas as may be designated for such purpose by the director and so posted by signs.

11.80.140 Camping areas.

It is unlawful for any person or group of persons to "camp out" in any park except at places set aside for such purposes by the director and so designated by signs.

11.80.150 Practicing and playing games.

It is unlawful for any person to practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis, badminton or other games of like character or to hurl or propel any missile except at places set apart and developed for such purposes by the department of park and recreation and so designated by the director.

11.80.160 Depositing refuse and litter.

It is unlawful for any person to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any waste or abandoned material therein except in designated receptacles.

11.80.180 Permit for assemblies required.

It is unlawful for any person to hold, sponsor, or participate in any organized assembly without first giving to the director, notice thereof and obtaining therefrom, his written permit to do so. Such notice shall be given at least seventy-two hours prior to the date established for such assembly. Pursuant to Chapter 3.68 and Section 11.80.220, the director is hereby ordered to establish forthwith such rules and regulations pertaining to the issuance of assembly permits as shall permit the fullest peaceful utilization of the parks by all of the general public (including such persons attending such assemblies and such other persons utilizing the park, but not in attendance at such assembly) as shall be reasonably possible and consistent with the health, safety, and general welfare. In this connection, and in addition to the conduct requirements of this chapter, such rules and regulations may require the deposit of "cleanup" undertakings, the furnishing of waste and sanitary conveniences and effective plans for traffic and crowd control and management.

11.80.190 Races prohibited.

It is unlawful for any person in any park to engage in conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except at specified places and times designated for such activities by the director upon his determination that:

(1) Adequate provision has been made to insure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;

(2) Such activities will be conducted in such a manner as to minimize potential damage to public or private property;

(3) Such activities will not constitute a public nuisance; and

(4) Such activities will not unduly interfere with the use of park facilities by the general public.

11.80.200 Building fires.

It is unlawful for any person to build any fire in any park except in such areas as may be designated by the director and such designation is clearly defined by signs posted in such area.

11.80.210 Intoxicating liquors and drugs prohibited.

It is unlawful for any person to possess a container of any alcoholic beverage, whether opened or unopened, while in any city park. Any person having a container within one's immediate reach or control (such as at a bench, picnic table, blanket, or motor vehicle where that person is sitting) within a city park may be considered to be in possession of the container for the purposes of this section. A person is exempt from this section to the extent that his/her actions are in accordance with a parks department special alcohol permit.

11.80.220 Adoption of rules and regulations by director.

The director shall have the power, pursuant to Chapter 3.68, to promulgate and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department.

11.80.230 Aiding and abetting violations.

Any person participating in a violation of any provision of this chapter whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, shall be proceeded against and prosecuted as such.

11.80.250 Parks closed between ten p.m. or eleven p.m. and dawn.

The provisions of this section shall apply to all parks, improved and unimproved, within the city or owned by the city.

A. Except as otherwise provided herein, all waterfront parks, including vehicle parking areas within the parks, within the city or owned by the city shall be closed to the general public between the hours of ten p.m. and dawn of the following day.

B. Except as otherwise provided herein, all other parks, including vehicle parking areas within the parks, within the city or owned by the

city, shall be closed to the general public between the hours of eleven p.m. and dawn of the following day.

C. It is unlawful for any person, other than a police officer or authorized park department employee, to enter into or remain within a park within the city or owned by the city at any time between the closing hour designated above and dawn of the following day.

D. For the purposes of this section, "dawn" means the time of official sunrise for the particular day as published by the U.S. Weather Service.

Chapter 11.84A PUBLIC DISTURBANCE

Sections:

11.84A.030 Disorderly conduct.

11.84A.050 Liquor in public

11.84A.060 False aid calls and false fire alarms—Civil remedy

11.84A.070 Public disturbance noises.

11.84A.030 Disorderly conduct.

RCW 9A.84.030 is hereby adopted by reference. In addition, a person is guilty of disorderly conduct if he or she:

- (1) Intentionally engages in a fight in a public place or way open to the public;
- (2) Intentionally uses unlawful force or violence on the person of another; or
- (3) Intentionally conducts himself or herself in a manner which disturbs the public peace, provokes disorder or endangers the safety of others.

Disorderly conduct under this section is a misdemeanor.

11.84A.050 Liquor in public.

It is unlawful for any person to open a container or possess an opened container of intoxicating liquor in a way open to the public or a public place other than a public place specifically identified and posted as a place where intoxicating liquor may be consumed. Violation of this section shall constitute a misdemeanor.

11.84A.060 False aid calls and false fire alarms—Civil remedy.

Any person committing those acts described in RCW 9A.84.010 shall be liable for damages in a civil action for actual costs incurred in proceeding under this section. It is provided that any such person proceeded against under this section need not be shown to have had actual knowledge that the information reported, conveyed or circulated was false, but rather that said information lacked a reasonable and

justifiable basis from which an ordinarily prudent person could conclude that it was true.

11.84A.070 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

(1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

(2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

(5) Sound from any motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle itself;

(6) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;

(7) The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace.

**Chapter 11.92
CITY JAIL CUSTODIAL CARE STANDARDS**

Sections:

11.92.010 Adoption.

11.92.020 Definitions.

11.92.010 Adoption.

The Custodial Care Standards for Holding Facilities, as adopted by the board of directors of the Washington Association of Cities in the format prepared and approved by the Washington Association of Sheriffs and Police Chiefs, are hereby adopted by this reference, to be the custodial care standards for the Kirkland city jail, which jail facility is classified as a holding facility. A copy of said standards, as adopted herein by reference, shall be authenticated and recorded by the Kirkland city clerk. Not less than one copy of said standards, herein adopted by reference, shall be filed in the office of the Kirkland city clerk for use by the public. Not less than one copy thereof shall also be maintained in the offices of the Kirkland police department.

11.92.020 Definitions.

The following words or phrases as used in the custodial care standards, adopted by reference in Section 11.92.010 herein, shall mean:

(1) "Body cavity" means the stomach or rectum of a person and the vagina of a female person. For the purposes of this chapter, the mouth is not a body cavity.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

(3) "Chief law enforcement officer" means the Kirkland chief of police.

(4) "Contraband" means any substance or item not specifically permitted by jail administration.

(5) "Director of the department of corrections" means the uniformed police officer designated by the chief law enforcement officer to be the officer in charge of the Kirkland jail facility.

(6) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

Section 7. Kirkland Municipal Code Section 14.44.040 is hereby amended to read as follows:

14.44.040 Vessels and watercraft not to be used for habitation.

(a) No boat, vessel, watercraft or houseboat moored in or off the shoreline of Kirkland shall be used as a place of habitation.

(b) It shall be unlawful for the owner and/or operator of any public or private marina, dock or other moorage facility within the city of Kirkland to permit or allow the moorage at such facility of any boat, vessel, watercraft or houseboat in violation of subsection (a).

(c) Any violation of subsection (a) shall be a gross misdemeanor~~serious crime~~. Any violation of subsection (b) shall be a misdemeanor~~simple crime~~. Each day that a violation of either subsection (a) or (b) continues shall be considered a separate offense.

Section 8. The "Serious Crime Designation," as set forth in former KMC 11.04A.130, former KMC 1.04.010, and former KMC 1.04.011, in which an "S" was placed before a code section to describe

a "serious crime," is hereby abolished. Crimes defined in this code shall be either misdemeanors or gross misdemeanors according to the provisions of this code or state law. In addition to the crimes defined in Title 11, the Serious Crime Designation shall be removed from the caption of Section 7.48.017 of the Kirkland Municipal Code.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 10. 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 _____, 2011.

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

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4334

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE AND REPEALING THE EXISTING TITLE 11 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW TITLE 11 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends KMC Section 1.04.010 related to classes of crime penalties and removes the "serious crime" designation.

SECTION 2. Repeals KMC Sections 5.19.090, 8.04.025 and 12.04.030.

SECTION 3. Amends KMC Section 5.19.090 related to penalties and removes the reference to serious crime.

SECTION 4. Amends KMC Section 7.32.080 related to unlawful activities.

SECTION 5. Adds a new KMC Section 8.04.075 entitled "Portions of RCW Chapter 16.52 adopted by reference."

SECTION 6. Repeals and reenacts KMC Title 11 entitled "Criminal Code."

SECTION 7. Amends KMC Section 14.44.040 related to vessels and watercraft not to be used for habitation and removes the "serious crime" designation.

SECTION 8. Removes the "Serious Crime Designation" from the KMC.

SECTION 9. Provides a severability clause for the ordinance.

SECTION 10. 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 _____, 2011

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

City Clerk



CITY OF KIRKLAND

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: November 3, 2011

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF NOVEMBER 15, 2011

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 October 4, 2011, are as follows:

	Project	Process	Estimate/Price	Status
1.	NE 85 th Street Utility Underground Conversion	Invitation for Bids	\$1,900,000-\$2,000,000	Advertised on 10/31 with bids due on 11/21.
2.	Janitorial Services	Request for Proposals	\$145,000-\$190,000/yr	RFP issued on 11/7. Proposals due on 11/30.

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager
Karen Terrell, Budget Analyst

Date: November 7, 2011

Subject: **PRELIMINARY 2012 PROPERTY TAX LEVY PUBLIC HEARINGS AND ADOPTION**

RECOMMENDATION:

City Council conduct public hearings and adopt the following ordinances levying property taxes for the year 2012:

1. Ordinance 4327 establishing the preliminary regular and excess levy for the City of Kirkland; and
2. Ordinance 4328 establishing levy for the area previously served by Fire District 41 to pay debt service for the consolidated fire station.

BACKGROUND DISCUSSION:

Washington State law requires a public hearing on revenue sources that must include consideration of possible increases in property tax revenues (RCW 84.55.120). Two separate public hearings are scheduled, the first relating to the City's levy and the second for the District's levy. Following the first public hearing, the City Council will be asked to establish the City's preliminary property tax levy by adopting Ordinance 4327. Following the second public hearing, the City Council, acting in its role as the governing body for Fire District 41, will be asked to establish the preliminary property tax levy to pay the annual debt service for the District's outstanding consolidated fire station debt for 2012 by adopting Ordinance 4328.

The attached interim ordinances are required in order to meet the December 2nd deadline established by the King County Council for submission of levy amounts. Each year the County prepares a levy worksheet for cities and other taxing districts that establishes the maximum levy capacity (within legal limits) and the amount of new construction valuation. The City cannot accurately calculate the amount of the levy until the final worksheet is received. The County estimates that the final levy worksheets will be available either by the last week of November or the first week of December. Since the date of the final levy worksheet is unknown, an ordinance needs to be passed that establishes a maximum amount of property taxes the City expects to levy in 2012. We use a maximum amount since the County will allow us to submit a final levy amount that is lower than the preliminary amount but not higher. Consequently, the preliminary property tax levy is typically higher than the final levy will be. The final levy will be calculated when the City receives its final levy worksheet from King County and will be brought forward for adoption at the December 12th City Council meeting.

Unlike past years, two separate ordinances are required. This is because with annexation and the consequent assumption of Fire District 41, the City Council as the governing body for the District, is establishing the annual property tax levy to repay the consolidated fire station debt. This is in addition to

establishing the City's property tax levy for next year. The fire station-related levy will only apply to the properties within the area previously served by the District.

It should be noted that the property tax levy for the City still needs to be established annually even though the Council adopted the budget for the 2011-2012 biennium. Accordingly, the attached ordinance establishing the City's levy relates to 2012 only.

The following discussion explains how the preliminary levy numbers were calculated for both the City and the Fire District.

1. REGULAR AND EXCESS LEVY FOR THE CITY OF KIRKLAND:

This section explains how the preliminary levy numbers in Ordinance 4327 were calculated for each of the variable factors in the City's levy. There are two components to the City's property tax levy — the regular levy, which funds operating costs, and the excess levy, which funds debt service on voter-approved bonds (which does not apply in the newly annexed areas).

Regular Levy for City

For 2012, there are three factors impacting the amount of the regular levy — the new construction levy, the annexation levy, and the optional increase.

New Construction

New construction represents additional property taxes to be received from the construction of new buildings and additions to existing structures. The new construction levy increases revenue to the City but does not increase the tax levy on existing taxpayers. The new construction levy is calculated by dividing the new construction valuation by \$1,000 and multiplying the result by the current year's regular levy tax rate¹ (\$1.30134 per \$1,000 of assessed valuation). The preliminary new construction valuation for the 2012 levy (as of November 1, 2011) is \$53,811,965 which translates into a new construction levy of \$70,028 ($\$53,811,965/\$1,000 \times \1.30134). Over the past several years, the increase in new construction levy as a percentage of each year's total base regular levy has ranged between 0.34 percent and 4 percent. The estimated 2012 new construction levy of \$70,028 (as of November 1, 2011) is 0.50 percent of the total base regular levy for 2012.

The attached ordinance establishing the City's property tax levy for 2012 includes new construction that is equivalent to 1.50 percent of the total 2012 regular levy or \$210,084, which is set high enough to ensure that all new construction amounts will be available. The final new construction levy will not be known until the City receives its final levy worksheet from King County in December. Once the final levy worksheet is received, staff will adjust the 2012 property tax levy accordingly and submit a final ordinance for Council approval on December 12, 2011.

Annexation Levy

In addition to new construction, the City's regular levy has increased to reflect the new properties added to the City's tax rolls by the Juanita, Finn Hill and Kingsgate annexation. The amount of annexation levy added to the property taxes received by the City is determined by the King County Assessor's Office and is based on the existing (pre-annexation) City's levy limit and assessed value, which determines the applicable annexation levy rate. Multiplying the annexation levy rate by the annexation area assessed value divided by \$1,000 yields the annexation levy for 2012. Based on the King County Assessor's data as of November 1, 2011, the increased assessed valuation is \$4,294,524,102 which results in an additional levy amount of \$5,865,654. The 2011-12 Budget included an annexation levy of \$5,638,324. Based on the current information from the County Assessor's Office, the City could potentially realize an additional \$227,330 in property tax revenues from the annexation area.

¹ Levy rate per the Preliminary Levy Limit Worksheet from the King County Assessor's Office.

The annexation levy as determined by the King County Assessor's Office has ranged from \$6,336,843 (estimate as of October 4, 2011) to \$5,827,601 (estimate as of October 27, 2011). Since the County will not allow the City to submit a final levy amount that is higher than the preliminary amount and due to the volatile nature of the estimates to date, the preliminary property tax ordinance includes an annexation levy amount of \$6,365,654, which is \$500,000 more than the estimate as of November 1, 2011. This amount will be revised when the City receives the final property tax worksheet at the end of November. The final levy ordinance, which will be brought forward for Council adoption at the December 12th meeting will reflect the amounts stated in the Assessor's final levy worksheet.

Optional Levy Increase

The 2011-2012 Budget assumes the optional increase of one percent in 2012, which applies to the pre-annexation area levy amount. Each one percent increase in the regular levy equates to about \$131,000 in new revenue to the General Fund and about \$8,400 in new revenue to the Parks Maintenance Fund, for a total of about \$139,400.

Excess Levy for City

The total excess levy for the City, which relates to voted debt, is increasing slightly from \$913,986 in 2011 to \$924,325 in 2012 based on the payment schedule for the outstanding voted debt. Annexation voters did not approve the assumption of voted bond indebtedness, therefore the excess levy will only be applied on the taxable assessed value of properties within the pre-annexation boundaries of the City. This translates to a rate per \$1,000 assessed value of \$0.08951.

Trends in Assessed Valuation

Assessed valuation is composed of new construction and revaluation of existing properties. Preliminary figures from King County dated, November 1, 2011, indicate that compared to 2010, total assessed valuation decreased by 3.6 percent and 6.2 percent for the existing (pre-annexation) City and the annexation area respectively. These decreases in assessed valuation are difficult to identify when assessed valuation is viewed in the aggregate, including changes due to annexation, new construction, and corrections and revaluations.

For the City as a whole, total assessed valuation increased by 36.51 percent or \$3,910,607,549 comprised of a 0.50 percent increase due to new construction (\$53,811,965), a 40.1 percent increase due to annexation valuation (\$4,294,524,102), and a 4.09 percent decrease due to revaluations (\$437,728,518). For estimating purposes, in the preliminary levy only, new construction valuation is shown at triple the November 1, 2011 figures to ensure that all new construction amounts will be available. It should be noted that the preliminary new construction figure from King County does not include the 2011 State utility assessed valuation, which has not been finalized yet.

The change in valuation does not in itself generate additional revenue for the City. If the Council took no optional increase in the levy and the assessed valuation increases, it would have the effect of lowering the rate applied to each \$1,000 of assessed valuation. Conversely, if the assessed valuation decreases, it results in an increase in the rate applied to each \$1,000 of assessed valuation, since the levy is set as a total dollar amount, which is divided by the assessed valuation.

Based on the preliminary levy worksheet, an intentionally high estimate for new construction (\$210,084) and annexation levy (\$6,365,654) and the 1 percent optional increase, the regular levy tax rate for the existing (pre-annexation) City would increase from \$1.30134 per \$1,000 of assessed valuation in 2011 to \$1.40348 in 2012. The rate per \$1,000 increases because the total assessed valuation (AV) for the existing (pre-annexation) City has decreased by 3.6 percent over the same period. This rate applies to all parcels in Kirkland.

The excess levy rate, which applies for properties within the pre-annexation boundaries, is increasing from \$0.08534 to \$0.08951 based on the annual debt payment and decrease in assessed valuation in the pre-annexation portion of the City.

2. CONSOLIDATED FIRE STATION DEBT SERVICE LEVY

When annexation of the Juanita, Finn Hill, and Kingsgate neighborhoods became effective on June 1, 2011, Fire District 41, which served a majority of that area, was assumed by the City. The District's outstanding debt for the consolidated fire station remains in place until it is retired. With the assumption of the District, the City Council has assumed the role of governing body with the authority to levy taxes to pay the outstanding debt service on the consolidated fire station. For 2012, the City needs to collect \$470,572 to pay the debt service. King County as a whole has a 98 percent collection rate on tax levies, therefore, the City is setting a levy of \$480,176 ($\$470,572 \div 98$ percent) to pay debt service in 2012. This levy approved by Ordinance 4328 establishes a levy of \$480,176 for the area previously served by Fire District 41 to pay debt service for the consolidated fire station. This translates to a rate per \$1,000 assessed value of \$0.14062 on the properties within the North Juanita, Finn Hill and Kingsgate areas previously served by Fire District 41. Annexation area residents previously served by Fire District 41 will pay 2012 property taxes at the City of Kirkland regular levy rate (excluding voted debt service) plus the District's levy rate required to repay the District's outstanding debt.

3. SUMMARY

Since the annexation was approved by less than a 60 percent majority of voters, the residents of the annexation area did not assume the existing City's voted indebtedness and therefore will not pay the excess levy rate. In fact, tax payers within the City's new boundaries will have three separate levy rates based on their location (note that the preliminary rates shown are higher than the expected final rates that will be adopted on December 12):

1. Property owners within the existing (pre-annexation) City will pay the regular levy rate of \$1.40348 and the excess levy of \$0.08951 for a total of \$1.49299;
2. Property owners within the annexation area previously served by Fire District 41 will pay the regular levy rate of \$1.40348 and the excess levy of \$0.14062 to repay the District debt for a total of \$1.54410; and
3. Property owners within the annexation area previously served by Fire Districts 36 (Woodinville) and 34 (Redmond) will pay the regular levy rate of \$1.40348 only.

While the total dollar amount of the levy is fixed, the final rate per \$1,000 of AV can change based on the final AV at the time King County finalizes the levy rates (in early 2012). A final levy will be prepared for Council approval at the December 12th regular meeting.

Preliminary Levy Recap:

Base General Levy (2012 Rate)	\$	13,097,711
1 percent Optional Increase (General Levy)		130,977
Base Parks Maintenance Levy (2012)		840,687
1 percent Optional Increase (Parks Maint. Levy)		8,407
Annexation Levy		6,365,654
New Construction and Other Adjustments*		76,300
Total Regular and Parks Maint. Levy	\$	20,519,736
Excess Levy (for voted debt)		924,325
Total 2012 Preliminary Levy	\$	21,444,061

*Prior-year adjustments include new construction levy, re-levy for prior-year refunds, and any levy corrections or omissions. New construction levy is estimated at 1.5 percent over the current levy and will be reduced to the actual new construction allowance when final information is received from King County.

Adoption of the preliminary property tax levies on November 15th is required in order to meet the King County deadline of December 2nd to submit levy amounts. The final levy amount will be calculated based on the final property tax levy worksheet from King County, which is expected in the last week of November. The final levy will be brought forward for Council action at the December 12th meeting.

Attachments

ORDINANCE O-4327

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE PRELIMINARY AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2012, THE SECOND YEAR OF THE CITY OF KIRKLAND'S 2011-2012 FISCAL BIENNIUM.

WHEREAS, the City Council held a public hearing on November 15, 2011, to consider revenue sources for the 2011-2012 Biennial Budget; and

WHEREAS, the City Council and the City Manager have considered the anticipated financial requirements of the City of Kirkland for the fiscal year 2012; and

WHEREAS, pursuant to RCW 35A.33.135, the City Council is required to determine and fix by ordinance the amount to be raised by ad valorem taxes; and

WHEREAS, RCW 84.55.120 requires that the increase in the levy over the prior year shall be stated both as to dollars and percentage;

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

Section 1. The regular property tax levy for the year 2012 is hereby fixed and established in the amount of \$20,519,736. This property tax levy represents a dollar increase of \$6,581,338 and a percentage increase of 47.22% from the previous year, including the increase resulting from annexation of the North Juanita, Finn Hill, and Kingsgate neighborhoods, the addition of new construction, improvements to property, any increase in state-assessed property, and administrative refunds as shown below:

	Amount	% Increase (Decrease)
2011 Regular Property Tax Levy	13,938,398	
Less Prior Year Refund	0	
Plus New Construction Levy	210,084	1.51%
Plus Annexation Levy	6,365,654	45.67%
Plus Refund Levy	50,320	0.36%
Plus Property Tax Increase	139,384	1.00%
Less Levy Corrections by King County	(184,104)	-1.32%
2012 Regular Levy	20,519,736	47.22%

Section 2. There is hereby levied for 2012 upon all property, both real and personal, within the City of Kirkland, Washington, and within the area subject to tax levies for the principal and interest of all general obligation bond issues, a total voted property tax of \$924,325 on the total of assessed valuation for such property.

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

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

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

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

ORDINANCE O-4328

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2012, TO PAY THE FIRE DISTRICT 41 DEBT SERVICE ASSUMED AS A RESULT OF ANNEXATION OF THE NORTH JUANITA, FINN HILL, AND KINGSGATE NEIGHBORHOODS ON JUNE 1, 2011.

WHEREAS, the City has annexed the territory served by Fire District 41 which removed all of the territory served by the District from its jurisdiction by operation of law as of June 1, 2011; and

WHEREAS, RCW 35A.14.500 provides that "[w]hen any portion of a fire protection district is annexed by or incorporated into a code city, any outstanding indebtedness, bonded or otherwise, shall remain on obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred;" and

WHEREAS, RCW 35A.14.801(5) provides that "[i]f a code city annexes property within a fire district or library district while any general obligation bond secured by the taxing authority of the district is outstanding, the bonded indebtedness of the fire district or library district remains on obligation of the taxable property annexed as if the annexation had not occurred;" and

WHEREAS, the outstanding indebtedness obligation of the taxable property annexed is \$4,000,000; and

WHEREAS, the City Council and the City Manager have considered the anticipated financial requirements of the City of Kirkland for the payment of the debt service for the fiscal year 2012; and

WHEREAS, pursuant to RCW 35A.33.135, the City Council is required to determine and fix by ordinance the amount to be raised by ad valorem taxes;

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

Section 1. The Fire District 41 debt service property tax levy for the year 2012 is hereby fixed and established in the amount of \$480,176.

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

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

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

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: November 3, 2011

Subject: MID-BIENNIAL BUDGET – PUBLIC HEARING

The Kirkland Municipal Code (KMC 5.02.020) calls for a public hearing as part of the mid-biennial budget review process. An announcement of the public hearing was sent out as a press release and also to all of Kirkland's listservs in addition to our normal public notice process. Staff will prepare a brief presentation summarizing the proposed mid-biennial budget, based on the results of the November 1, 2011 Budget Study Session. The packet for the November 1 Study Session is available at the link below.

http://www.kirklandwa.gov/110111/3a_StudySession.pdf

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Noel Hupprich, P.E., Senior Project Engineer
Ray Steiger, P.E., Public Works Director

Date: November 3, 2011

Subject: TOTEM LAKE FLOOD CONTROL MEASURES – PROJECT UPDATE

RECOMMENDATION:

It is recommended that City Council receive this update on the Totem Lake Flood Control Measures Project (CSD-0059)

BACKGROUND DISCUSSION:

It was their regular meeting on July 19, 2011, that City Council received an earlier update on the Totem Lake Flood Control Measures Project. That update described analysis and design work completed by staff and the City's consultant, CH2MHill, Bellevue, WA, together with recommendations for maintenance work that would reduce the frequency and severity of flooding in the Totem Lake area. The analysis included a detailed survey of the Totem Lake drainage system and located "stream barriers" where accumulation of sediment, invasive vegetation and beaver dams are impacting the flow of water out of Totem Lake. The recommended maintenance work involved removal of accumulated sediment and vegetation at three locations, and the removal of one active beaver dam (Attachment A).

The original Project budget for 2011 was \$117,000 and estimates to perform the recommended work exceeded that amount. At their regular meeting of August 2, 2011, City Council authorized the use of an additional \$218,000 from the Surface Water Reserve Fund to complete the work, bringing the total available funding for 2011 to \$335,000. Permitting conditions required that the sediment and vegetation removal be completed by August 31, 2011; this was accomplished by an expedited permitting review process, cooperation from private property owners and from WSDOT, along with the City's ability to contract with the King County Rivers Team through an existing interlocal agreement. The sediment and vegetation removal work began in mid August and was complete by the end of August; the beaver dam removal was permitted separately and City crews completed that work in early September.

The following photos show the before (May, 2011) and the after (September, 2011) conditions at the three sediment and vegetation removal locations, including the beaver dam:

1 - Totem Lake Outlet



May, 2011



September, 2011

2 - Settling Basin



May, 2011



September, 2011

3 - Drainage Channel East Side of I-405



May, 2011



September, 2011

4 - Beaver Dam West of 116th Ave NE



May, 2011



September, 2011

The City's consultant, CH2MHill, conducted a new survey and collected water surface elevations after the maintenance work was finished. The results of that survey showed a decrease in the water surface elevation of three feet within the drainage system, between Totem Lake and the east side of I-405. The drop in water surface elevation exposed culverts within the system that had been submerged for over ten years, providing City crews an opportunity to inspect and repair one culvert known to be damaged, but previously submerged and inaccessible.

The work completed this year focused on "stream barriers" located between I-405 and Totem Lake. These activities allowed for the identification of other barriers not previously evident, particularly the area of drainage channel from the west side of I-405 to 116th Ave NE. The initial survey of the drainage channel found the area to be built up with sediment and vegetation; now that the drainage channel upstream has been cleaned out, it is clear that sediment and vegetation removal in the area between I-405 and 116th Ave NE will further improve flows out of Totem Lake. City staff and the design consultant will be working together to develop a plan for 2012 work to address further maintenance needs in this area.

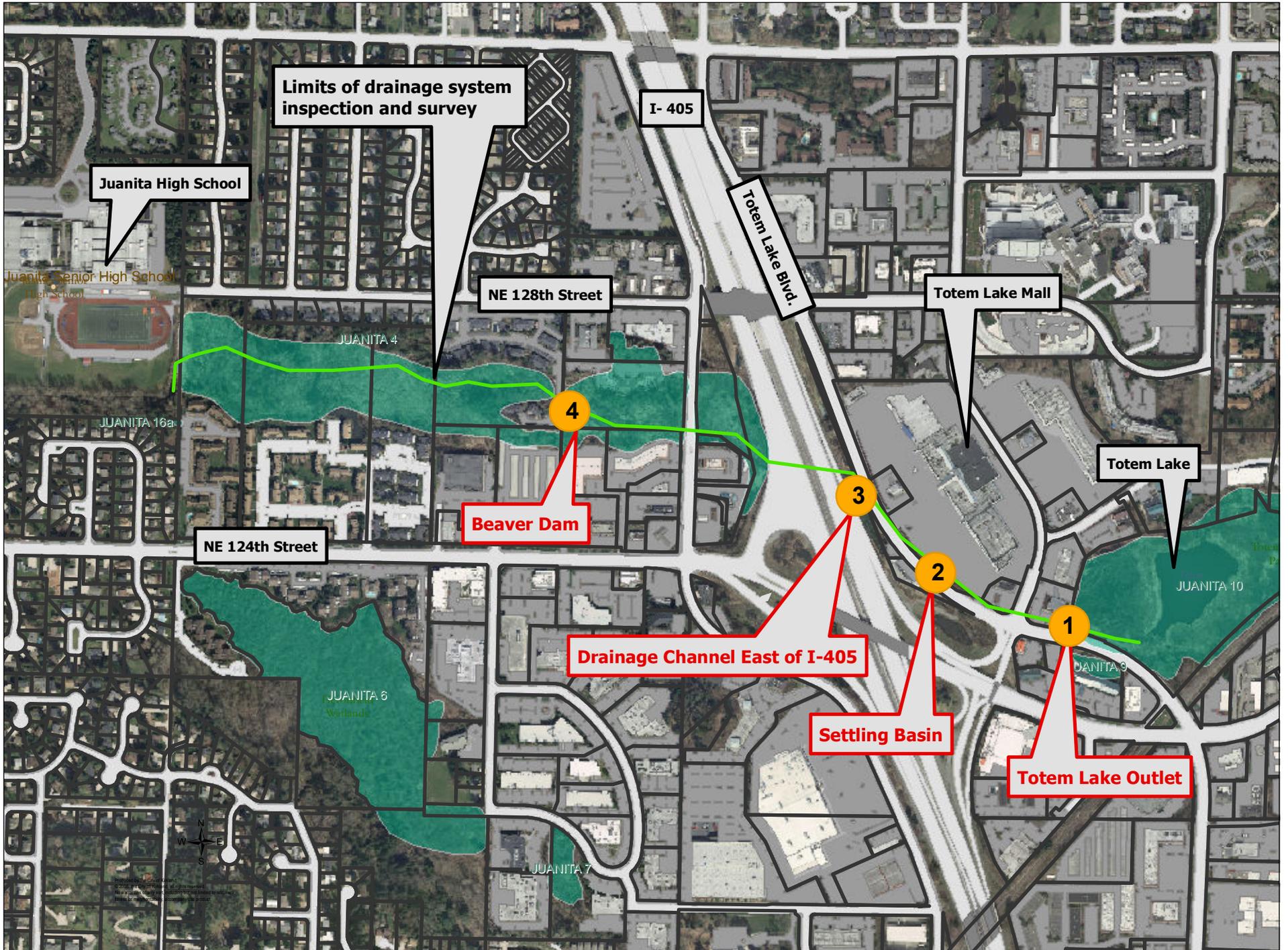
To immediately address the stream barriers on the west side of I-405 during this year's wet season (November through April), staff is currently working on a hydraulic pumping plan to move water around the sediment and vegetation "hump" that exists between I-405 and 116th Ave NE. The strategy for pumping during the wet season is to begin this activity in advance of significant storm events, or when the lake level rises above a determined elevation. The intent is to maintain storage capacity in the Lake to allow for an increase in volume during large storm events. The City's consultant is currently working on the analysis to define a water level that will trigger pumping.

The pumping plan will draw water from culverts beneath I-405 and divert it around the sediment and vegetation between I-405 and 116th Ave NE. The discharge water will be moved downstream where the drainage channel gradient is steeper and water does not typically back up (Attachment B). City maintenance crews are securing all material and equipment needed for the pumping system. The system will be comprised of a rigid intake pipe and a flexible hose discharge line. A large capacity pump will be brought to the site as needed; however, the intake and discharge lines will be left in place to allow for quick and easy set up.

City staff and the consultant have met with representatives from Department of Ecology, the Army Corps of Engineers, and the Washington Department of Fish and Wildlife (WDFW) to secure all necessary environmental permits. Staff has applied for a general Hydraulic Project Approval (HPA) from WDFW and the pumping plan is presently going through a standard SEPA determination process. All formal permits are expected to be received and the pumping system will be in place by the end of November. In the mean time, WDFW has approved temporary emergency pumping through its emergency HPA process, which is based on verbal authorization in the event that flooding is eminent.

Last winter, staff sent out flood preparedness letters to business and property owners who have been affected by flooding in the Totem Lake area. This year staff has prepared a follow up letter to provide an update on the flood control efforts completed to date and to continue to encourage individual preparedness (Attachment C). The letter describes the work the City is doing to reduce the frequency and severity of flooding, and offers flood awareness advice with web based links for additional information.

Attachments: (3)





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 fitness or merchantability, accompany this product.

November 16, 2011

[Name]
[Address]

RE: Totem Lake Flood Preparedness

Dear [Property Owner],

The City would like to update you on flood control efforts around Totem Lake. We have made significant progress towards reducing the severity and duration of seasonal flooding. Further work to minimize flooding is planned, which will provide a greater level of protection. In the meantime, we hope for the best, prepare for the worst and encourage you to also be prepared. Along with specifics of how the City has been working on this critical area, we have included our seasonal reminders of steps that individuals can take to minimize potential property impacts due to heavy rains or snow events.

This summer the City completed the first steps in a multi-year process to address flood control in the area near Totem Lake. The work included a detailed survey of 5000 feet of conveyance channel downstream of Totem Lake, water surface level monitoring, and coordination with regulatory agencies. The survey identified several areas along the drainage channel where sediment and vegetation are impacting the outflow of Totem Lake. In August the City partnered with WSDOT and King County to remove built up sediment and vegetation along the conveyance channel between Totem Lake and the east side of I-405. This work increased the conveyance capacity of the drainage channel and lowered the level of the Lake by approximately three feet which will allow for greater storage of runoff from winter rains.

The work completed this year has improved flood control in the area; however, more work is necessary. Currently, the City is completing an emergency pumping plan that will be in place shortly to further reduce the risk of flooding, and Phase II of the multi-year project (scheduled for next construction season) will include the removal of the remaining sediment and vegetation in the conveyance system from I-405 downstream and to the west along the Totem Lake conveyance channel.

In the meantime, the City is continuing to maintain its monitoring of critical drainage structures. When wet weather is anticipated, City Crews are dispatched to ensure that the structures are clean and ready to function as they were designed. In addition, a traffic detour plan has been developed for use if the intersection of Totem Lake Boulevard and 120th Ave NE becomes inundated. With some planning now on your part, your business can continue uninterrupted through the winter rains.

Winter in the Pacific Northwest, especially in a second-in-a-row La Nina year as has been predicted, can mean large amounts of rainfall. The attached map shows areas that may be at risk of flooding when the level of Totem Lake rises in response to rainfall. Your business is located in one of these areas, and we want to assist you in locating sources of information on how to prepare for flooding and how to minimize your risk of damage from it. Because of its urban nature, Totem Lake can rise quickly depending on rainfall patterns (4 feet in about 8 hours during a large storm according to recent modeling), so it is important to be prepared before a rain event starts.

Flood Preparedness

Make Plans:

- Do you have flood insurance? If not, consider purchasing flood insurance. The majority of businesses around the lake are outside the FEMA 100-year flood plain (which is used by the National Flood Insurance Program to set flood insurance premiums), so insurance costs should be relatively low. See www.floodsmart.gov for details.
- Identify areas of your property that may flood. Make a plan to move valuable items, equipment and materials out of range of floodwaters permanently or, if that is not possible, temporarily during an event (i.e. identify alternative storage locations).
- Teach employees how and when to safely turn off gas, electricity, and water lines.
- Stock sandbags and plan for sandbag placement.

During a Flood:

- Watch the weather.
 - Monitor Seattle Rain Watch (www.atmos.washington.edu/SPU/) to get a feel for how much rain has fallen and how much is coming. Totem Lake usually rises the most in response to large storm events (3 inches or more over a 24 hour period).
 - Look at the level of Totem Lake. Totem Lake Boulevard near the intersection of 120th Avenue NE is usually one of the first spots to be impacted by heavy rains, and may indicate that floodwaters are rising toward your property.
- Mark flood elevations on building and take pictures. This will help in filing flood insurance claims, and will assist engineers with modeling conditions and designing flood reduction projects.
- Follow detour routes and do not drive through floodwaters. If your car stalls in a flooded area, abandon it as soon as possible and walk to safety from the direction you came.

After a Flood:

- When re-entering your place of business, be cautious of potential gas leaks, electrical shorts, and live wires.
- Follow procedures for safe cleanup of household items, food, water supply, and property. For more information, go to www.kingcounty.gov/health/preparedness.
- Contact the City of Kirkland Building Department at (425) 587-3600 regarding any questions on repairs that normally require a building permit such as foundation repairs, drywall and insulation replacement.

Further information and resources on flood preparedness is available at www.govlink.org/storm/floods.asp.

If you would like further information about Totem Lake or about flood preparedness, please contact Jenny Gaus, Environmental Services Supervisor, at (425) 587-3850 or jgaus@ci.kirkland.wa.us. Thank you for your efforts to protect yourselves through this winter and beyond.

Sincerely,
City of Kirkland

Ellen Miller-Wolfe
Economic Development Manager

Jenny Gaus, PE, CSM
Environmental Services Supervisor



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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 3, 2011

Subject: ADOPTION OF CENTRAL HOUGHTON AND LAKEVIEW NEIGHBORHOOD PLANS (FILE NOS. ZON09-00016 and ZON07-00032)

RECOMMENDATION

Approve the following elements of the Central Houghton and Lakeview Neighborhood Plan updates by adopting the five attached Ordinances.

Central Houghton:

- Ordinance 0-4329 adopting Comprehensive Plan amendments including a new neighborhood plan chapter for the Central Houghton Neighborhood and related amendments to the Land Use Element and Implementation Strategies Chapter. The ordinance also includes a minor adjustment to the neighborhood boundary between the Central Houghton and Lakeview Neighborhoods.

Prior to adoption, determine final wording for policy CH 8.1 of the Central Houghton Neighborhood Plan (see page 2 of this memo).

- Ordinance 0-4330 adopting a Municipal Code amendment which adds the Central Houghton Neighborhood to the small lot single family regulations.

Lakeview:

- Ordinance 0-4331 adopting Comprehensive Plan amendments including a new neighborhood plan chapter for the Lakeview Neighborhood and related amendments to the Land Use Map (corresponding to legislative rezones in the Lakeview Neighborhood) and to the Implementation Strategies Chapter.

Prior to adoption, determine final wording for Policy L-11.3 of the Lakeview Neighborhood Plan (see page 4 of this memo).

- Ordinance 0-4332 adopting Municipal Code amendments which add the Lakeview Neighborhood to the small lot single family regulations and indicate that lot averaging and small lot single family allowances do not apply in the new PLA 3C zone. The ordinance also includes amendments to Section 3.30 adding Design Guidelines for the Yarrow Bay Business District.
- Ordinance 0-4333 adopting new and revised sections to the Zoning Code to implement the new Lakeview Neighborhood Plan with revisions to the Zoning Map to reflect proposed rezones.

FINAL WORDING DISCUSSION FOR TWO POLICIES

The Houghton Community Council (HCC) and Planning Commission (PC) were in agreement on all of the proposed amendments with only a few exceptions that were discussed at the City Council study session on September 20, 2011. At that time, the Council gave direction on all but two of the differences, one in the Lakeview plan and one in the Central Houghton plan. To help with the final decision on these two policy differences, staff was asked to provide information on view policies in other cities (see Attachment 1 for a summary memo) and on Kirkland Parks Department policies (see Attachment 2 for a memo from Michael Cogle, Deputy Director of the Parks Department).

The two policies are listed below along with the recommendations of the HCC and the PC. A staff recommendation follows each.

In order to identify the differences between the HCC and PC recommendations on these two remaining policies:

- Blue is used for HCC recommended wording.
- Brown is used for PC recommended wording.

Central Houghton Neighborhood Plan Policy CH-8.1:

HCC recommended Policy CH-8.1 text:

Policy CH-8.1: Provide opportunities for early and continuing community involvement in any expansion plans, modifications, or changes in use or intensity of ancillary uses for schools and places of worship.

Early community involvement is important in addressing issues that may affect the surrounding area and the neighborhood as a whole. Issues such as parking, and public safety should be taken into account when considering additional ancillary uses, expansion of facilities, or the addition of new facilities. Public and private views should also be taken into account when considering options for buffering schools and places of worship from adjacent residential uses.

PC recommended Policy CH-8.1 text:

Policy CH-8.1: Provide opportunities for early ~~and continuing~~ community involvement in any expansion plans, modifications, or changes in use ~~of intensity of ancillary uses~~ for schools and places of worship.

Early community involvement is important in addressing issues that may affect the surrounding area and the neighborhood as a whole. Issues such as parking, and public safety should be taken into account when considering additional ancillary uses, expansion of facilities, or the addition of new facilities. ~~Public and private views should also be taken into account when considering options for buffering schools and places of worship from adjacent residential uses.~~

Staff recommendation on Policy CH-8.1:

Policy wording:

The HCC accepted policy wording suggested by the Central Houghton Advisory Group. The advisory group was concerned with impacts on the neighborhood they had seen due to changes in schools and places of worship, particularly ancillary uses within these facilities. Additional regulations to implement the policy were not proposed.

The PC was concerned that the additional wording would require additional regulations and that the existing regulations relating to schools and places of worship are adequate. The proposed wording removes "continuing" from community involvement since the normal review process does not address ongoing involvement. It also removes "intensity of ancillary uses"

Staff agrees with the PC recommended wording, but proposes the minor edits shown below. By making the word "use" plural, the policy would implicitly cover all uses with a facility, including ancillary uses.

Policy CH-8.1: Provide opportunities for early community involvement in any expansion plans for, modifications to, or changes in uses within schools and places of worship.

Narrative wording:

The HCC included a sentence in the narrative for this policy that was to help protect views when considering buffering options for schools and places of worship.

The PC recommended removal of the sentence because they strongly disagree with the protection of private views and they felt that the issue was already adequately covered in the Zoning Code. Zoning Code section 95.46 allows for modification of landscape buffering standards if certain criteria are met including written approval by adjoining property owners.

Staff basically agrees with the PC recommendation, but feels it is reasonable to take the impacts of buffering into account. A new sentence is proposed which relates to the concept that buffering should be used to mitigate existing impacts, but not to create new impacts. Proposed wording is below:

Early community involvement is important in addressing issues that may affect the surrounding area and the neighborhood as a whole. Issues such as parking, and public safety should be taken into account when considering additional ancillary uses, expansion of facilities, or the addition of new facilities. Required buffering should be designed to minimize impacts to and be compatible with neighboring uses.

Lakeview Neighborhood Plan Policy L-11.3:

HCC recommended Policy L-11.3 text:

Policy L-11.3: Maintain wide, expansive views of Lake Washington through waterfront parks. Prevent view obstruction by vegetation or placement of structures.

A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks. Ongoing maintenance of existing vegetation at parks to retain views of the Lake from Lake Washington Boulevard and properties to the east is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration with the planting of vegetation with retaining views.

PC recommended Policy L-11.3 text:

Policy L-11.3: Maintain public views of ~~wide, expansive views~~ Lake Washington through waterfront parks. ~~Prevent view obstruction by vegetation or placement of structures.~~

~~A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks. Ongoing maintenance of existing vegetation at parks to retain views of the Lake Washington and beyond from Lake Washington Boulevard and ~~properties to the east~~ is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration using vegetation ~~with the planting of vegetation~~ while maintaining public views.~~

Staff recommendation on Policy L-11.3:

The main difference in the recommendations is the focus on public vs. private views. The HCC included protection of private views in its recommendation. The PC recommended wording that protected only public views.

Staff generally agrees with the PC recommendation and feels that the policy should be oriented toward public views. A sentence has been added to the narrative for the policy which acknowledges that consideration should be given to the impact of vegetation on neighboring properties. Proposed edits to the PC proposed wording are below.

Policy L-11.3: Maintain public views of Lake Washington through waterfront parks.

Ongoing maintenance of existing vegetation at parks to retain views of Lake Washington and beyond from Lake Washington Boulevard is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance

must be achieved between planting of vegetation for shoreline restoration using vegetation while and maintaining public views. Consideration also should be given to the impact of vegetation on views from nearby properties.

BACKGROUND DISCUSSION

The City Council held a study session and received the PC and HCC unanimous recommendation of approval for both the Central Houghton and Lakeview Neighborhood Plans on September 20, 2011. The video and all information provided for this study session, including the PC and HCC recommendations, is available for viewing at: <http://www.kirklandwa.gov/depart/council/Agendas/agenda092011.htm>

The Central Houghton Plan does not include any legislative rezones, but does have one Municipal Code amendment relating to small lots. The Lakeview Neighborhood plan includes the rezoning of several parcels, new Zoning and Municipal Code amendments and new Design Guidelines.

Council Direction on Differences in the Recommendation of the HCC and PC

The following differences in the recommendations of the HCC and the PC were discussed at the City Council study session at which time the Council directed staff to make changes for the final ordinances. The differences are summarized below along with the direction given by the City Council for the final ordinances.

Lakeview Neighborhood Plan Differences

- 1. Policy L-4.3: In the north portion of the neighborhood west of Lakeview Drive, allow multifamily use at medium density 12 dwelling units per acre.***

In the northern portion of the neighborhood west of Lakeview Drive, medium density residential is appropriate. Some parcels have multi-family development that was constructed under previous higher density development which is non-conforming under the current zoning. The Zoning Code (~~Section 162.60~~) contains the regulations governing nonconforming density.

PC revision: The Planning Commission recommended deleting the reference noted above.

City Council Direction: Delete reference to Section 162.60.

- 2.** The PC recommended the following minor wording adjustments to the HCC's recommendation for the YBD Design Guidelines Lighting Section:

A blend of lighting directed downward onto walking surfaces and up ~~into tree canopies is desired~~ **onto trees can be used** to define these spaces. Care should be taken to avoid spilling excessive glare into adjacent properties **and to avoid sky directed light pollution.**

City Council Direction: Incorporate the PC's changes into the final ordinance.

Central Houghton Neighborhood Plan Differences

1. Policy CH-4.1: *Allow a variety of development styles that provide housing choice in low density areas.*

Providing housing options for a wide spectrum of households is an important value to support and encourage. Alternative housing provides more housing choice to meet changing housing demographics such as smaller households and an aging population. Allowing design innovations can help lower land and development costs and improve affordability. Compatibility with the predominant traditional detached single-family housing style in the neighborhood will determine the acceptance of housing alternatives. **HCC last sentence:** Alternative housing types such as cottage, compact single-family, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and changing household size and composition.

PC revision to last sentence: Alternative housing types such as cottage, compact single-family, two/three unit homes, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and changing household size and composition.

City Council Direction: Use HCC wording which does not include "two/three unit homes".

2. Policy CH-12.2: *Support future development of the Eastside Rail Corridor as a multipurpose trail for pedestrian and bicycles with access points along the corridor.*

The unused BNSF railroad right-of-way, known as the Eastside Rail Corridor, provides an opportunity for a bicycle, pedestrian and rail transportation corridor. **HCC wording:** Pedestrian and bicycle transportation is the highest priority, but regardless of the function of the Corridor it should be designed so that it will:

- Serve as a gateway to the City.
- Provide neighborhood pedestrian and bicycle connections, with the highest priority access points at NE 52nd, NE 60th and NE 68th Streets.
- Be compatible with adjacent neighborhoods.
- Ensure a high degree of safety.
- Show environmental stewardship.

PC wording: Pedestrian and bicycle transportation is a high priority, but regardless of the function of the Corridor it should be designed so that it will:

City Council Direction: Use PC wording "a high priority".

3. Policy CH-13.1: *Pursue acquisition of property and partnerships with schools and other institutions in Central Houghton.*

HCC: The City should seek opportunities to acquire land to expand parks as properties adjacent to existing parks become available. It is also important to provide and maintain a diversity of park recreation types for the neighborhood. In addition, street ends should be developed and expanded into park and open space areas for public enjoyment.

PC revision: The City should seek opportunities to acquire land to expand parks as properties adjacent to existing parks become available. It is also important to provide and maintain a diversity of park recreation types for the neighborhood. The City should pursue cooperative agreements for use of the facilities at Northwest University and International Community School. In addition, street ends should be developed and expanded into park and open space areas for public enjoyment.

City Council Direction: Prepare alternative wording that addresses institutions and schools more generally. The following sentence was drafted by staff and put in the plan for the final ordinance:

The City should pursue cooperative agreements for joint use of the facilities at schools and other institutions.

Other Minor Wording Differences: Several other wording differences occurred because the PC met to make their recommendation after the HCC had made theirs. The PC saw some of the HCC recommended wording for the first time and so had these minor edits to propose in an attempt to clarify the wording further. Edits by the PC are underlined below. As directed by the Council at the study session, these changes have been incorporated into the final ordinance.

1. **Goal CH-7:** Support the transition of the Houghton Center into a pedestrian-oriented mixed use development, including retail, with office and/or residential uses and other compatible uses.
2. **Policy CH-9.2:** Require all development in PLA 1 to conform to an approved master plan.

The master plan approved in 1999 is the guiding document for Northwest University in PLA 1. Any variations from this master plan must be reviewed and approved by the City.

3. **Policy CH-10.1:** Mitigate negative ~~minimize~~ impacts of commercial and institutional development on residential areas to protect neighborhood character.

Regulating building height, building mass, building placement, vehicular access and traffic impacts and/or providing landscape buffers can be used to reduce negative impacts of commercial and institutional uses on surrounding residential uses. Mitigate adverse impacts through environmental review, development regulations and appropriate conditions imposed through development review.

4. Description of ICS in the Parks section of the plan.

International Community School (ICS) is located at the north end of the neighborhood. This approximately 11- acre site provides recreation space for the neighborhood including both outdoor and indoor recreation space ~~on a limited~~ basis. All facilities on the property are maintained by LWSD.

FINAL STEPS

A postcard was sent to all property owners and residents in both the Lakeview and Central Houghton Neighborhoods notifying them of the dates that the City Council and HCC would be taking final action on the plans.

The HCC is scheduled to take final action at its meeting on November 28, 2011.

Attachments:

1. Research on view regulations for other cities
2. Memo from Michael Cogle dated October 24, 2011

cc: File No. ZON09-00016
File No. ZON07-00032
Houghton Community Council
Planning Commission
Central Houghton Advisory Group
Lakeview Advisory Group

VIEW PROTECTION

The Municipal Research and Services Center (MRSC) of Washington has gathered information on Scenic View Protection and made it available on their site.

<http://www.mrsc.org/subjects/planning/view.aspx>

Cities and counties may consider aesthetics in regulating the use of land per MRSC. Zoning for aesthetics includes **view protection regulations**, historic preservation ordinances, design review standards, sign controls, and **tree protection** measures. MRSC recommends that the city or county support any height restrictions or other view protection provisions on as many grounds as possible, since it is not clear in this state if aesthetics alone will justify a view protection ordinance. Sample code sections have been included below.

Clyde Hill Municipal Code – *View Obstruction & Tree Removal*

17.38.025 - Preservation of views

In order to resolve the conflict between trees and views as defined herein, no tree, (except as exempted under CHMC 17.38.020(C)) whether native or planted and whenever or wherever planted in Clyde Hill is immune from complaint if the height of the tree unreasonably obstructs the view or access to sunlight of a neighbor. No owner of a tree shall allow the same to grow or tolerate or permit the presence on the owner's premises of such a tree. (Ord. 805 § 1, 1999; Ord. 648 § 1, 1991)

The code goes on to explain how a property owner can file a complaint in order to resolve the conflict between trees and views.

Section CHMC 17.38.020(C): *referenced above provides a definition of exempt trees:*

“Tree” a woody perennial plant which usually, but not necessarily, has a single trunk and a height of 15 feet or more, or has a circumference of 20 inches measured at 24 inches above the ground and for purposes of this chapter includes any shrubbery capable in its normal growth to exceed a height of eight feet; references herein to “tree” shall include the plural; provided, however, any tree whose age antedates the incorporation of the city shall be deemed a “historic” tree and be exempted from this chapter. For purposes of this chapter “tree” shall include any plant material, or shrubbery planted or growing in a dense continuous line so as to form a thicket barrier or naturally grown fence. (See CHMC 17.37.020 for regulations pertaining to naturally grown fences.)

Kent Municipal Code – *View corridor protection regulations on hillside development*

These regulations are related to buildings only. Trees are not regulated.

15.08.060 View corridor protection regulations on hillside development.**A. Purpose.**

1. The visual environment of the city of Kent is strongly characterized by scenic vistas to the Green River valley from the slopes of the East and West Hills which frame the valley. The purpose of the view regulations set out in this section is to regulate the height and location of buildings on hillsides in order to protect view corridors to and from these hillsides which are on the visual forefront of the city and encourage placement of residences in ways which are compatible with the preservation of such public vistas.

2. The criteria of this section establish procedures for determining heights and locations of buildings on hillsides so that views will not be destroyed by site development plans that fail to consider the topography of the lot and the orientation of adjacent properties. The regulations of this section shall be interpreted and enforced at the time of development plan review. The regulations of this section shall not, however, prohibit construction of any building with a building height of twenty-five (25) feet or less, as measured from natural or finished grade, whichever is lower, on any legal lot of record.

La Conner Municipal Code – *regarding view protection***10.10.225 View protection – Goals.**

- (1) Protect the visual quality of the town's shoreline.
- (2) Maintain view corridors to and from the Swinomish Channel and adjacent shoreline features.

[Ord. 705 § 2(7.2.2.A), 1997.]

10.10.230 View protection – Policies.

- (1) Development uses and activities on or near the shoreline should protect the public's visual access to the water.
- (2) Public views from the shoreline upland areas should be enhanced and preserved.

[Ord. 705 §2(7.2.2.B), 1997.]

The applicable regulations say that shoreline uses and activities shall be designed and operated to provide visual access to the water and shorelines. They also state that public lands such as street ends, rights-of-way and utilities should provide visual access to the water and shoreline. Trees are not specifically referenced.

Lake Forest Park Municipal Code – *Public view protection*

*The Lake Forest Park Code states that, “Adopted land use codes attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect **private** views through project-specific review.” (#4 below)*

16.06.200 Public view protection.

A. Policy Background.

1. Lake Forest Park has a magnificent natural setting of greenery, mountains and water; visual amenities and opportunities are an integral part of the city’s environmental quality.
2. The city has developed particular sites for the public’s enjoyment of views of mountains, water and skyline.
3. Obstruction of public views may occur when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern, or when development along a street creates a continuous wall separating the street from the view.
4. Adopted land use codes attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review.

B. Policies.

1. It is the city’s policy to protect public views of significant natural and human-made features: the Olympic and Cascade Mountains, and major bodies of water.
2. Mitigating measures may include, but are not limited to: a. Requiring a change in the height of the development; b. Requiring a change in the bulk of the development; c. Requiring a redesign of the profile of the development; d. Requiring on-site view corridors or requiring enhancements to off-site view corridors; e. Relocating the project on the site; f. Requiring a reduction or rearrangement of walls, fences, or plant material; and g. Requiring a reduction or rearrangement of accessory structures including, but not limited to towers, railings and antennae. (Ord. 426§ 6(15), 1989)

Redmond Zoning Code – *Public View Corridors and Gateways*

Public view corridors are discussed and displayed in maps. There is also a discussion of appropriate landscape materials for each of the public view corridors.

21.42.060 Identification of Citywide Public View Corridors

Map 42.1 identifies areas from which there are significant views from public spaces. Each area identified corresponds to a more detailed map/diagram and a narrative description that may be supplemented with photos/diagrams of the views to be preserved together with design guidelines to be used to protect that particular view.

San Juan County Code – *View Protection*

“C” Below protects natural vegetation from excess removal for view access to the shoreline.

18.50.140 View protection.

A. Shoreline uses and activities must be designed and operated to avoid blocking or adversely interfering with visual access from public areas to the water and shorelines except as provided for in SJCC 18.50.130. (section 18.50.130 has to do with Vegetation management for shorelines).

B. The vacation of public road ends and rights-of-way which provide visual access to the water and shoreline may be allowed only in accordance with RCW 36.87.130 and local rules.

C. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.

D. In order to limit interference with views from surrounding properties to the shoreline and adjoining waters, development on or over the water shall be constructed only as far seaward as necessary for the intended use.

E. Development on or over the water must be constructed of materials that are compatible in color with the surrounding area.



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

MEMORANDUM

To: Paul Stewart, Deputy Director, Planning & Community Development Dept.

From: Michael Cogle, Deputy Director

Date: October 24, 2011

Subject: Lakeview Neighborhood Plan: View Issues and Waterfront Parks

The Parks and Community Services Department has been asked to provide an additional perspective regarding proposed language included in the draft update to the Lakeview Neighborhood Plan. Specifically, we have been asked to consider the policy and management issues surrounding the differing text suggested by the Houghton Community Council (HCC) and the Planning Commission (PC) regarding maintaining views of Lake Washington and its surrounding shoreline, as detailed in proposed Policy L-11.3:

HCC recommended Policy L-11.3 text:

Policy L-11.3: Maintain wide, expansive views of Lake Washington through waterfront parks. Prevent view obstruction by vegetation or placement of structures.

A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks. Ongoing maintenance of existing vegetation at parks to retain views of the Lake from Lake Washington Boulevard and properties to the east is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration with the planting of vegetation while still retaining views.

PC recommended Policy L-11.3 text:

The Planning Commission recommended alternative text to emphasize that it is public views not private views that should be protected:

Policy L-11.3: Maintain public views of wide, expansive views of Lake Washington through waterfront parks. ~~Prevent view obstruction by vegetation or placement of structures.~~

~~A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks.~~ Ongoing maintenance of existing vegetation at parks to retain views of the Lake Washington and beyond from Lake Washington Boulevard ~~and properties to the~~

~~east~~ is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration using vegetation with the planting of vegetation with retaining while maintaining public views.

At the outset let me affirm that the Parks and Community Services Department appreciates and takes pride in the role the city's waterfront parks play in defining community character and contributing to the defined vision of Kirkland *"as an attractive, vibrant, and inviting place to live, work and visit. Our lakefront community, with its long shoreline, provides views and access to the lake and is a destination place for residents and visitors (Comprehensive Plan)."*

As well, we strive to be good neighbors with adjacent property owners and are attuned to the daily dynamics of managing our vital public resources within a complex urban environment.

For our Department the following issues arise from the proposed language:

Maintenance of existing vegetation. The suggested language by the Houghton Community Council to maintain vegetation so as to *"retain views of the Lake from.....properties to the east"* raises three concerns which we believe should be considered.

One, the language suggests that the existing height and width of existing vegetation in waterfront parks should be maintained by the City at essentially current measurements in order to ensure that existing views from adjacent private properties are retained. The implication is that upon adoption of the Lakeview Neighborhood Plan a baseline is established for measuring whether or not the City is adhering to the language suggested by the policy. We believe that this creates a difficult maintenance standard to meet and in fact runs counter to best management practices (BMP's) particularly for tree maintenance (e.g. the practice of "topping" trees has long-since been discontinued).

Second, the use of the word "retain" also suggests that the *specific* private views of *specific* property owners to the east are to be protected. The reality is that some private properties currently enjoy a greater degree of scenic views through waterfront parks than others. By proposing language which emphasizes retention of certain existing private views we are concerned that the City could be severely constrained in its ability to maintain, renovate, and/or redevelop waterfront parks to meet the needs of the larger community over time.

Finally, we would like to point out that the proposed language would apply to "waterfront parks", of which the Lakeview neighborhood currently has three – Marsh Park, Houghton Beach Park, and Yarrow Bay Wetlands. Implementation of a proposed policy intended to ensure retention of existing private views for properties east of the Yarrow Bay Wetlands would be a particular challenge given the park's natural characteristics and habitat value. The maintenance regimen for this park is far different than that of the highly-used Marsh Park and Houghton Beach Park. Some clarification of the proposed policy as it relates to Yarrow Bay Wetlands seems warranted.

cc: Jennifer Schroder, Director
Jason Filan, Park Maintenance and Operations Manager

ORDINANCE NO. O-4329

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT THE CENTRAL HOUGHTON NEIGHBORHOOD PLAN UPDATE; AMEND THE LAND USE ELEMENT AND IMPLEMENTATION STRATEGIES CHAPTERS; ADJUST THE NEIGHBORHOOD BOUNDARY LINE BETWEEN CENTRAL HOUGHTON AND LAKEVIEW; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON09-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council for the Central Houghton Neighborhood dated September 7, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON09-00016; and

WHEREAS, prior to making said recommendation the Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070 and RCW 36.70A.035, held public hearings on June 23, 2011 on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued on June 15, 2011 by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission and Houghton Community Council;

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

Section 1. Comprehensive Plan Text and Graphics amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, be and they hereby are amended to read as follows:

A. Section I. Introduction:

Amendment to Figure I-2: City of Kirkland Neighborhoods as set forth in Exhibit A attached to this ordinance and incorporated by reference.

- B. Section VI. Land Use Element:
Map amendment to Figure LU-2: Commercial Areas as set forth in Exhibit B attached to this ordinance and incorporated by reference.
- C. Section VI. Land Use Element:
Text amendment to Policy LU-5.8 as set forth in Exhibit C attached to this ordinance and incorporated by reference.
- D. Section XIV. Implementation Strategies:
Amendment to Table IS-1: Implementation Tasks as set forth in Exhibit D attached to this ordinance and incorporated by reference.
- E. Section XV.B Central Houghton Neighborhood Plan:
Updated Central Houghton Neighborhood Plan as set forth in Exhibit E attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 full force and effect January 1, 2012, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

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

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

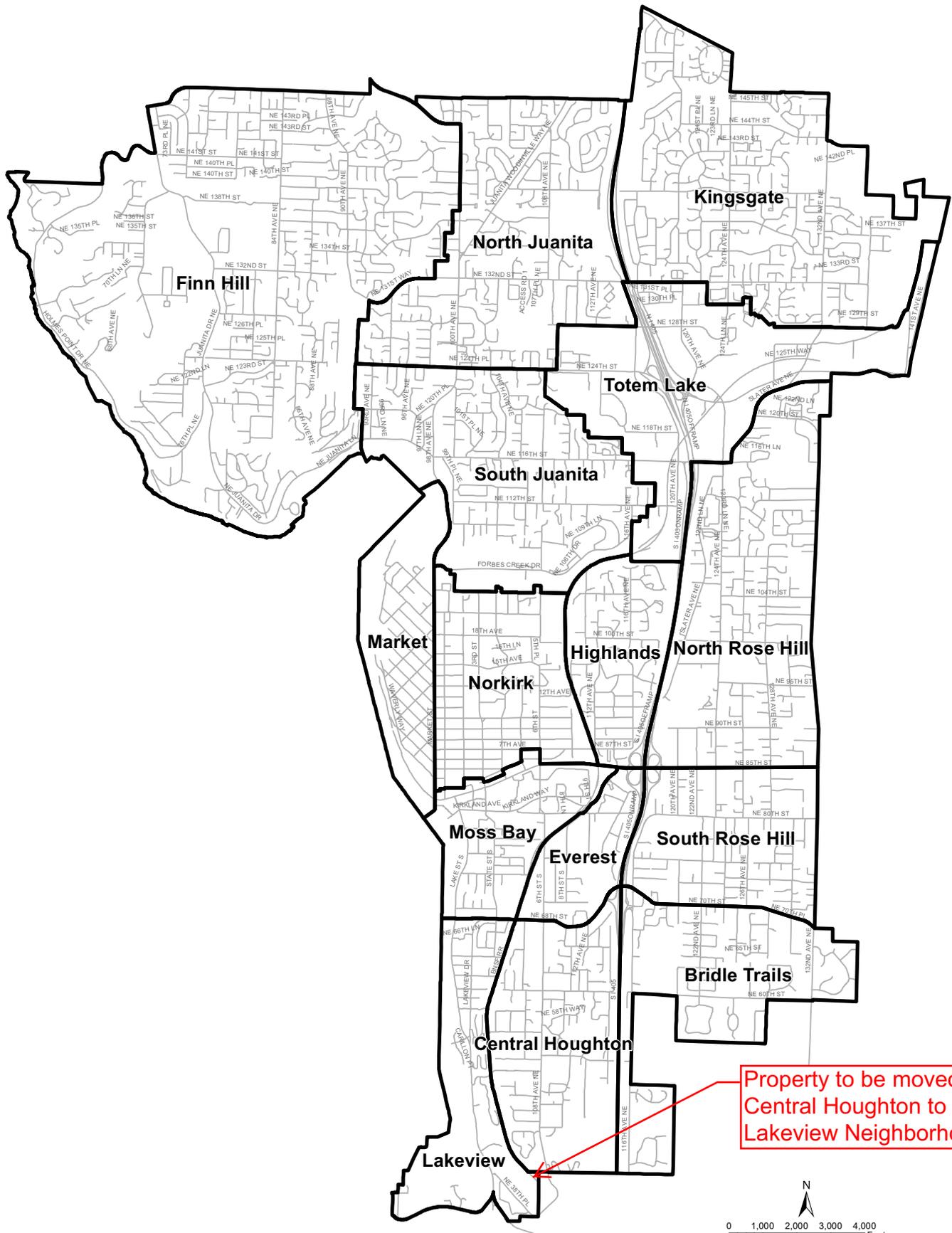


Figure I-2: City of Kirkland Neighborhoods

0 1,000 2,000 3,000 4,000 Feet
Scale: 1" = 4,000'
Produced by the City of Kirkland.
© 2011, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

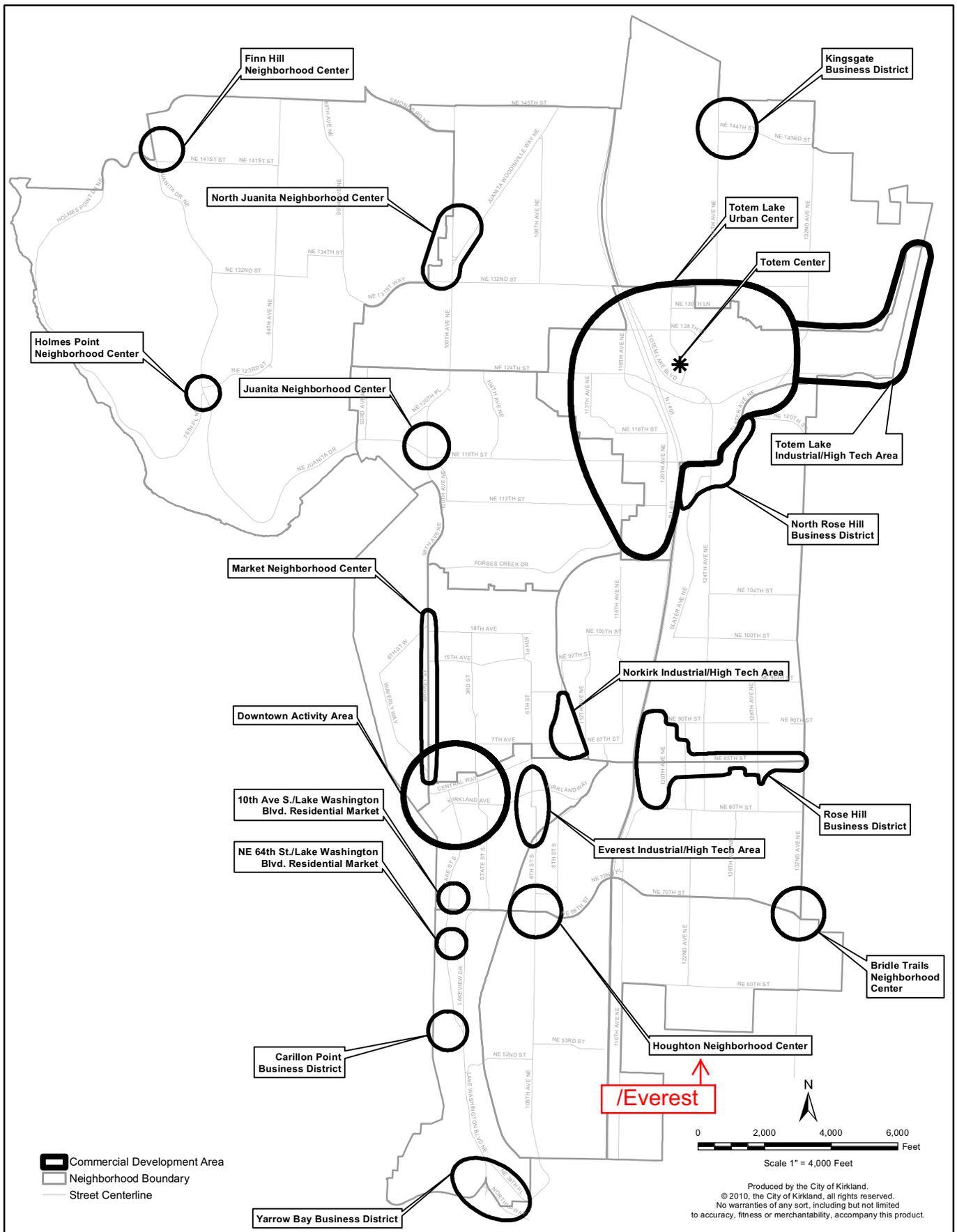


Figure LU-2: Commercial Areas

/Everest

VI. LAND USE

LU-5.8: *Promote development within the Bridle Trails, Houghton, and Juanita Neighborhood Centers that becomes part of the neighborhood in the way it looks and in the functions it serves.*

Neighborhood centers provide services to surrounding residential neighborhoods so that residents may shop close to home. They also may function as the focal point for a community. Because of these important ties to their neighborhood, neighborhood centers should develop in ways that provide goods and services needed by the local residents, enhance physical connections to the surrounding neighborhoods, foster good will and provide an opportunity for people to mingle and converse.

Policy LU-5.9: *Allow residential markets, subject to the following development and design standards:*

- ◆ *Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.*
- ◆ *Provide the minimum amount of off-street parking necessary to serve market customers.*
- ◆ *Ensure that building design is compatible with the neighborhood in size, scale, and character.*

The intent of this policy is to permit small individual stores or service businesses in residential areas on a case-by-case basis. These businesses should cater to nearby residents, be oriented to pedestrian traffic, and require very little customer parking. They should be designed and located in a manner that is compatible with adjacent residences and that will not encourage the spread of commercial uses into residential areas. They should be located where local economic demand and neighborhood acceptance can be demonstrated.

Goal LU-6: *Provide opportunities for a variety of employment.*

Policy LU-6.1: *Provide opportunities for light industrial and high technology uses.*



405 Corporate Center

While Kirkland is not interested in recruiting heavy industry, the City is supportive of existing industrial enterprises and wants to encourage new high-technology businesses to locate here.

Policies that encourage residential and retail encroachment in industrial areas drive up the cost of land and promote conflicts which may force displacement of industrial operations. The strategy in the Land Use Element is to maintain industrial uses, while acknowledging that, in some parts of the City, industrial lands may be considered for conversion to other land uses.

Recognizing that each industrial area in the City has its own distinct character, the range of uses may vary between districts and may include some nonindustrial uses. Factors which should be taken into account when determining appropriate land uses include existing uses, surrounding uses, the local transportation system, and the effect on maintenance of primary jobs in the local job market.

XIV. IMPLEMENTATION STRATEGIES

**Table IS-1
Implementation Tasks**

TASK	PRIORITY
GENERAL ELEMENT	
<u>Project</u> G.1 In 2022, review “time capsule,” located in the City Hall vault, containing the “Kirkland 2022 – Community Conversations” video and the citizen responses.	
<u>Ongoing</u> G.2. Annually update the Comprehensive Plan. G.3. Update the neighborhood plans.	
COMMUNITY CHARACTER ELEMENT	
<u>Projects</u> CC.1. Review and update Zoning Code Chapter 100: Signs. CC.2. Establish incentives to private owners for preservation, restoration, redevelopment and use of significant historic buildings and sites. CC.3. Consider public improvements for historic districts to help encourage preservation.	
<u>Ongoing</u> CC.4. Add Carillon Woods to Community Landmarks - Table CC-1 CC.4 5 When the neighborhood plans are updated, consider design principles for new structures that respect the scale, massing, and design of existing adjacent buildings and the neighborhood context. CC. 5 6 Incorporate historic preservation into neighborhood plans as they are updated including: <ul style="list-style-type: none"> ◆ A list of each neighborhood’s historic structures and sites. ◆ Design principles for areas where historic structures are clustered. 	
NATURAL ENVIRONMENT ELEMENT	
<u>Projects</u> NE.1. Update the City’s Shoreline Master Program.	**
NE.2. Assess and amend the Comprehensive Plan, City codes, resource management practices, and other City activities as needed for consistency with the Endangered Species Act, State shoreline rules, and other natural resource requirements.	**
NE.3. Promote removal of fish barriers.	
NE.4. Amend the Zoning Code to specify criteria and procedures for handling clearing and grading violations in sensitive areas and their buffers.	**
NE.5. Study and implement methods to preserve and, where feasible, increase pervious surface in Kirkland.	*
NE.6. Review Kirkland Municipal Code, Zoning Code Definitions Chapter, and Comprehensive Plan to identify inconsistencies in natural system terminology.	*
NE.7. Review Zoning Code regulations for protection of existing landscaping and trees.	*
NE.8. Develop a City street tree program for appropriate species, planting and maintenance, and community stewardship.	**
NE.9. Develop a street tree plan for commercial and residential corridors.	

XIV. IMPLEMENTATION STRATEGIES

**Table IS-1
Implementation Tasks (Continued)**

TASK	PRIORITY
LAND USE ELEMENT	
<u>Projects</u>	
LU.1. Prepare zoning regulations consistent with the revised NE 85th Street Subarea Plan.	**
LU.2. Prepare zoning regulations consistent with the revised Totem Lake Neighborhood Plan.	**
LU.3. Review existing development regulations for consistency with State law on the process for essential public facilities.	
LU.4. As part of the Bridle Trails Neighborhood Plan Update project, review land use densities and zoning for consistency with the GMA.	
LU.5. Refine open space network maps, identify missing links, and develop preservation techniques.	
LU.6. Amend the Zoning Code as appropriate to establish standards for residential markets.	*
<u>Ongoing</u>	
LU.7.8 When neighborhood plans are updated, consider design principles and standards for the local commercial center(s).	
LU.8.9 Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Development capacity; ◆ Development trends; and ◆ Demographics. 	
<div style="border: 1px solid red; padding: 5px; display: inline-block; color: red; font-weight: bold;"> LU.7. Develop business district plan, zoning & design guidelines for Houghton/ Everest Neighborhood Center. </div>	
HOUSING ELEMENT	
<u>Projects</u>	
H.1. Consider regulations that allow innovative housing, including compact development and cottage housing.	**
H.2. Adopt regulations for market incentives to encourage low- and medium-income housing.	**
<u>Ongoing</u>	
H.3. Adopt a housing strategy plan and work program at least every five years that outlines housing strategies to be considered in order to address the City's housing needs and goals.	
H.4. Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Construction and demolition of affordable housing; ◆ Creation of accessory units and associated rent levels. 	
H.5. Continue to work with ARCH to fund low-income and special needs housing projects.	

XIV. IMPLEMENTATION STRATEGIES

**Table IS-1
Implementation Tasks (Continued)**

TASK	PRIORITY
<p>HUMAN SERVICES ELEMENT</p> <p><u>Ongoing</u></p> <p>HS.1. Review the Senior Council's Strategic Plan every five years and revise as appropriate.</p> <p>HS.2. Review the Youth Council's Strategic Plan every five years and revise as appropriate.</p> <p>HS.3. Continue regional collaboration of the Human Service's grant program to increase efficiencies.</p> <p>HS.4. Identify potential funding sources and submit grant applications for Senior, Youth and Human Services programs.</p>	
<p>CAPITAL FACILITIES ELEMENT</p> <p><u>Projects</u></p> <p>CF.1. Consider new revenue sources for capital facilities and implement as appropriate, including voter-approved bond issues.</p> <p><u>Ongoing</u></p> <p>CF.2. Annually update the Capital Facilities Element to reflect capacity of facilities, land use changes, level of service standards, and financing capability.</p> <p>CF.3. Annually update the Capital Facilities Element consistent with the Capital Improvement Program.</p> <p>CF.4. Periodically update impact fees to reflect increases in road and park construction costs.</p>	*
<p>NEIGHBORHOOD PLANS</p> <p><u>Ongoing</u></p> <p>NP.1. Regularly review neighborhood plans and amend as appropriate.</p> <p>NP.2. Incorporate the following capital project elements into the CIP and CFP processes and/or the neighborhood connection and neighborhood grant program:</p> <p>Highlands Neighborhood</p> <ul style="list-style-type: none"> Emergency Access Bridge to Forbes Creek Drive Highlands Park facility improvement Nonmotorized street enhancements to 116th Avenue NE and NE 87th Street Cedar View Park play structure <p>Market Neighborhood</p> <ul style="list-style-type: none"> Neighborhood park development in north sector View stations at 4th and 5th Street West Improved Market Street access <p>Market Street Corridor</p> <ul style="list-style-type: none"> Pedestrian and bicycle facilities 	*

Central Houghton Neighborhood

1. Work with Public Works Department to have historic street names added to street signs as they are replaced.
2. Identify design standards for 108th Avenue NE

Central Houghton Neighborhood Plan

1. Overview

The Central Houghton Neighborhood is bounded by the Burlington Northern Santa Fe Railroad (BNSFR) right-of-way and the Lakeview Neighborhood on the west; Interstate 405 right-of-way on the east; and NE 68th Street on the north. The southern boundary is the Kirkland City limit (See Figure CH-1, Land Use Map). 108th Avenue NE provides the main north-south vehicular, bicycle and pedestrian connection through the neighborhood, while NE 68th Street provides an east-west connection.

Central Houghton is predominately a single family neighborhood. Other land uses within the neighborhood consist of medium density residential, offices, neighborhood oriented businesses and a variety of schools, including Northwest University.

The business district, located along NE 68th Street, is the neighborhood's only commercial area. The undeveloped 73 acre Watershed Park takes up a large area in the southeastern corner of the neighborhood. Carillon Woods Neighborhood Park is in the central part of the neighborhood and Phyllis A. Needy Neighborhood Park provides a smaller neighborhood park adjacent to 108th Avenue NE.

2. Vision Statement

The vision statement is a verbal description of the character and qualities of the Central Houghton Neighborhood at a future time when the goals and policy direction expressed in this neighborhood plan are realized.

The Central Houghton Neighborhood has a rich and unique history. The area's political history as part of a separate city until 1968 fostered a deep community identity, establishing a tradition in which residents seek opportunities for involvement and stewardship in the neighborhood's future.

The neighborhood's predominantly low density residential character has been maintained, while the changing and varied needs of the population are accommodated through a diverse housing stock. Greater housing choices, as well as efforts to preserve affordability in housing, help to expand housing opportunities for all residents within the neighborhood.

Central Houghton is a friendly, accessible neighborhood, with safe and inviting pedestrian and bicycle routes. Healthy and active living is promoted through attractive streets and trails. Traffic on the neighborhood's major streets, 108th Avenue NE and NE 68th Street, is managed well, with improvements designed to be compatible with surrounding development. The Eastside Rail Corridor provides pedestrian and bicycle connections linking the corridor to parks and other neighborhood gathering places.

Local citizens value the variety of opportunities to meet in shops and restaurants within the Houghton/Everest Business District, as well as in casual locations in the neighborhood's parks and natural areas. The Houghton/Everest Business District has evolved into a thriving, pedestrian-oriented mixed-use center, with businesses available to meet the retail and service needs of the community. Appropriate streetscapes, site layouts and building designs provide an attractive and coordinated appearance within the district. Careful attention to the placement and design of vehicle and pedestrian

access from commercial areas to surrounding streets contributes to an efficient street network, and avoids conflicts with nearby low density areas.

Several schools and the Northwest University campus add to the Central Houghton community by providing neighborhood residents with a connection to the schools' students, parents, and facilities, as well as with residents of other Kirkland neighborhoods and the larger community. These campuses are valued and supported, not only for their role in providing educational opportunities and fostering community relationships, but for the additional open space they provide and share with the neighborhood.

The Central Houghton Neighborhood provides many beautiful open space experiences including the views, tree canopy and neighborhood parks. The residents cherish and preserve the territorial views, including the expansive views of Lake Washington, Seattle and the Olympic Mountains, the slopes, and the natural watershed areas that contribute to the neighborhood's distinctive character. The tree canopy in the neighborhood has been managed and enhanced, and adds to the neighborhood's peaceful setting. The neighborhood's parks meet the needs of the neighborhood's residents. Phyllis A. Needy Park provides a place for active play for the neighborhood's youngest residents, while Carillon Woods meets the neighborhood's recreational needs with a play area and both paved and natural trails. Opportunities for residents to quietly observe and enjoy wildlife habitat and open space exist at Carillon Woods and at the south end of the neighborhood, in the Watershed Natural Area.

Central Houghton residents take great pleasure and pride in calling this beautiful neighborhood their home.

3. Historical Context

The following history includes the Central Houghton and Lakeview Neighborhoods, as well as a portion of the Bridle Trails Neighborhood, since together they made up the City of Houghton until its consolidation with the City of Kirkland on April 30, 1968.

Naming and Early Settlement of Houghton: Samuel and Caroline French along with their adult son, Harry French, settled on the eastside of Lake Washington in 1872. The French family was from Maine and had been corresponding with a friend who had settled in Seattle and praised the potential of the Eastside. Mrs. French named their new home, Pleasant Bay.

The French family is considered Houghton's first white settlers. Little has been learned about the earliest Native American inhabitants of the area, but Mrs. French reported seeing them as they rowed their canoes along the shore. The French house was built in 1874 at 10120 NE 63rd and was home to the French family for four generations. The house was moved to 4130 Lake Washington Blvd in 1978.

In 1880, all communities were required by the US Post Office to have a one-word name. The Pleasant Bay community submitted the name Edison, after Thomas Edison, but Edison was already being used in the Washington Territory. The Pleasant Bay church had been given a 600 pound Meneely & Company church bell by Mr. and Mrs. William Houghton of Boston and so the community of Houghton was named in their honor. When the congregational churches merged in 1894, the bell was relocated to the Kirkland Congregation Church on 5th Avenue in the Norkirk Neighborhood. The church has been rebuilt, but the bell remains there and rings every Sunday.

The Suffhoff home was built in 1903 by Kirkland realtor, Charles Parrish for the Morris Orton family. The young widow, Mrs. May Orton rented the home to Dr. George Hudson Davis in about 1910 and it

was then used as a hospital and dental office. The home served as Houghton's and Kirkland's first hospital for ten years.

Industry of Pleasant Bay/Houghton: The French family soon had industrious neighbors. The Jay O'Conner's who purchased the Popham/McGregor land, built the Steamer Squak and the large Lake House which was used as a hotel. The John and Abigail Fish family purchased the Lake House and continued the hotel business. The Lake House was in the family for generations and was torn down in 1984. The Curtis family built and operated ferries on Lake Washington for over fifty years. George Bartsch and his brother-in-law, Harrie Tompkins, started the Bartsch-Tompkins Transportation Company in 1904. Mr. Bartsch bought out Mr. Tompkins and then partnered with John Anderson to create the Anderson Steamboat Company in 1907. The Anderson Steamboat Company became the Anderson Shipyard which then became the Lake Washington Shipyard.

The Lake Washington Shipyard was at the site of the present Carillon Point development. One of the original buildings built in 1907 was used as a pattern shop for the wooden ships built during WW I, then as a mold shop for the steel ships built during WW II. The building was still standing until the development of Carillon Point.

The early shipyards were limited to building lake ferries or smaller ocean going boats that could be navigated down the Black River at the southern tip of Lake Washington. In 1916, the opening of the ship canal lowered Lake Washington by almost 9 feet and dried up the Black River. With the opening of the Montlake Ship Canal, the shipyard could build large ocean going ships.

Houghton and the Wars: During WW I, shipbuilding boomed in Houghton, and many wooden war ships were constructed there. Workers commuted from Seattle for the work which ended in 1918. The Second World War again brought tremendous growth for Houghton. The Lake Washington Shipyard built steel hulled ships and they were all in service at the end of the war. The U.S. Government built the Steward Heights housing project on 108th Avenue NE for the shipyard workers. This area is now the Northwest University campus.

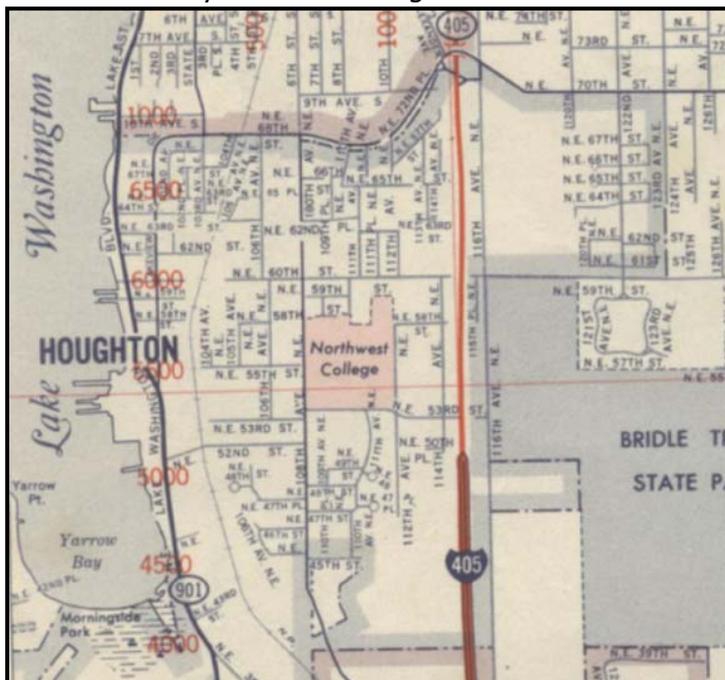
Terrace Park - Site of the Houghton City Hall: Terrace Park was originally the site for a community center for the Lakeview Neighborhood during WWII. It was built to service the needs of the Lake Washington Shipyard workers. In about 1955, the buildings were converted to house the Houghton City Hall, library, fire station and police station. The existing cement pads were used as the floor of the Houghton Police Station.

Livelihood of Houghton Residents: From the early 1870's, Houghton was settled by educated and hardworking families spreading out across the country. They purchased their homesteads and because of their isolation, they lived off their land. Their close proximity to Seattle also allowed them access to jobs, services and goods. For example, Harry French commuted to Seattle to work in Yesler's Mill. At first workers rowed weekly, returning home for the weekend, and in later years they took a steamer daily. There were jobs in the forest, the coal mines, and the lumber mills, but all required a commute by rowboat, horse or on foot. As more settlers arrived, there was a need for scheduled ferry service, a school, and a place to worship.

School and Worship: Harry French built a frame cabin, which was used by the family until their family home was ready. This cabin later became Pleasant Bay's first classroom and its first Sunday school. A church was then built and the minister, Reverend Greene, began coming from Seattle to make the rounds to the small local churches in the area.

Houghton Resident, John Cort: John Cort had the first legitimate theatre circuit and owned 117 theaters on the west coast. Mr. Cort was also an early founder of the FOE Eagles and was their first President. He was the first in the world to use the new Edison lights in his Seattle Standard Theatre which burned in the great fire of 1889. Cort's last remaining Seattle theatre is the Moore. Cort traveled a great deal to manage his theatres, but his family lived full time on Whisker Farms, his Houghton home until 1918. Around this time he moved his empire to New York City where he later retired and then died in 1929. Whisker Farms was on Cort Road, now 108th Avenue NE. The Collins School was built on the burned out ruins of Whisker Farms, but has since been torn down and replaced by homes.

City of Houghton: Until 1968, Houghton was a separate city with a Houghton address and residents that were called "Houghtonites". When Houghton merged with Kirkland, there was a strong emphasis to retain some authority on land use and zoning issues. State law allowed Houghton citizens to maintain control of their zoning and continued enforcement of their land use plan. The Houghton community continues to have a Houghton Community Council with veto power over land use actions of the Kirkland City Council relating to the area of the old City of Houghton. The Houghton Community Council is one of only two such community councils remaining in the State of Washington.



1968 Road Map of the Houghton Area

Although the City of Houghton and the City of Kirkland merged over 40 years ago, there is still a strong feeling of community among the residents of the Central Houghton neighborhood because of their unique history as a separate town.

History taken from Primary Sources: Family and State records, the Boston Newspaper, 1889 Kirkland Press and the French Diaries. For more information on the history of the City of Houghton please contact the Kirkland Heritage Society and see the Lakeview Neighborhood Plan.

Goal CH-1: Encourage preservation of structures, sites and objects of historical significance in the Central Houghton Neighborhood.

Policy CH-1.1: Encourage property owners to preserve buildings, structures, sites and objects of historical significance.

The Community Character Element establishes the hierarchy for designating historic buildings, structures, sites and objects in the City. Although age is an important factor in determining historical significance, other factors, such as the integrity of the building, architecture, location and relationship to notable persons or events of the past, are also important.

Policy CH-1.2: Provide directional signs, markers and interpretive information at structures, buildings, sites or objects of historical significance.

Individual historic properties are encouraged to add historic plaques and interpretive signs. Additional directional signs and interpretive centers at or near structures, buildings, sites or objects of historical significance around the neighborhood will help bridge Houghton's rich history with future generations. Most of the original historic street names have been changed over the years. As street signs are replaced, the original street names could be added to recognize the neighborhood's history. The Community Character Element of this Comprehensive Plan also lists other techniques to preserve the neighborhood's history.

4. Natural Environment

Goal CH-2: Protect and enhance the natural environment in the Central Houghton Neighborhood.

Policy CH-2.1: Undertake measures to protect and improve water quality and promote fish passage in Lake Washington and neighborhood wetlands, streams and wildlife corridors.

The Central Houghton Neighborhood is located within the Yarrow Creek, Carillon Creek, Houghton Slope A and B, and Moss Bay drainage basins (see Figure CH-2). These drainage systems connect to Lake Washington and provide important ecological functions such as flood and storm water conveyance, water quality, fish habitat, wildlife and riparian corridors, and open space benefits.

Water quality is an important issue in the Central Houghton Neighborhood. Day lighted streams in the neighborhood should be kept clean and maintained in their natural state. Even in areas without significant streams, water from the neighborhood drains to Lake Washington and so pesticide and fertilizer use should be discouraged.

Policy CH-2.2: Ensure that development is designed to avoid damage to life and property on properties containing high or moderate landslide or erosion hazards areas.

The Central Houghton Neighborhood contains medium and high landslide hazard areas (see Figure CH-3). These areas are prone to landslides that may be triggered by natural events or by manmade activities including grading operations, land clearing, irrigation, or the load characteristics of buildings on hillsides.

Policy CH-2.3: Protect wildlife throughout the neighborhood and encourage the creation of backyard sanctuaries for wildlife habitat.

The National Wildlife Federation has designated the City of Kirkland as a certified Community Wildlife Habitat. The Community Wildlife Habitat Program for the City began in the Central Houghton Neighborhood. Central Houghton contains many wildlife corridors connecting parks and along stream channels to Lake Washington and Yarrow Bay Wetlands. Residents are encouraged to continue to improve wildlife habitat on their private property by planting native vegetation, and providing food, water, shelter and space for wildlife.

5. Land Use

Residential land uses occupy the majority of the Central Houghton neighborhood. Schools, including the expansive campus of Northwest University, are dispersed throughout the low-density residential core, while two large park and open space areas, Carillon Woods and the Watershed Natural Area are located in the central and southern portions of the neighborhood. Multifamily apartments and condominiums are clustered along the northern edge of Central Houghton, where they adjoin the neighborhood's only commercial area, the Houghton/Everest Neighborhood Center.

Residential

Goal CH-3: Promote and retain the residential character of the neighborhood while accommodating compatible infill development and redevelopment.

Policy CH-3.1: Retain the predominately detached single-family housing style in the Central Houghton neighborhood.

Central Houghton is a well established neighborhood that has predominately low-density (five to six dwelling units per acre) traditional single-family residential development. The land use transitions from low-density residential to medium-density multifamily and commercial development in the northern portion of the neighborhood near NE 68th Street. A mix of housing styles and sizes is important to the neighborhood's character.



Goal CH-4: Allow alternative residential development options that are compatible with surrounding development.

Policy CH-4.1: Allow a variety of development styles that provide housing choice in low density areas.

Providing housing options for a wide spectrum of households is an important value to support and encourage. Alternative housing provides more housing choice to meet changing housing demographics such as smaller households and an aging population. Allowing design innovations can help lower land and development costs and improve affordability. Compatibility with the predominant traditional detached single-family housing style in the neighborhood will determine the acceptance of housing alternatives. Alternative housing types such as cottage, compact single-family, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and changing household size and composition.

Policy CH-4.2: Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.

Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the normal minimum lot size allowed in the zone if the size of houses on the small lots is limited. This encourages diversity, maintains neighborhood character, and provides more housing choice. Up to 50 percent of the single family lots in a subdivision should be allowed to be smaller than the zoning designation allows if a small house is retained or built on the small lots. The lots containing the small houses should be no less than 5,000 square feet in the RS 7.2 zones and no less than 6000 square feet in the RS 8.5 zones. The size of the houses on the small lots would be limited by a maximum floor area ratio and all other zoning regulations would apply.

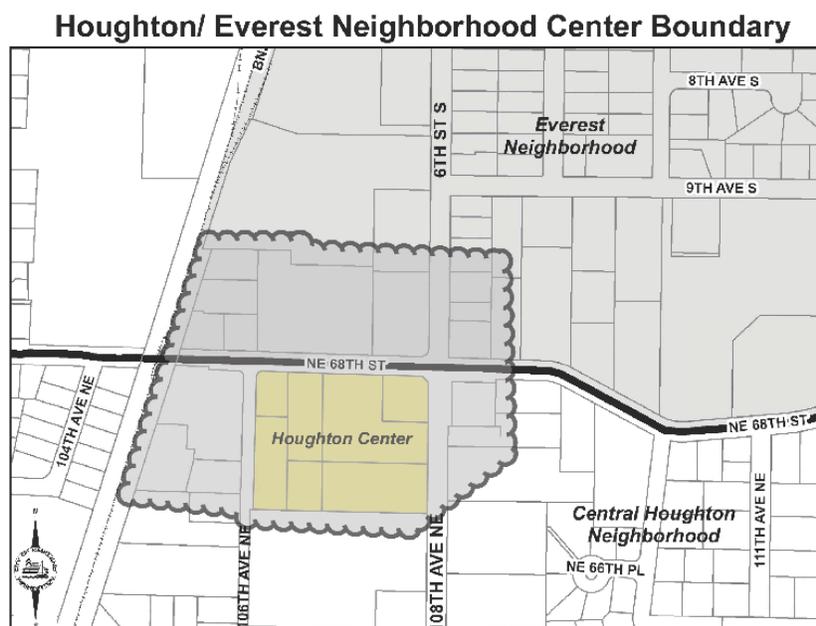
Policy CH-4.3: The residential land south of NE 68th Street and surrounding the Houghton/Everest Neighborhood Center area is suitable for medium residential densities (see MDR and O/MF land use designations on Figure CH-1).

The area south of NE 68th Street and surrounding the Houghton/Everest Center is appropriate for medium densities because of topographic features and surrounding neighborhood conditions. This area provides a good transition between the low density residential uses to the south, and the commercial shopping area to the north.

Commercial

Houghton/Everest Neighborhood Center

The Houghton/Everest Neighborhood Center is defined as a "Neighborhood Center" commercial area in the Land Use Element of the Comprehensive Plan. It includes properties on the north and south sides of NE 68th Street in both the Central Houghton and Everest Neighborhoods.



Goal CH-5: *Promote a strong and vibrant Neighborhood Center with a mix of commercial and residential uses.*

Policy CH-5.1: *Coordinate with the Everest Neighborhood to develop a plan for the Houghton/Everest Neighborhood Center, which overlays properties along the NE 68th Street corridor in both the Everest and Central Houghton neighborhoods (see inset).*

This plan should promote a coordinated strategy for the Neighborhood Center while minimizing adverse impacts on surrounding residential areas. The existing land use map designations will be used until the land use, and zoning and development regulations for the entire Neighborhood Center are re-examined.



Policy CH-5.2: *Encourage a mix of uses within the Houghton/Everest Neighborhood Center that includes commercial development such as neighborhood oriented shops, services, and offices, as well as multifamily residential use.*

A variety of uses, including retail, office and residential should be combined in order to contribute to a vibrant mixed use Neighborhood Center.

Policy CH-5.3: *Implement transportation improvements that support the existing and planned land uses in the Neighborhood Center and adjoining neighborhoods.*

A review of transportation impacts should be done for all new development in the Neighborhood Center. Transportation system improvements should be designed to encourage traffic to use existing arterials and to include traffic calming devices on neighborhood streets. Alternate modes of transportation should also be *encouraged*.

Policy CH-5.4: *Expand the area designated for higher intensity use to properties west of Houghton Center and south of NE 68th Street.*

Land located west of the Houghton Center shopping area, directly east of the Eastside Rail Corridor, has the potential to provide higher density residential use within walking distance of retail and business services. The rail corridor provides a wide buffer between this area and the low density residential area to the west.

Goal CH-6: *Promote high quality design by establishing building, site, and pedestrian design standards that apply to commercial and multifamily development in the Houghton/Everest Neighborhood Center.*

Policy CH-6.1: Establish design guidelines and regulations that apply to all new, expanded or remodeled commercial, multifamily or mixed use buildings in the Houghton/Everest Neighborhood Center.

These design guidelines and regulations should support appropriate building scale and massing, produce buildings that exhibit high quality design with a sense of permanence, and incorporate site design which includes pedestrian features and amenities that contribute to the livability of the surrounding area. They should also strengthen the visual identity of the neighborhood center by addressing streetscape improvements and public views to the lake along NE 68th Street.

Houghton Center: The shopping center development located at the southwest corner of NE 68th Street and 108th Avenue NE (shown in yellow on the map) is known as the “Houghton Center.” This large strip retail development sits on several parcels occupying approximately five acres. Redevelopment to a more cohesive, pedestrian-oriented concept may be feasible since a single owner controls the bulk of the site. In addition to its potential to serve the community through expanded neighborhood commercial uses, Houghton Center can contribute to the livability and vitality of the neighborhood by providing residents and visitors with a welcoming place to shop, congregate and relax.



Goal CH-7: Support the transition of the Houghton Center into a pedestrian-oriented mixed use development, including retail, with office or residential and other compatible uses.

Policy CH-7.1: Promote a pedestrian-oriented development concept through standards for a coordinated master plan for Houghton Center including retail, with office and or residential and other compatible uses.

A master plan for the Houghton Center should provide for a complementary arrangement of facilities, pedestrian amenities, open spaces, and linkages, as well as shared parking that meets the needs of Houghton Center and a coordinated sign system.

Policy CH-7.2: Reduce ingress and egress conflicts within and around Houghton Center through creation of a circulation system for vehicles and pedestrians as part of a master plan for development of the property.

The circulation system for both pedestrians and vehicles should provide the minimum amount of ingress and egress locations necessary for an effective circulation system into and through Houghton Center.

Policy CH-7.3: Allow building heights to step up to five stories if careful attention is given to building modulation, upper story step backs, and use of materials to reduce the appearance of bulk and mass.

Specific design guidelines should be developed to ensure that modulation is used to break down scale and massing of buildings into smaller and varied volumes, and to provide upper story step backs from the sidewalks to improve the pedestrian experience and maintain human scale.

Policy CH-7.5: Provide gathering spaces and relaxation areas within Houghton Center.

Houghton Center is an important community meeting place within the Central Houghton Neighborhood. Gathering spaces should be provided when Houghton Center redevelops as a way to provide places to meet neighbors and enjoy the facilities.

Schools and Places of Worship

A strong relationship between schools, places of worship and the surrounding community is a key factor to ensuring compatibility and minimizing conflicts.

Goal CH-8: Acknowledge the value to the community of schools and places of worship. Encourage interaction between these institutions and the residents of the Central Houghton Neighborhood.

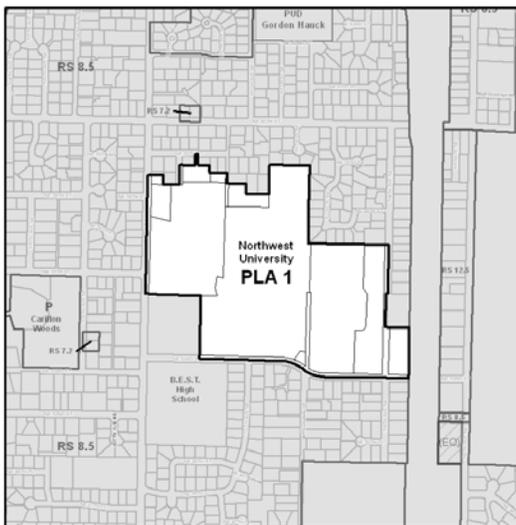
Policy CH-8.1: Provide opportunities for early **(and continuing)** community involvement in any expansion plans, modifications, or changes in use **(or intensity of ancillary uses)** for schools and places of worship.

Early community involvement is important in addressing issues that may affect the surrounding area and the neighborhood as a whole. Issues such as parking, and public safety should be taken into account when considering additional ancillary_uses, expansion of facilities, or the addition of new facilities. **(Public and private views should also be taken into account when considering**

options for buffering schools and places of worship from adjacent residential uses.)

Northwest University (Planned Area 1)

Northwest University is designated as a Planned Area because of its unique conditions including large parcel ownership, interface with the surrounding community, traffic patterns, and topographic conditions. The complex issues related to this planned area can best be dealt with through the master plan for the university.





The planned area designation permits the application of special development procedures and standards to minimize adverse impacts resulting from the natural growth and operation of the facility.

Goal CH-9: Ensure that the growth and development planned for Northwest University is reviewed and approved by the City.

Policy CH-9.1: *Limit Planned Area 1 to the boundaries designated in Figure CH-1.*

The boundaries shown in Figure CH-1 are consistent with the 1999 Northwest University Master Plan as shown below.

Policy CH-9.2: *Require all development in PLA 1 to conform to an approved master plan.*

The master plan approved in 1999 is the guiding document for Northwest University in PLA 1. Any variations from this master plan must be reviewed and approved by the City.

Policy CH-9.3: *Structures on campus should be located to minimize impacts on single family residential areas adjacent to the University.*

It is important to consider the location of new buildings on campus in relationship to the surrounding single family residential areas. New structures should be placed far enough away from single-family residential uses to minimize impacts.

Policy CH-9.4: *Traffic should be routed away from local residential streets to the extent possible.*

Traffic routing can have a great impact on the surrounding neighborhood. Primary access to the University should continue to be off of 108th Avenue NE.

Policy CH-9.5: *University activities should be buffered on all sides to protect adjacent single family residential development.*

The university should be buffered from surrounding areas to reduce visual and noise impacts and protect the privacy of those living within the surrounding single family neighborhood.

Transitional Areas

When locating institutional and commercial uses adjacent to residential areas, techniques should be used to minimize impacts on adjacent residential areas such as ensuring there is adequate parking on neighborhood streets for residents and businesses, minimizing noise in evening hours, and minimizing glare from commercial lighting.

Goal CH-10: *Minimize impacts between residential uses and adjoining institutional and commercial uses.*

Policy CH-10.1: *Mitigate negative impacts of commercial and institutional development on residential areas to protect neighborhood character.*

Regulating building height, building mass, building placement, vehicular access and traffic impacts and/or providing landscape buffers can be used to reduce negative impacts of commercial and institutional uses on surrounding residential uses. Mitigate adverse impacts through environmental review, development regulations and appropriate conditions imposed through development review.

6. Transportation

The circulation patterns in the Central Houghton Neighborhood are well established. 108th Avenue NE, a designated minor arterial, provides the primary north-south route through the Central Houghton Neighborhood. It also provides local access for a substantial number of residences, schools and businesses.



NE 68th Street which forms the northern boundary of the neighborhood is also a minor arterial. NE 52nd Street is designated a collector street providing an east-west connection between 108th Avenue NE and Lake Washington Blvd. NE 53rd Street between 108th Avenue NE and 114th Avenue NE is also a collector street. All other streets within the neighborhood are classified as neighborhood access

streets. They provide access to adjacent residences and connect to the collectors and minor arterial.

Nonmotorized transportation is addressed in the City's Active Transportation Plan and implemented through the Capital Improvement Program or through private development. The design of these improvements should enhance neighborhood access while fitting into the unique areas they traverse.

Goal CH-11: *Maintain mobility along 108th Avenue NE as a major vehicle, transit, pedestrian and bicycle corridor through the neighborhood.*

Policy CH-11.1: *Retain the existing three lane configuration for 108th Avenue NE.*

Traffic on 108th Avenue NE is often heavy, particularly during morning and evening commute periods. Congestion restricts local access to and from 108th Avenue NE and creates conflicts for bicyclists, adjacent residents, and pedestrians, including children arriving at and leaving the schools. Future traffic levels should be monitored and appropriate measures should be considered to mitigate impacts.

Policy CH-11.2: Enhance attractiveness and accessibility of 108th Avenue NE for all modes of transportation.

A master plan for 108th Avenue NE should be established through a public process. The plan should consider installation of streetscape amenities such as pedestrian lighting, street furniture, and low level landscaping to enhance the pedestrian experience and the continuation, widening and signing of bicycle lanes.

Policy CH-11.3: Implementation of street improvements should occur through both the City's Capital Improvement Program process and through site specific private development.

The means to implement improvements should be determined on a comprehensive area-wide basis and to the extent possible, on an incremental basis by encouraging or requiring the incorporation of improvements into private developments.

Policy CH-11.4: Support transportation measures that will reduce commuter or pass through traffic through the neighborhood.

The City should support and encourage the following measures:

1. Alternatives to single-occupancy vehicles for commuting purposes, such as public transportation, commuter pools, high-occupancy vehicles (HOV), and potentially other transportation modes such as light rail.



2. Improvements to the I-405/SR 520 corridors.

Goal CH-12: Encourage mobility and the use of nonmotorized transportation by providing improvements for pedestrians and bicyclists.

Policy CH-12.1: Improve the pedestrian and bicycle circulation systems both as a recreation amenity and alternative transportation option.

Pedestrian and bicycle pathways are part of the transportation system but also provide recreational opportunities. Pathways and trails should be provided to activity nodes such as the Houghton/Everest Neighborhood Center, parks and transit facilities, and the Lakeview Neighborhood. Directional signs indicating path locations should also be provided.

Policy CH-12.2: Support future development of the Eastside Rail Corridor as a multipurpose trail for pedestrian and bicycles with access points along the corridor.

The unused BNSF railroad right-of-way, known as the Eastside Rail Corridor, provides an opportunity for a bicycle, pedestrian and rail transportation corridor. Pedestrian and bicycle transportation is a high priority, but regardless of the function of the Corridor it should be designed so that it will:

- Serve as a gateway to the City.
- Provide neighborhood pedestrian and bicycle connections, with the highest priority access points at NE 52nd, NE 60th and NE 68th Streets.

- Be compatible with adjacent neighborhoods.
- Ensure a high degree of safety.
- Show environmental stewardship.

7. Open Space and Parks

There are currently three publicly owned parks and two public school-based recreation sites within the Central Houghton Neighborhood. The neighborhood has been fortunate to have a high degree of community involvement in the development and maintenance of its park facilities.

The City has a level of service (LOS) goal of locating a neighborhood park within a quarter-mile radius of each household in Kirkland. This desired LOS standard is being met for the Central Houghton Neighborhood. LOS within the neighborhood is also enhanced by the proximity of parks just outside the defined neighborhood boundaries, including Terrace Park, Houghton Beach Park, Marsh Park, and Everest Park.

Watershed Park is an undeveloped 73-acre park which takes up a large amount of the southeastern portion of the neighborhood. It is heavily wooded with varying terrain including steep slopes, and



features soft-surface walking trails. This property has been identified as a high priority for removal of invasive plants and for revegetation activities for its urban reforestation program.

Any future development of the park should be undertaken following a community-based master planning process. Considerations for a park master plan should include protection and enhancement of natural resources and minimizing potential impacts to surrounding residential areas.

Phyllis A. Needy Houghton

Neighborhood Park is a small 0.50

acre neighborhood park adjacent to 108th Avenue N.E. It includes a small playground, a basketball hoop, and picnic tables. No further development of this park is anticipated.

Carillon Woods is an 8.7 acre neighborhood park that features soft-surface and asphalt trails, interpretive signage, native plantings, and a children's playground. Carillon Woods was historically the water supply for Yarrow Bay and was designated Water District #1. It was later purchased from the Water District by the City through a park bond and its creation and use were determined through several public workshops. Approximately 2 acres of the property are fenced off to protect several deactivated artesian wells, steep slopes, wetlands, and emerging springs which serve as the headwaters for Carillon Creek. As with Watershed Park, reforestation efforts are a high priority for this property. Although no further development is anticipated for this park, the removal of existing wells, pumping systems, and other facilities related to former use of the site by a local water district should occur in the future.

B.E.S.T. High School is on a 10 acre site and is part of the Lake Washington School District (LWSD). The City has constructed and maintains a multi-purpose playfield at B.E.S.T. High School through an interlocal agreement with LWSD. The playfield is available for both organized and informal sports activities such as baseball/softball, soccer, and football. A small gymnasium at the school is also available on a limited basis for community recreation programming, with scheduling and use dictated by LWSD.

International Community School (ICS) is located at the north end of the neighborhood. This approximately 11- acre site provides both indoor and outdoor recreation space for the neighborhood. All facilities on the property are maintained by LWSD.

Goal CH-13: Ensure adequate park and recreation facilities in the Central Houghton Neighborhood.

Policy CH-13.1: Pursue acquisition of property and partnerships with schools and other institution in Central Houghton.

The City should seek opportunities to acquire land to expand parks as properties adjacent to existing parks become available. It is also important to provide and maintain a diversity of park recreation types for the neighborhood. The City should pursue cooperative agreements for joint use of the facilities at schools and other institutions. In addition, street ends should be developed and expanded into park and open space areas for public enjoyment.

8. Public Services and Facilities

Water, sewer, and drainage services and facilities are adequate for existing and foreseeable future developments in the Central Houghton Neighborhood. The goals and policies contained in the Utilities, Capital Facilities and Public Services Chapters of the Comprehensive Plan provide the general framework for these services and facilities.

Goal CH-14: Provide public and private utility services for the Central Houghton Neighborhood.

Policy CH-14.1: Undergrounding of overhead utilities should be actively encouraged.

In order to contribute to a more attractive and safe living environment, to improve views and enhance a sense of community identity, the undergrounding of utilities should be actively encouraged.

9. Urban Design

Central Houghton's unique urban design assets are identified in Figure CH-5 and play an important role in the visual image of the Central Houghton Neighborhood.

Views

Goal CH-15: Preserve public view corridors and natural features that contribute to the visual identity of the Central Houghton neighborhood.



Policy CH-15.1: *Preserve public scenic views and view corridors of Lake Washington, Seattle and the Olympic Mountains from public rights-of-ways and parks.*

Public view corridors are important assets and should continue to be enhanced as new development occurs. Wide, expansive views of Lake Washington looking west from public rights-of-ways should be maintained. Street trees along rights-of-ways that offer local and territorial views should be of a variety that will not block views as trees mature.

Gateways

Goal CH-16: *Enhance gateways to the neighborhood to strengthen neighborhood identity.*

Policy CH 16.1: *Use public and private efforts to establish gateway features at the locations identified in Figure CH-5.*

Gateways welcome residents, employees and visitors into the City and help define neighborhood identity. Gateways can be in the form of natural features, such as landscaping or structures, such as signs or buildings. The northern and southern gateways to the Central Houghton neighborhood both occur along 108th Avenue NE. The City should pursue opportunities to work with private property owners to install neighborhood gateway features as part of future development. Improvements such as signs, public art, structures, lighting and landscaping can be included.

Design Standards for 108th Avenue NE and Pedestrian Pathways

Goal CH-17: *Provide public improvements that contribute to a sense of neighborhood identity and enhanced visual quality.*

Policy CH-17.1: *Identify design standards for 108th Avenue right-of-way:*

These standards should include:

- Adequate sidewalk widths on both sides of the street.
- Street trees that are of a type that will not block views from the public rights-of-way as the trees mature.
- Public amenities such as benches, pedestrian lighting, public art, beautification of traffic medians and directional signs pointing to public facilities and points of interest.

Central Houghton Neighborhood Plan Figures:

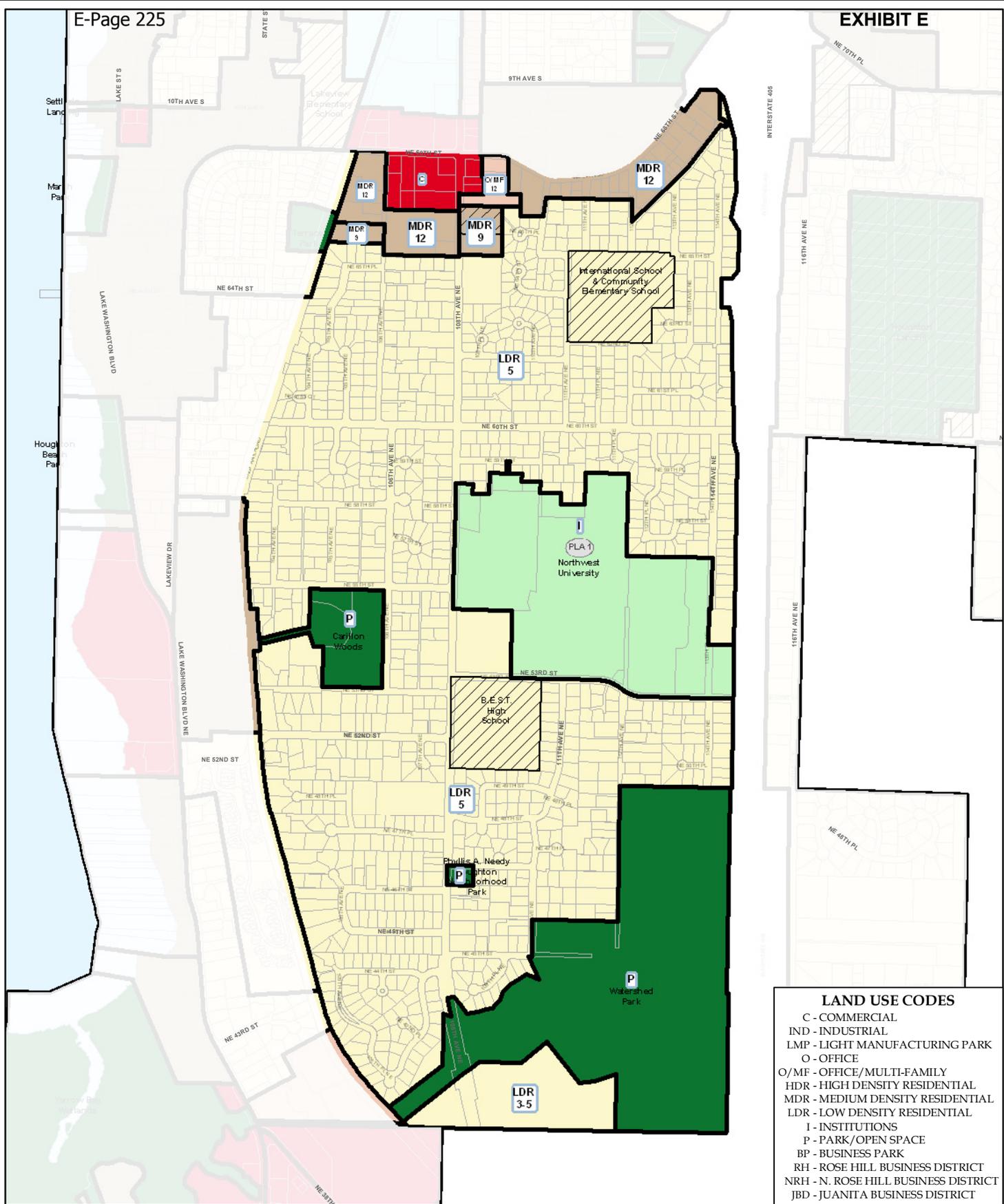
CH-1 - Land Use

CH-2 - Sensitive Areas

CH-3 - Geological hazardous areas

CH-4 - Transportation street network

CH-5 - Urban design assets



LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- 1 - INSTITUTIONS
- P - PARK/OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

Central Houghton Neighborhood Land Use Map

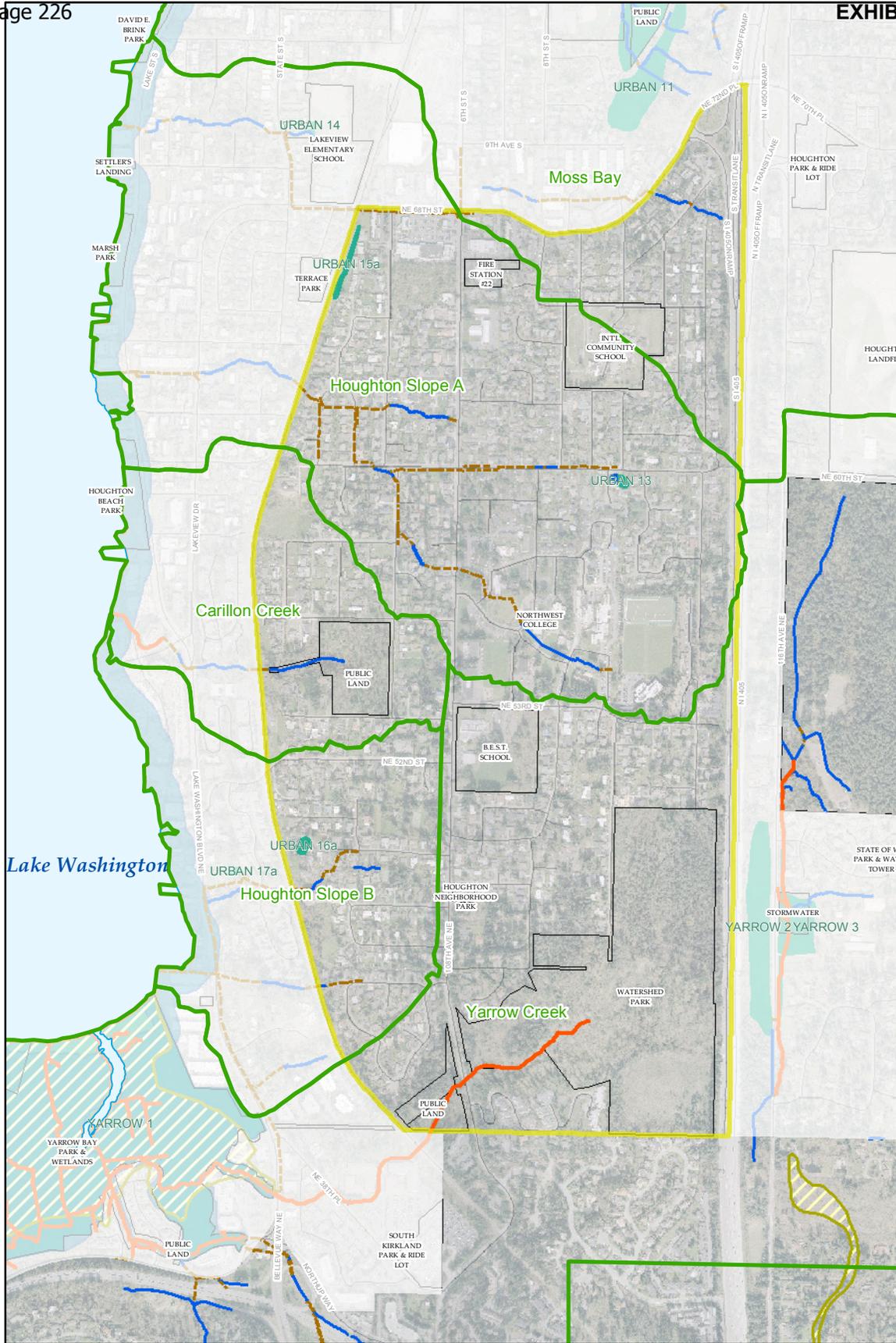
ORDINANCE NO. 3974
ADOPTED by the Kirkland City Council
December 14, 2004

LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY

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Legend

- Known Salmonid Locations
- Streams in Pipes
- Open Streams
- 100-Year Floodplain
- Wetlands
- Shoreline of Statewide Significance
- Drainage Basin Boundaries
- Selected Public Properties
- Lakes
- Central Houghton Neighborhood Boundary

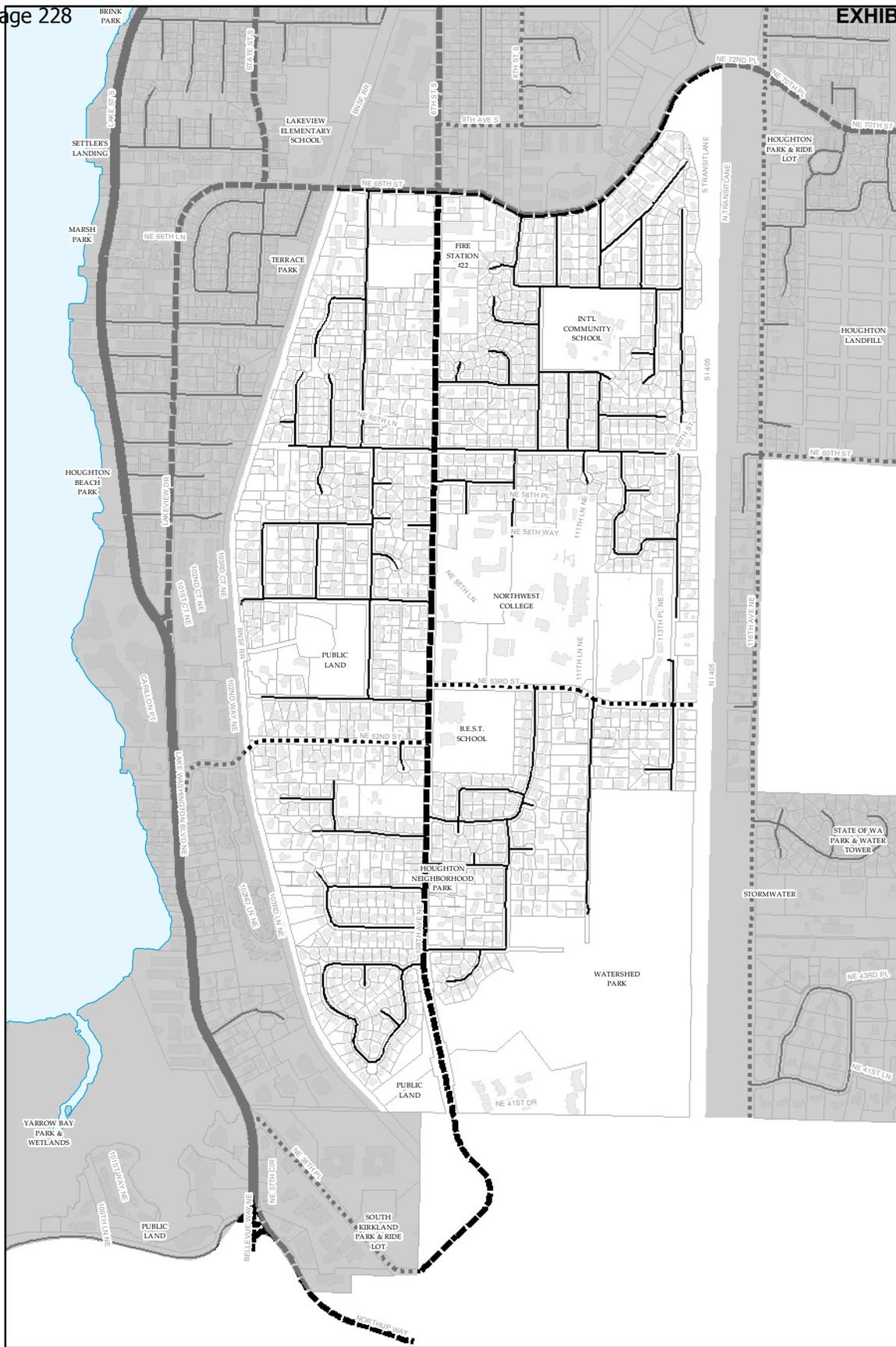
N

0 600 1,200
Feet

Scale: 1" = 1,200'

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Figure CH-2: Central Houghton Sensitive Areas



- Legend**
- Neighborhood Access
 - Collector
 - Minor Arterial
 - Principal Arterial
 - Building Footprints
 - Tax Parcel Boundaries

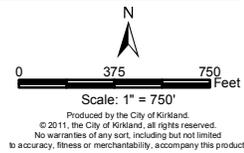


Figure CH-4: Central Houghton Street Classifications

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4329

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT THE CENTRAL HOUGHTON NEIGHBORHOOD PLAN UPDATE; AMEND THE LAND USE ELEMENT AND IMPLEMENTATION STRATEGIES CHAPTERS; ADJUST THE NEIGHBORHOOD BOUNDARY LINE BETWEEN CENTRAL HOUGHTON AND LAKEVIEW; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON09-00016 .

SECTION 1. Amends the following specific portions of the Kirkland Comprehensive Plan:

- A. Amends City of Kirkland Neighborhoods Map in the Introduction;
- B. Amends Figure LU-2 Commercial Areas in the Land Use Element;
- C. Amends text in Policy LU-5.8 in the Land Use Element;
- D. Adds text to Table IS-1: Implementation Tasks in the Implementation Strategies Chapter
- E. Repeals existing Central Houghton Neighborhood Plan and replaces it with a new Central Houghton Neighborhood Plan;

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, which will be more than five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2011

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

City Clerk

ORDINANCE NO. O-4330

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING KIRKLAND MUNICIPAL CODE SECTION 22.28.042 – LOTS - SMALL LOT SINGLE FAMILY TO INCLUDE THE CENTRAL HOUGHTON NEIGHBORHOOD AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON09-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend the Municipal Code, as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council for the Central Houghton Neighborhood dated September 7, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON09-00016; and

WHEREAS, prior to making said recommendation the Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070 and RCW 36.70A.035, held a public hearing on June 23, 2011 on the amendment proposal and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued on June 15, 2011 by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission and Houghton Community Council;

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

Section 1. The following specific portions of the Municipal Code are hereby amended to read as follows:

Section 22.28.042 – Lots – Small lot single-family. as set forth in Exhibit A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 full force and effect January 1, 2012, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

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

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

22.28.042 Lots—Small lot single-family.

In the **Central Houghton**, Market and Norkirk neighborhoods, as defined in the comprehensive plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least six thousand square feet.
- (c) The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4102 § 1(A), 2007)

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4330

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING KIRKLAND MUNICIPAL CODE SECTION 22.28.042 – LOTS - SMALL LOT SINGLE FAMILY TO INCLUDE THE CENTRAL HOUGHTON NEIGHBORHOOD AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON09-00016.

Section 1. Amends the following specific portions of the Municipal Code:

- A. Section 22.28.042 – Lots – Small lot single-family to include the Central Houghton Neighborhood.

Section 2. Provides a severability clause for the ordinance.

Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, which will be more than five days after publication of summary.

Section 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2011.

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

City Clerk

ORDINANCE NO. O-4331

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT THE LAKEVIEW NEIGHBORHOOD PLAN UPDATE; AMEND THE COMPREHENSIVE LAND USE MAP AND IMPLEMENTATION STRATEGIES CHAPTER; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON07-00032.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council for the Lakeview Neighborhood dated September 7, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00032; and

WHEREAS, prior to making said recommendation the Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070 and RCW 36.70A.035, held public hearings on June 23, 2011 and July 14, 2011 on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued on July 15, 2011 by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission and Houghton Community Council; and

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

Section 1. Comprehensive Plan Text and Graphics amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, be and they hereby are amended to read as follows:

- A. Section VI. Land Use Element:
Map amendment to Figure LU-1: Comprehensive Land Use Map as set forth in Exhibit A attached to this ordinance and incorporated by reference.

- B. Section XIV. Implementation Strategies:
Amendment to Table IS-1: Implementation Tasks as set forth in Exhibit B attached to this ordinance and incorporated by reference.
- C. Section XV.A Lakeview Neighborhood Plan:
Updated Lakeview Neighborhood Plan as set forth in Exhibit C attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 full force and effect January 1, 2012, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

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

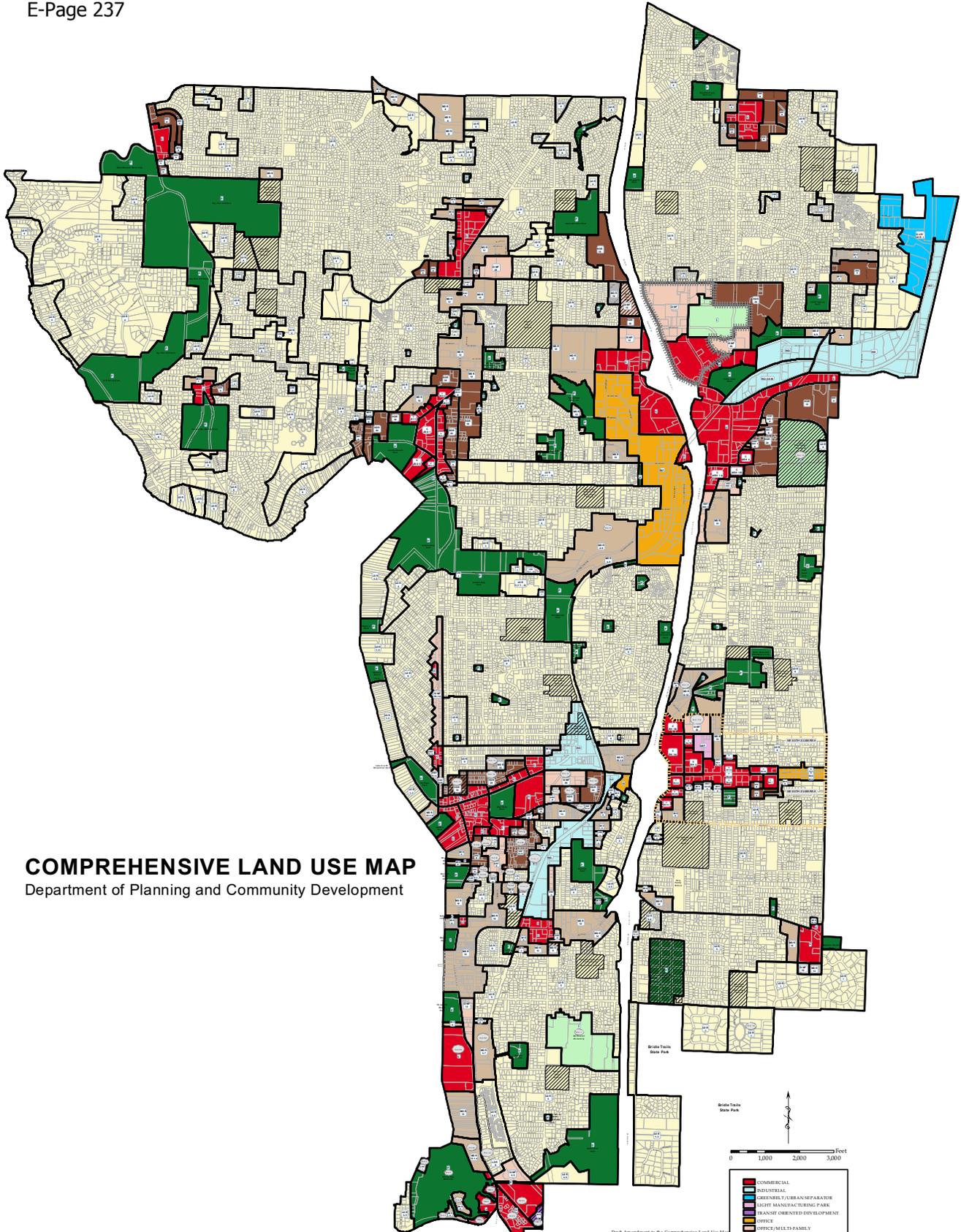
Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney



COMPREHENSIVE LAND USE MAP
 Department of Planning and Community Development

Draft Amendment to the Comprehensive Land Use Map
 Prepared August 2, 2011

LAND USE CODES

C-COMMERCIAL
IND-INDUSTRIAL
LMP-LIGHT MANUFACTURING PARK
TOD-TRANSIT ORIENTED DEVELOPMENT
O/OFFICE
O/MF-OFFICE/MULTIFAMILY
HR-HIGH DENSITY RESIDENTIAL
MR-MEDIUM DENSITY RESIDENTIAL
LR-LOW DENSITY RESIDENTIAL
I-INSTITUTIONS
P-PARK/OPEN SPACE
BP-BUSINESS PARK
BR1-ROSE HILL BUSINESS DISTRICT
BR2-N. ROSE HILL BUSINESS DISTRICT
BR3-JUANITA BUSINESS DISTRICT
CR-CREEK WELLY URBAN/SEPARATIST

[Red Box]	COMMERCIAL
[Blue Box]	INDUSTRIAL
[Light Blue Box]	GREENBELT/URBAN SEPARATIST
[Dark Blue Box]	HEAVY MANUFACTURING PARK
[Orange Box]	TRANSIT ORIENTED DEVELOPMENT
[Yellow Box]	OFFICE
[Light Green Box]	OFFICE/MULTIFAMILY
[Dark Green Box]	HIGH DENSITY RESIDENTIAL
[Medium Green Box]	MEDIUM DENSITY RESIDENTIAL
[Light Green Box]	LOW DENSITY RESIDENTIAL
[Green Box]	INSTITUTIONS
[Light Green Box]	PARK/OPEN SPACE
[Hatched Box]	LAND USE BOUNDARIES
[Dashed Box]	SEPARATE BOUNDARY
[Dotted Box]	SYSTEM CENTER
[Cross-hatched Box]	PUBLIC FACILITIES
[Thin Line]	PARCEL BOUNDARIES
[Circle]	PLANNED AREA NUMBER
[Square]	PLANNED AREA USE CODE
[Star]	DENSITY (# UNITS/ACRE)

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LU-1 Comprehensive Land Use Map

XIV. IMPLEMENTATION STRATEGIES

**Table IS-1
Implementation Tasks (Continued)**

TASK	PRIORITY
LAND USE ELEMENT	
<u>Projects</u>	
LU.1. Prepare zoning regulations consistent with the revised NE 85th Street Subarea Plan.	**
LU.2. Prepare zoning regulations consistent with the revised Totem Lake Neighborhood Plan.	**
LU.3. Review existing development regulations for consistency with State law on the process for essential public facilities.	
LU.4. As part of the Bridle Trails Neighborhood Plan Update project, review land use densities and zoning for consistency with the GMA.	
LU.5. Refine open space network maps, identify missing links, and develop preservation techniques.	
LU.6. Amend the Zoning Code as appropriate to establish standards for residential markets.	*
<u>Ongoing</u>	
LU.7.8 When neighborhood plans are updated, consider design principles and standards for the local commercial center(s).	
LU.8.9 Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Development capacity; ◆ Development trends; and ◆ Demographics. 	
<b style="color: red;">LU.7. Research KZC 162 allowance for maintenance & redevelopment of existing multi-family developments that do not conform to current density standards. Consider the ability of these units to retain housing capacity and affordability.	
HOUSING ELEMENT	
<u>Projects</u>	
H.1. Consider regulations that allow innovative housing, including compact development and cottage housing.	**
H.2. Adopt regulations for market incentives to encourage low- and medium-income housing.	**
<u>Ongoing</u>	
H.3. Adopt a housing strategy plan and work program at least every five years that outlines housing strategies to be considered in order to address the City's housing needs and goals.	
H.4. Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Construction and demolition of affordable housing; ◆ Creation of accessory units and associated rent levels. 	
H.5. Continue to work with ARCH to fund low-income and special needs housing projects.	

XIV. IMPLEMENTATION STRATEGIES

**Table IS-1
Implementation Tasks (Continued)**

TASK	PRIORITY
HUMAN SERVICES ELEMENT	
<u>Ongoing</u>	
HS.1. Review the Senior Council’s Strategic Plan every five years and revise as appropriate.	
HS.2. Review the Youth Council’s Strategic Plan every five years and revise as appropriate.	
HS.3. Continue regional collaboration of the Human Service’s grant program to increase efficiencies.	
HS.4. Identify potential funding sources and submit grant applications for Senior, Youth and Human Services programs.	
CAPITAL FACILITIES ELEMENT	
<u>Projects</u>	
CF.1. Consider new revenue sources for capital facilities and implement as appropriate, including voter-approved bond issues.	*
<u>Ongoing</u>	
CF.2. Annually update the Capital Facilities Element to reflect capacity of facilities, land use changes, level of service standards, and financing capability.	
CF.3. Annually update the Capital Facilities Element consistent with the Capital Improvement Program.	
CF.4. Periodically update impact fees to reflect increases in road and park construction costs.	
NEIGHBORHOOD PLANS	
<u>Ongoing</u>	
NP.1. Regularly review neighborhood plans and amend as appropriate.	*
NP.2. Incorporate the following capital project elements into the CIP and CFP processes and/or the neighborhood connection and neighborhood grant program:	
Highlands Neighborhood	
Emergency Access Bridge to Forbes Creek Drive	
Highlands Park facility improvement	
Nonmotorized street enhancements to 116th Avenue NE and NE 87th Street	
Cedar View Park play structure	
Market Neighborhood	
Neighborhood park development in north sector	
View stations at 4th and 5th Street West	
Improved Market Street access	
Market Street Corridor	
Pedestrian and bicycle facilities	

Lakeview Neighborhood
 1. Work with the Public Works Department to have historic street names added to street signs as they are replaced.
 2. Identify streetscape standards for Lake Washington Boulevard.

Lakeview Neighborhood Plan

1. Overview

The Lakeview Neighborhood is bounded by Lake Washington on the west and the Burlington Northern Santa Fe Railroad (BNSFR) right of way and the Central Houghton Neighborhood to the east (See Figure L- 1, Land Use Map). Lake Washington Boulevard and Lakeview Drive provide north-south vehicular, bicycle and pedestrian connections from the SR 520 interchange to Downtown Kirkland and adjacent neighborhoods. The Yarrow Bay Business District serves as a southern gateway to the City.

The Marsh and Houghton Beach waterfront parks are recreational hubs for neighborhood residents and visitors, while Terrace Park serves as a neighborhood park. Yarrow Bay wetlands with its lush tree canopy functions as a pristine wetland and stream system and provides critical wildlife habitat while serving as a sanctuary from surrounding urban development.

Land uses within the neighborhood consist of low to medium residential densities, offices and neighborhood oriented businesses. Carillon Point is an important employment center and regional tourism draw with its mix of offices, retail, hotel, restaurants, housing and marina on the shores of Lake Washington. The Yarrow Bay Business District contains large office parks with limited services for businesses and freeway travelers.

The policy direction for the waterfront is established in the Shoreline Area Chapter of the Comprehensive Plan. The thrust of those shoreline policies is to maintain residential uses, permit water-dependent commercial uses where commercial uses presently exist, and place a high priority on public access to the water either through park acquisition or pedestrian easements.

2. Vision Statement

The following vision statement is intended to describe the desired state of the neighborhood 20 years in the future.

Located along the eastern shores of Lake Washington the Lakeview Neighborhood has a special waterfront town charm. Lakeview residents value the visual and physical connection to Lake Washington. Wide, expansive views of the Lake and the Olympic mountains have been sustained because of careful selection and placement of trees and vegetation, to avoid view obstruction of the Lake from public streets and properties to the east. Over time the neighborhood has maintained its unique waterfront neighborhood character.

The neighborhood is a mix of single family and multifamily residential areas, offices, neighborhood oriented businesses and two commercial centers - Carillon Point and the Yarrow Bay Business District. Adequate parking is available on streets for easy access to neighborhood oriented businesses in the center of the neighborhood.

Infill development on the Houghton and Yarrow Bay slopes continues while maintaining the visual character of the hillsides and retaining trees to the maximum extent. Overall, the neighborhood has resisted development pressure to allow a large amount of density increases.

The Yarrow Bay Business District is a vibrant pedestrian urban village with a mix of commercial uses, housing, hotels, and services for businesses, residents, transit users and freeway travelers. The Business District has evolved over time to incorporate pedestrian oriented improvements such as landscaped green spaces and plazas for people to gather, public art, and improved street design with decorative pedestrian lighting.

The South Kirkland Park and Ride lot has transformed from a surface parking lot and transit center to a transit oriented development with additional parking stalls to serve transit riders, a mix of housing for a range of incomes, commercial services, improved vehicular and pedestrian access to the site and is a well designed architectural gateway to the City.

The street network in Lakeview is well established. A master plan for Lake Washington Boulevard has resulted in creating a streetscape design that includes wide sidewalks, landscaping, pedestrian decorative lighting, benches, and art. Improvements to both Lake Washington Boulevard and Lakeview Drive have increased pedestrian and bicycle safety and reduced traffic congestion.

Pedestrian and bicycle trails provide increased connections between the Yarrow Bay wetlands, Lake Washington Boulevard, Watershed Park, Carillon Woods Park and the future Eastside Rail Corridor along the old BNSF railroad right of way.

Lakeview's parks are clean, well maintained, and enjoyable for residents and visitors. Our waterfront parks are a model for how shoreline areas can provide a soft, natural shoreline to improve habitat with the planting of native vegetation. Access to a majority of the water's edge has been maintained for residents to enjoy our lake.

Our streams and wetlands are protected through management of development, maintaining existing vegetation and restoration projects. At the Yarrow Bay wetlands, people may observe the scenic beauty of the wetlands and wildlife habitat from viewpoints.

3. Historical Context

The Lakeview neighborhood is part of what was once the city of Houghton until 1968 when Houghton merged with Kirkland. As a result of the merger, the Houghton Community Council retained jurisdiction over land use decisions within the neighborhood.

Notable Houghton settlers were the Samuel French, the Jay O'Conner, the Curtis, Fish and Lute Marsh families. What is now known as the Orton House (Sutthoff House) at 4120 Lake Washington Blvd. was originally built in 1903 by realtor Charles Parrish for the Morris Orton family. The Orton house was then rented to a Dr. George Hudson Davis around 1910 and used as the area's first hospital and dental office. The Herman Schuster house (grandfather of Louis Marsh) was built just north of the Orton home. The French house was moved from its original location at 10126 NE 63rd Street to its present location at 4130 Lake Washington Blvd. in 1978.

In 1929, Louis Marsh built the Marsh Mansion on the property (6610 Lake Washington Blvd.) his parents purchased in 1905. Marsh Park, donated by Mr. Marsh, is on the land he acquired when Lake Washington was lowered in 1916. Harry French and other Houghton residents commuted to Seattle to work in Yesler's Mill either by rowing boats, by horse or daily ferry service. Harry French built a frame cabin for his family which later became Pleasant Bay's (original name for Houghton) first classroom and its first Sunday school.

The French House was moved from 10129 NE 63rd ST to 4130 Lake Washington Blvd. in 1978.

On Lake Washington Boulevard between NE 59th – 60th Streets, two older buildings exist that have been used as an antique store and offices. One was built in the 1900's and was the early site of the Houghton Post Office.

Where Carillon Point is today was the original location of the Lake Washington Shipyard, started in 1905 by two brothers-in-law - Bartsch and Tompkins. The shipyard was an employment hub, building wood ships during the First World War, then steel ships during the Second World War.

Near this location, NE 52nd Street (Curtis Road) was the first street in Houghton connecting Lake Washington Boulevard to 108th Avenue NE (Cort Road). After the shipyards closed in the late 1940's, the site was used for many years as a practice facility for the Seattle Seahawks football team.

Curtis Landing dock and the Houghton Post Office location.

The Lakeview Terrace neighborhood south of NE 68th Street and Lakeview Drive was built in 1942 to serve as housing for the Lake Washington Shipyard workers during the Second World War and many of the existing homes remain today. Terrace Park was originally the site for a community center for the Lakeview neighborhood during the war. Around 1955, the buildings were converted to house the Houghton City Hall, library, fire station and police station.

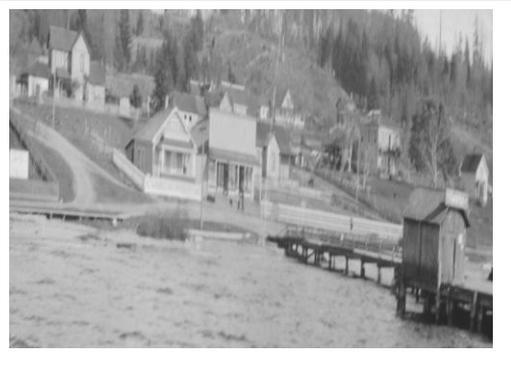
Lake Washington Shipyards during WWI and WWII.

For more detail on the history of Houghton see the Central Houghton Neighborhood Plan and the Community Character Chapter for goals and policies regarding the preservation and designation of historic buildings, structures, sites and objects of historical significance.

Goal L-1: Encourage preservation of structures, sites and objects of historical significance in the Lakeview Neighborhood.

Policy L-1.1: Encourage property owners to preserve buildings, structures, sites and objects of historical significance.

The Community Character Element list of Historic Buildings, Structures, Sites and Objects includes the structures and sites in the Lakeview Neighborhood: the Marsh Mansion at 6610 Lake Washington Blvd., the French House at 4130 Lake Washington Blvd., and the Orton House at 4120 Lake Washington Blvd,



the Shumway site at 510-528 Lake Street S. (structure was moved to Juanita), Lake Washington Shipyards site at Carillon Point and the Lake House site at 10127 NE 59th ST. The Marsh Mansion is recognized on the National and State Registers of Historic Places and contains a Historic Landmark zoning designation.

Notwithstanding the language regarding historic structures in the Goals and Policies Section of this Comprehensive Plan, it is the intent of the Houghton Community Council and the Kirkland City Council that only residential use should be permitted in either the Orton or French houses at their present site. The Marsh Mansion is the only historic structure which should be considered as possibly appropriate for non-residential use.

Policy L-1.2: Provide directional signs, markers and interpretive information at structures, buildings, sites or objects of historical significance.

Individual historic properties are encouraged to add historic plaques and interpretive signs. Additional directional signs and interpretive centers at or near structures, buildings, sites or objects of historical significance around the neighborhood would help bridge the Houghton's rich history with future generations. Most of the original historic street names have been changed over the years. As street signs are replaced, the original street names could be added to recognize the neighborhood's history. The Community Character Element of this Comprehensive Plan lists other techniques to preserve the neighborhood's history.

4. Natural Environment

Goal L-2: Protect and enhance the natural environment in the Lakeview Neighborhood.

Natural Water Systems

Policy L-2.1: Protect and improve water quality and promote fish passage by undertaking measures to protect Lake Washington, and the wetlands and streams in the Carillon Creek, Yarrow Creek and Houghton Slope basins.

Four drainage basins and associated creeks flow through Lakeview toward Lake Washington: Yarrow Creek, Houghton Slope A, Houghton Slope B, Carillon Creek and Yarrow Bay wetlands (See Figure L- 2, Sensitive Areas Map). These drainage systems provide important ecological functions such as flood and storm water conveyance, water quality, fish habitat, wildlife and riparian corridors, and open space benefits. Cutthroat Trout inhabit Yarrow Creek. Cochran Springs Creek is considered a tributary to Yarrow Creek and also contains Cutthroat Trout, juvenile Coho salmon and Lamprey.

Where feasible, barriers within stream corridors should be removed to allow fish passage (such as through the SR 520 interchange, along Northup Way, and at the railroad crossing). Use of pesticides and fertilizer near stream and wetland areas is discouraged.

Policy L-2.2: Develop viewpoints and interpretive information around streams and wetlands if protection of the natural features and private property can be reasonably ensured.

Yarrow Bay wetlands function as a pristine natural wildlife reserve and water quality system filtering contaminants prior to discharge into Lake Washington. With improved access, the wetlands would also

provide passive recreation and educational opportunities. Installation of viewpoints would improve visual access to the wetlands and Lake Washington if they could be constructed to protect the natural system and rights of private property owners.

Soils and Geology

The Houghton and Yarrow Slopes contain soils susceptible to moderate to high landslide hazards particularly when wet or sliding as a result of earthquake activity (See Figure L-3 Geologically Hazardous Areas Map).

Policy L-2.3: Manage development to protect potentially hazardous areas, such as landslide, erosion, and seismic areas.

Houghton Slope

The most sensitive portions of the Houghton Slope are generally south of NE 58th Street. The soil types there are prone to sliding and erosion; and the slopes are steep, averaging 15 percent with portions greater than 40 percent. There are several steep ravines which have a particularly high hazard of sliding because of the large amounts of groundwater in the slope causing artesian pressure and many small streams. The trees and other vegetation on the slope help to provide slope stability. They also provide significant aesthetic value because of the wooded slopes, particularly for those who enter the City from the south on Lake Washington Boulevard.

Houghton Slope north of NE 58th Street although less sensitive than the slopes further south also bears careful scrutiny. This area is mostly developed with low- and medium-density residential. Construction on or adjacent to these slopes may cause or be subject to land sliding, excessive erosion, and drainage or other problems associated with development on a slope.

Yarrow Slope

The Yarrow Slope, west and south of the Yarrow Bay Wetlands has also been identified as having soils susceptible to moderate landslide hazards. Some landslides occurred in the early 1960s southward along the present location of SR520. Nearby landslides, steep slopes, high water content, and peat deposits warrant additional geotechnical analysis to ensure slope stability. Locating structures on the site to minimize disruption to natural systems such as steep slopes, hillside streams and wetlands is preferred. Development on these slopes should consider the same development standards listed under the Houghton Slope land use section below.

Some properties surrounding the Yarrow Bay Wetlands contain seismic hazard areas because the soil type is subject to risk of earthquake damage as a result of seismically induced settlement or soil liquefaction. Regulations governing development on geologically hazardous areas are located in the Kirkland Zoning Code.

Policy L-2.4: Protect wildlife throughout the neighborhood and encourage the creation of backyard sanctuaries for wildlife habitat.

The National Wildlife Federation has designated the City of Kirkland as a certified Community Wildlife Habitat. The Community Wildlife Habitat Program for the City began in the Central Houghton Neighborhood. Lakeview contains many wildlife corridors connecting parks in the Central Houghton

neighborhood and along stream channels to Lake Washington and Yarrow Bay Wetlands. Residents are encouraged to improve wildlife habitat on their private property by planting native vegetation, providing food, water, shelter and space for wildlife.

5. Land Use

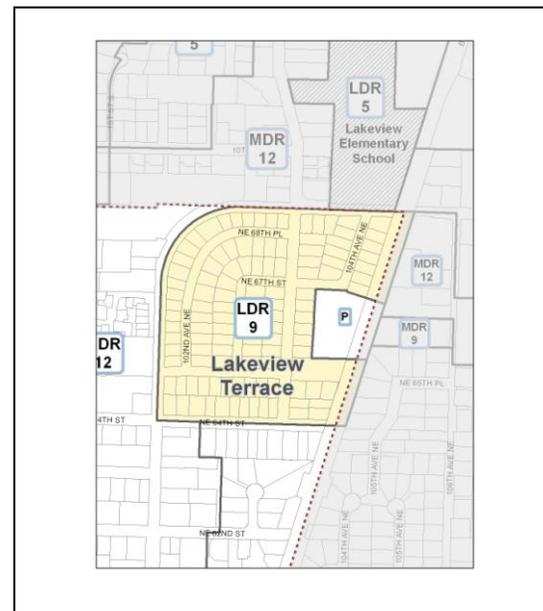
Figure L-1 describes the land use designations throughout the Lakeview Neighborhood.

Residential

Goal L-3: Retain the residential character of the neighborhood while accommodating compatible infill development.

Policy L-3.1: Maintain Lakeview Terrace as a single family residential area up to nine dwelling units per acre.

The single-family residential area of Lakeview Terrace, encircled by Lakeview Drive, NE 64th Street, and the railroad tracks, contains housing with some older structures. This area should be maintained as single-family at up to nine dwelling units per acre reflecting the existing small lots. The area should be protected from encroachment and adverse impacts of neighboring commercial and multifamily uses.



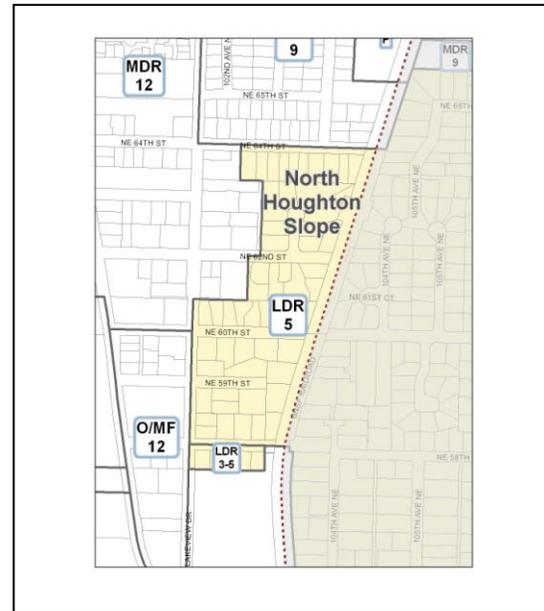
Houghton and Yarrow Slopes

There are geologic constraints, and aesthetic attributes to consider for development on the Houghton and Yarrow Slopes.

Policy L-3.2: Along the Houghton and Yarrow Slopes, establish development standards to protect property from landslides, seismic events and surface water runoff while allowing redevelopment compatible with existing development.

Policy L-3.3: Along the north portion of the Houghton Slope between NE 58th Street and NE 64th Street retain the existing single family residential development at 3-5 dwelling units per acre.

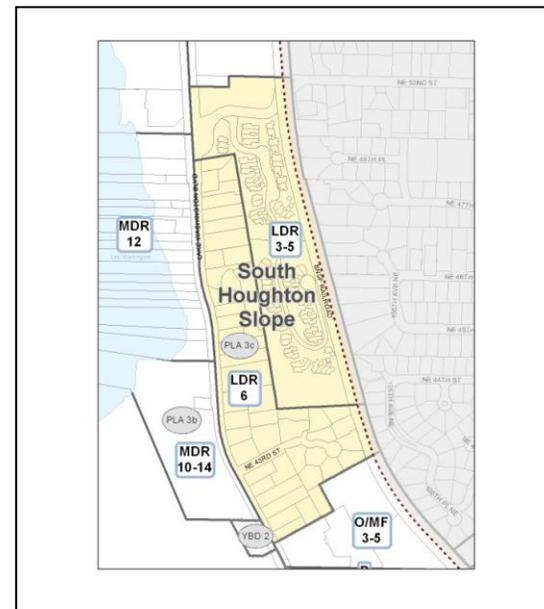
The area bounded by Lakeview Drive, NE 64th Street, the railroad right of way, and approximately NE 58th Street falls within a Moderate Landslide Hazard slope area (see the Natural Environment section). All developments should be preceded by adequate slope stability investigations. The presence of an open stream, limited access, and existing small lot sizes impose limits on the feasible residential densities.



South Houghton Slope

The entire residential area south of NE 58th Street lies on the part of the Houghton Slope identified as containing High Landslide Hazard soils (see the Natural Environment Section). Several underground springs, watercourses and forested ravines located along the hillside may contribute to slope instability.

The east portion of the slope is developed with the Yarrow Hill housing development. The majority of the lots in Planned Area 3C are under single ownership, are long, narrow, and have steep sloped driveways making vehicular and emergency access to Lake Washington Boulevard challenging. In many instances, the line of sight distances for automobiles entering and leaving the flow are generally too short to be safe. For these reasons consolidating driveways and limiting vehicular access points along Lake Washington Blvd should be a priority in the design of new development.



Policy L-3.4: Residential development on the south Houghton slope should be limited. The Yarrow Hill Development should remain at three – four dwelling units per acre. The PLA 3C is appropriate for six dwelling units per acre with a minimum lot size of 5,000 sq. ft. and subject to the development standards listed below.

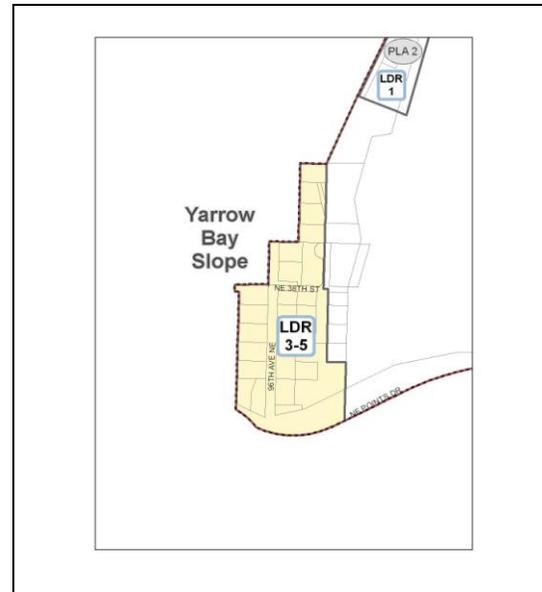
Given the unique physical constraints of the west portion of the slope, the area should be treated as a planned area to allow for flexibility in site design, the location of structures and lot layout to protect steep slopes, existing water courses, and the retention of vegetation. Such techniques as aggregation of lots, smaller lots or clustering of units away from steep slopes should be encouraged.

Development should be subject to a public review process to ensure new development is consistent with the development standards described in Policy L-3.6 and compatible with surrounding existing residential uses. The size of the homes on the smaller lots should be limited by a reduced floor area ratio or other zoning requirements.

Policy L-3.5: Along the Yarrow slope allow residential density of three to five dwelling units per acre.

Along the slope west of the Yarrow Bay wetlands, because of the presence of geological, wetland and stream constraints found in the area, residential densities of three to five dwelling units per acre are appropriate. New development along the slope should also follow the development standards listed below for the Houghton and Yarrow slopes.

Policy L-3.6: Regulate development on Houghton and Yarrow slopes to avoid damage to life and property.

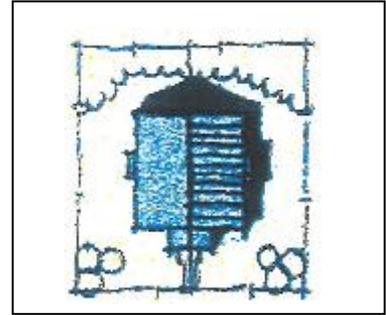


Development Standards for Houghton Slope and Yarrow Bay Slope

The Houghton and Yarrow slopes contain areas identified as potential landslide and erosion hazards. New development on these slopes should use the best management geotechnical practices specific to the site and design of project to minimize any potential hazards. New development should be subject to the following conditions:

1. A slope stability analysis should be prepared which evaluates the site and surrounding area to minimize damage to life and property. Specific structural designs and construction techniques to ensure long term stability should be considered as part of the analysis. Within the PLA 3C area, as part of a development permit, the applicant's geotechnical report should include a hazard assessment. The analysis and recommendations should be reviewed by a qualified geotechnical engineer selected and retained by the City at the applicant's expense.
2. Hillside with the steepest slopes and or ravines may be required to be undisturbed in a natural condition and retained as permanent natural open space through the creation of a greenbelt easement or dedication.
3. A covenant which indemnifies and holds harmless the City for any damages resulting from slope instability should be required to be recorded on the property.
4. Lot coverage should be minimized to retain vegetation and watercourses.
5. Surface water runoff should be controlled at predevelopment levels.

6. Watercourses and wetlands should be retained in a natural state.
7. Vegetative cover should be retained to the maximum extent possible.
8. Flexibility in lot size and layout should be allowed through clustering of structures away from steep slopes and drainage courses and to preserve significant grouping of trees. Minimum lot size should be no less than 5,000 sq. ft. *(does not apply to Yarrow Bay slope)*
9. For sites containing wetlands, the maximum density allowed with sensitive areas is prescribed in KZC Chapter 90.
10. In the PLA 3C area to provide flexibility in site design, one required side or rear yard may be 0 feet (zero lot line) for the internal lot of a short plat or subdivision to allow for a two unit attached homes provided that:
 - a. individual dwelling units are on separate lots, and
 - b. no more than two units may be in one building, and
 - c. Two- unit homes are designed to look like a detached single family house using design techniques such as limiting the points of entry on each facade pitched roofs and covered porches.
11. Encourage properties along Lake Washington Blvd. to consolidate existing driveways to reduce the number of vehicular access points. *(does not apply to Yarrow slope)*
12. Sidewalks along the eastside of Lake Washington Blvd should be widened with new development and subdivisions to improve pedestrian circulation. *(does not apply to Yarrow slope)*
13. The City has the ability to access and provide necessary emergency services.



Goal L-4: Allow alternative residential development options that are compatible with surrounding development.

Policy L-4.1: Allow a variety of development styles that provide housing choice in low density areas.

Providing housing options for a wide spectrum of households is an important objective to support and encourage. Alternative housing provides more housing choice to meet changing housing demographics, such as smaller households and an aging population. Allowing design innovations can help lower land development costs and improve affordability. Compatibility with the predominant detached single family housing style in the neighborhood will determine the acceptance of housing alternatives. Alternative housing styles such as cottage, compact single family, and common wall (attached) homes, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and changing household size and composition.

Policy L-4.2: Encourage diversity in the size of dwelling units by preserving and/or promoting small homes on small lots.

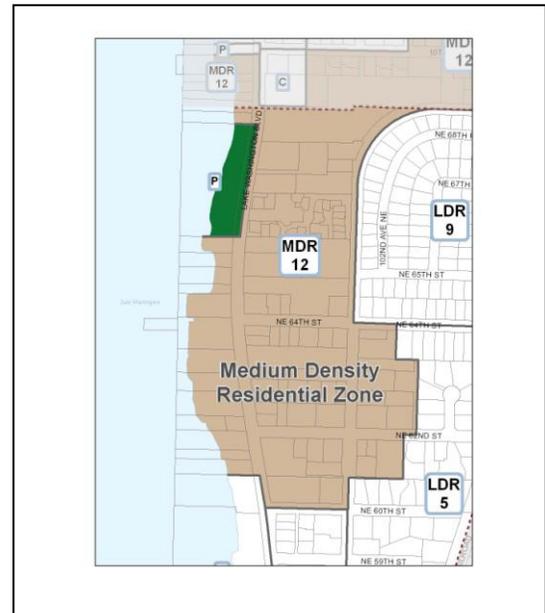
Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the minimum lot size allowed in the zone if at least one of the lots contains a small home. This incentive encourages diversity, maintains neighborhood character, and provides more housing choice. Allowing smaller lots can also be an option for property containing environmentally sensitive areas.

Up to 50 percent of the single family lots within a subdivision should be allowed to be smaller than the zoning normally allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS 7.2 zones and no less than 6,000 square feet in the RS 8.5 zones.

Medium Density Residential

Policy L-4.3: In the north portion of the neighborhood west of Lakeview Drive, allow multifamily use at medium density 12 dwelling units per acre.

In the northern portion of the neighborhood west of Lakeview Drive, medium density residential is appropriate. Some parcels have multi-family development that was constructed under previous higher density development which is non-conforming under the current zoning. The Zoning Code contains the regulations governing nonconforming density.



Yarrow Bay Wetlands and Shoreline Areas

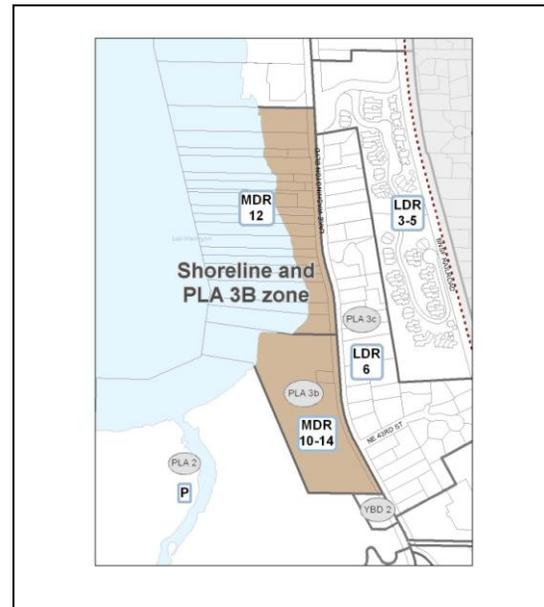
Policy L-4.4: In the upland area of Planned Area 2 adjacent to Points Drive allow multifamily development at a density of 10-12 dwelling units per acre. In the wetland portions of Planned Area 2 limit residential development.

Planned Area 2 is located adjacent to the Yarrow Bay wetlands. Any development in this area should maintain the functional integrity of the wetlands and the biologic functions of storage and cleansing of runoff waters (see Shoreline Area Chapter and Natural Environment section). In 1987, the majority of the Yarrow Bay wetlands were dedicated to the City of Kirkland to ensure protection. The wetlands have also been identified as an area subject to uneven settlement problems. For the land west of the Yarrow Bay wetlands and along the shoreline, densities should be extremely limited. Upland portions of PLA 2, outside the shoreline boundary and adjacent to or with direct access to Points Drive, have been developed as medium-density multifamily development (up to 12 dwelling units per acre).

Policy L-4.5: Allow multifamily, hotel/motel, and limited marina use within Planned Area 3B.

Planned Area 3B is fully developed with multifamily residential. Because of its adjacency to existing single-family and multifamily uses on the east and north, the development of office or other similar nonresidential uses in Subarea B would not be desirable. Use of existing multifamily units for overnight lodging, however, would be acceptable provided that the site development maintains its residential character and that accessory restaurants, retail, or similar uses are not allowed.

North of Yarrow Bay, existing development on the shoreline is primarily residential. As discussed in the Shoreline Area Chapter of this Comprehensive Plan, residential uses should continue to be permitted along the shoreline.



Policy L-4.6: Prohibit commercial uses along the shoreline south of Planned Area 15.

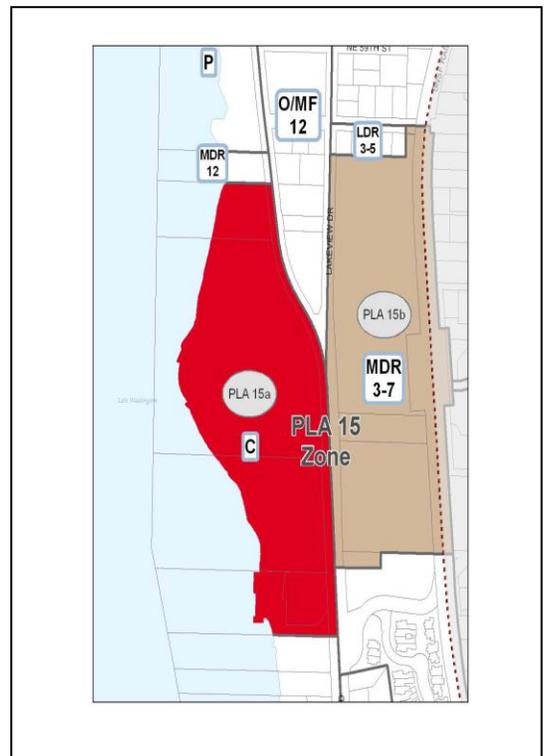
Commercial uses should not be permitted along the shoreline south of Planned Area 15 due to the residential character of the area as well as access and visibility limitations. North of Planned Area 15, commercial activities should be permitted if public access to and use of the shoreline is enhanced. Other standards for shoreline activities are specified in the Shoreline Master Program.

Planned Area 15

Planned Area 15 is comprised of Subarea A located west of Lake Washington Boulevard and Subarea B east of Lake Washington Boulevard and Lakeview Drive.

For many years, most of Subarea 15A was the site of the Lake Washington Shipyards, which ceased production in the late 1940s. The site was used as the Seattle Seahawks training facility until the late 1980s. The site is now developed as Carillon Point, a mixed-use commercial center containing office, retail, hotel, restaurant, marina and residential uses.

South of Carillon Point is the Yarrow Bay Marina containing over-water covered moorage facilities, dry dock boat storage, boat launch, boat sales and service, a pump-out facility and accessory office building. The marina has been in existence since the 1950's. In 2008, it was remodeled and added a shoreline public use area and public walkway connection to Carillon Point



and the condominiums to the south. An office building exists on the parcel fronting Lake Washington Boulevard.

The majority of Subarea 15B is developed with medium to high density residential developed in conjunction with the Carillon Point Development to the west. Slopes in Subarea B are designated as containing moderate to high landslide hazard areas. Carillon Creek flows from Carillon Woods down the hillside through Carillon Point on its way to Lake Washington. With the development of Carillon Point the stream was enhanced with native plantings to improve fish habitat and serves as a natural amenity along the shoreline pedestrian walkway in Subarea A.

Goal L-5: Ensure development in PLA 15 continues to provide water oriented uses, visual and direct access to the lake, and maintains the natural characteristics and amenities of the stream and Houghton Slope.

Policy L-5.1: Within PLA 15 A , provide a mix of uses with priority to water dependent, water related and water enjoyment uses located along the shoreline. Allow residential development at a density of 12 dwelling units per acre.

Subarea 15A, west of Lake Washington Boulevard is developed with a mixture of uses. The City's Shoreline regulations KZC Chapter 83, governs the types of uses and activities allowed in PLA 15A. Shoreline regulations designate the area as an Urban Mixed shoreline environment. Like the shoreline areas lying immediately to the north and south, residential development in Subarea A is allowed at a density of 12 dwelling units per acre.

Policy L-5.2: Retain water dependent uses and the view corridor south of Carillon Point.

The marina development south of Carillon Point provides water-dependent uses, recreational activities and services. It incorporates a waterfront public use area and public shoreline pedestrian walkway connection to Carillon Point to the north and residential property to the south. A view corridor from Lake Washington Boulevard to the water should be maintained across the southern portion of both sites including maintaining the height of vegetation to not obscure the view of Lake Washington.

Goal L-6: Recognize and enhance Carillon Point as a mixed use employment center and tourism destination.

In the hierarchy of commercial areas in Kirkland, the Land Use Element designates Carillon Point as a business district with its mix of office, retail, restaurants, housing, hotel, service businesses and marina. Carillon Point serves not only as a regional employment center but visitors and local communities frequent the area as a waterfront tourism destination.

Policy L-6.1: Govern development and uses at Carillon Point by an approved Master Plan.

Carillon Point was developed under a master plan with an extensive public review and City approval process. Any future major change to the development should be reviewed to ensure Master Plan compliance.

The Master Plan and Zoning Code regulations for PLA 15A ensure that development will minimize impacts to existing uses in the vicinity including view obstruction, traffic volume and movement, noise and glare from uses of higher intensity, and compatibility of building scale. The Master Plan includes specific design guidelines for the site plan, circulation plan, and architectural design for the buildings.

The following is a summary of the key principles of the Master Plan to guide uses and development of the area (see KZC PLA 15 A and B for more detail):

- Within the shoreline area water dependent, water related, and water oriented commercial uses should be included such as marinas, fueling and sewage pump out facilities, and possibly tour boat operations, float plane service, passenger only ferry or water taxi facility, and public amenities access to piers for fishing, strolling or other pedestrian activities.
- Public access to and along the water's edge and waterfront public use areas should be maintained including public access signs.
- Public improvements adjacent to Lake Washington Boulevard are also desirable, such as wide sidewalks.
- Visual access to Lake Washington from Lake Washington Boulevard should be maintained. To achieve greater visual access, building height, setback and view corridor requirements may be varied. Views from existing developments to the east should be protected.
- Manage parking on site to avoid impact to adjacent properties.
- Traffic impacts to Lake Washington Boulevard should be minimized including limiting vehicular access points.
- Subarea B has been fully developed as part of a master plan, including an allowed transfer of density from the PLA 15A Subarea.

Neighborhood Oriented Commercial, Professional Office and Multi Family

Goal L-7: Accommodate a mix of uses south of NE 60th Street between Lakeview Drive and Lake Washington Boulevard consistent with the development pattern in the neighborhood.

Policy L-7.1: South of NE 60th Street between Lakeview Drive and Lake Washington Boulevard NE, allow professional offices and medium-density residential use at twelve dwelling units per acre.

Allow small neighborhood oriented retail businesses provided that:

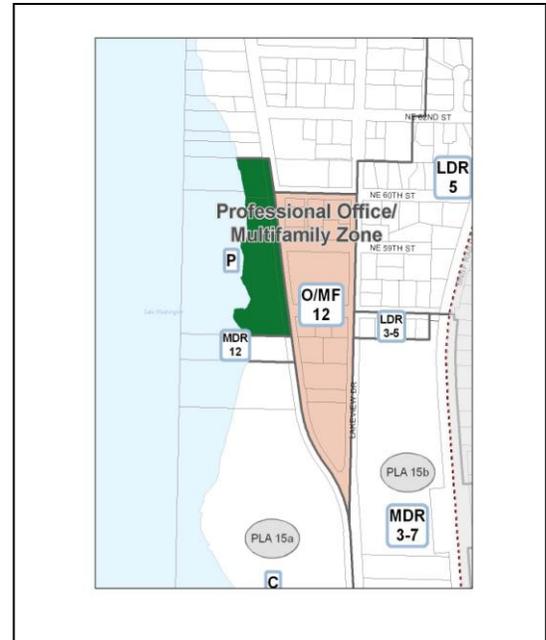
- a. Front facades of buildings are not facing or oriented to Lakeview Drive.**
- b. Vehicular access is not directly from Lakeview Drive.**
- c. Internally lit signs are not located along Lakeview Drive and NE 60th St.**

Medium-density residential uses, at a density of 12 dwelling units per acre, and professional offices should be considered the primary uses. Small, neighborhood oriented retail, convenience stores, coffee shops or similar uses that serve primarily the surrounding neighborhood are appropriate except where building front facades would face Lakeview Drive or direct vehicular access is provided along Lakeview Dr. because of potential impacts to low density residential uses across the street. Internally lit sign faces should also not face Lakeview Drive. Appropriate uses are those that focus on local pedestrian traffic and will not result in spillover parking on neighborhood streets. Vehicle sales, service, and drive-through facilities should not be permitted in the PR zone.

Policy L-7.2: Provide a historic interpretive sign on the site of the old Houghton Post Office.

On the eastside of Lake Washington Blvd between NE 60th - 59th Streets, two older single family house style buildings and a fast food restaurant exist. One of the older buildings was constructed in the early 1900s and was the early site of the Houghton Post Office. Both of the older buildings clearly do not meet zoning standards for building setbacks parking, and other zoning non-conformances are likely. The other structure was built in 1940's. The restaurant meets most or all of the current zoning standards for such uses. All three buildings are of a scale and design which are compatible with neighboring residential uses.

These parcels are appropriate for multifamily residential, office, and small, limited in size, and neighborhood oriented commercial uses discussed in L.7.1. Continuation of existing office and



commercial uses within the existing nonconforming structures should be allowed and reviewed administratively.

Because of the non-conforming conditions of both properties discussed above, some flexibility in applying normal zoning standards should be allowed provided certain development standards are met. If a change of use is proposed that requires more parking than the current use, the proposal should be evaluated for consistency with the following standards:

- a. The use should provide a strong pedestrian orientation.
- b. The number of required additional stalls for the new use should be determined based on the actual parking demand. New on-street parking on NE 60th St. may be counted toward a portion of the required parking with necessary improvements to the right of way provided at the developer's expense.
- c. New parking areas should be placed, screened, and buffered to mitigate impacts to nearby residential uses.
- d. A historic interpretive sign should be erected on the site of the old Houghton Post Office.
- e. Redevelopment of the properties should comply with all applicable zoning standards.

Policy L-7.3: Along neighborhood streets, parking associated with commercial development and waterfront parks should be monitored to avoid parking congestion.

Over time the area south of NE 60th St has transitioned from single family and industrial uses to primarily office and multifamily uses. Increased parking congestion along streets in the neighborhood from summer use of Houghton Beach Park and nearby businesses can also be a problem limiting access to surrounding businesses or the park. Therefore, parking on surrounding streets should be monitored to ensure access to parks and businesses.

Policy L-7.4: Limit commercial activities north of NE 64th Street east of Lake Washington Boulevard.

A convenience commercial grocery store located on Lake Washington Boulevard and NE 64th Street serves a localized need by providing limited grocery service to the surrounding residential neighborhood. Limited neighborhood commercial uses should be allowed to remain at this site and improvements should be encouraged to enhance its compatibility with surrounding residential uses and the scenic character of Lake Washington Boulevard. No further development of retail commercial facilities in this residential area should be permitted.

Yarrow Bay Business District

The Yarrow Bay Business District serves as an employment center containing corporate headquarters, large office complexes, restaurants, a motel, schools, and convenience services for local office workers and freeway travelers along SR 520. The Business District is divided into subareas primarily because of differences in topography and maximum building height.

Goal L-8: Promote the vitality of the Yarrow Bay Business District as a coordinated, mixed use district.

The policies in this section are intended to support and strengthen the business district to evolve into a greater mix of retail, office, services, and housing to provide a more vibrant commercial district with greater pedestrian orientation and connections to transit facilities. Focus will be on integration of businesses and residents with a potential redevelopment of the area into a mixed use transit oriented district.

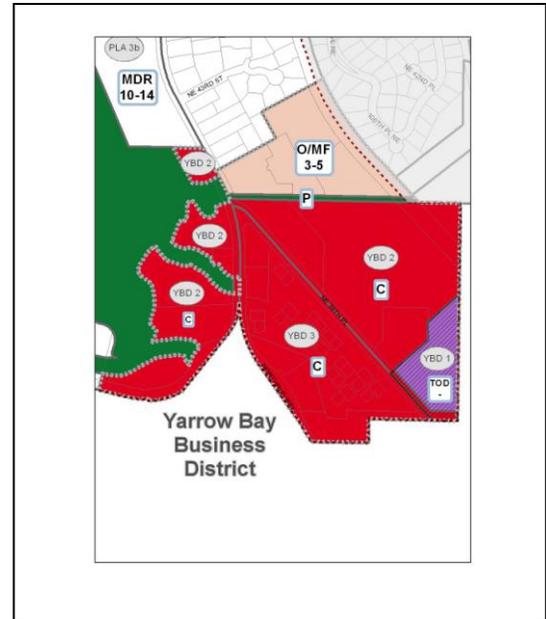
Due to the availability of adequate public services, easy access to major arterials, the freeway, and the overall compatibility with adjacent land uses, the predominate use should be devoted to commercial activities. Retail uses may be included as part of office structures but not as stand-alone large structures. Incorporating residential uses with commercial development would strengthen the area into a twenty four hour active community. All developments should include landscaping and other elements to enhance this interchange as a gateway to the City.

See also the Urban Design section regarding design policies for the Yarrow Bay Business District.

Yarrow Bay Business District 1- YBD 1

The property containing the South Kirkland Park and Ride is about seven acres in size, with approximately equal portions of the site lying within the cities of Kirkland and Bellevue. The site is owned by King County, and currently developed as a Park and Ride with approximately 600 parking stalls and a transit facility. The site is generally level, but has a steep slope along the eastern and southeastern boundaries within the city of Bellevue section of the site. Tall trees and heavy vegetation are present within the hillside areas.

King County has identified the South Kirkland Park and Ride as a potential site for transit-oriented development (TOD) for several years. Affordable housing is generally included in King County TOD projects, and is anticipated to be a significant component of future residential development at the South Kirkland site. The City of Kirkland has identified transit-oriented development at the South Kirkland Park and Ride as a key affordable housing strategy. The City supports multifamily residential as the predominant use of the site in a transit-oriented-development project, with a variety of other uses to be allowed as well.



The South Kirkland Park and Ride property may continue as a transit facility with the potential for office use. Alternatively, if the site is redeveloped with TOD, the principles discussed below should be used to guide development at the Park and Ride.

Policy L-8.1: Provide for affordable housing.

Ensure that transit-oriented development provides for mixed-income housing, including a minimum of 20 percent of total units to be affordable to low and/or moderate income households.

- Development should strive to achieve greater affordability for at least 20 percent of its units, with an additional 25 percent to be affordable to median income households, through the use of as many funding sources as are necessary.

Policy L-8.2: Ensure high quality site and building design.

Develop implementing regulations for coordinated development of the entire site.

- Establish standards for building height and mass that acknowledge site topography and existing vegetation as factors for consideration.

Implement design standards for YBD 1.

- Ensure that regulations support appropriate building scale and massing throughout the site, produce buildings that exhibit high quality design and incorporate pedestrian features and amenities that contribute to a livable urban village character for the TOD.
- Provide guidance for the streetscapes along NE 38th Place and 108th Avenue NE to ensure buildings do not turn their backs on the streets and development provides a welcoming and attractive presence at this gateway to Kirkland.
- Protect the vegetative buffers and significant trees along the site's eastern and southeastern borders through development standards.
- Minimize the visual impacts of parking facilities from adjacent rights-of-way.



Foster the creation of a vibrant and desirable living environment through the use of high quality design, public amenities and open space.

Promote sustainable development through support of green building practices at the Park and Ride.

Policy L-8.3: Maximize effectiveness of transit-oriented development (TOD).

- Create the opportunity for Transit-Oriented Development (TOD) at the site through the development of standards and regulations that support necessary densities.
- Expand opportunities for retail development, incidental office development, and childcare facilities at the site to serve users of the Park and Ride, site residents and others.
- Provide opportunities for all types of users of the site to access the BNSF corridor; however it is developed, along the eastern boundary of the Park and Ride site.
- Reduce the need for parking at the site through regulations that promote shared parking between uses, and incentives to support alternatives such as shared car services and electric cars.
- Mitigate traffic, visual, noise and other impacts from more intensive development of the Park and Ride to the surrounding street network and residential areas.



Policy L-8.4: Coordination with the City of Bellevue.

- Coordinate an approach for the review and approval of development proposals for the site with the City of Bellevue.
- Manage emergency services to the site through agreements with the City of Bellevue.

Yarrow Bay Business District 1 and 2- YBD 2 and YBD 3

Policy L-8.5: In YBD 2 and YBD 3 encourage a mix of office, retail, hotels, restaurants, housing, and services and limit the size of freestanding retail establishments.

Development in YBD 2 and YBD 3 is appropriate for a mix of uses such as offices, specialty retail banks, hotel, motel, restaurants, schools or day care facilities, residential and grocery stores to serve offices and other employment nearby, or the freeway traveler. Individual freestanding retail establishments should be limited in size to less than 15,000 sq. ft. of gross floor area unless they are part of a mixed use project to avoid large scale, stand alone retail uses more appropriate for other business districts. Drive through facilities should not be permitted in the Yarrow Bay Business District because they discourage pedestrian oriented development.

The clustering of development away from wetlands and streams is encouraged. Cochran Springs Creek requires protection. This area is the entrance to the City and, hence, the character of development is important. Because of the prominent location of the development as a southern gateway to the City, a

gateway feature, art, superior landscaping, and pedestrian amenities should be provided along Lake Washington Blvd (*see Urban Design Section*).

Policy L-8.6: Limit maximum building height to 5 stories in YBD 2 and YBD 3. Reduce building mass generally above the second floor with upper story setbacks, and vertical and horizontal modulation evaluated through the Design Review process.

Building height should be slightly lower in YBD 3 than YBD 2 to accentuate the rise in the topography of the district from west to east.

Policy L-8.7: At the southern end of the Houghton Slope professional offices or multifamily uses are allowed.

An existing office development is located at the south portion of the Houghton slope. The office land use designation should not extend further northward into the residential area on the southern end of the Houghton Slope. The offices provide a desirable transition to the residential area to the north and east. Accessory commercial uses are only permitted to serve the offices.

Policy L-8.8: Establish urban design standards for commercial and mixed use residential development in the Yarrow Bay Business District

Design Guidelines should be created to encourage attractive development in this gateway to the City. The design standards should encourage greater pedestrian orientation and pedestrian connections to other businesses, to the South Kirkland Park and Ride and other transportation facilities. Along the perimeter of the district, buildings should be stepped back vertically from the street and designed to be compatible with adjacent residential development.

Goal L-9: Provide transitions between residential uses and commercial uses.

Policy L-9.1: Minimize impacts of commercial development on residential areas and protect neighborhood character.

When locating more intensive commercial uses along the perimeter of commercial activity nodes, techniques should be used to minimize impacts on adjacent residential areas such as ensuring there is adequate parking on neighborhood streets for residents and businesses, minimizing noise in evening hours, and minimizing glare from commercial lighting. Regulating building height, building mass, building placement, and vehicular access and providing landscape buffers are effective transition techniques to reduce impacts of commercial uses on surrounding residential uses.

6. Transportation

The circulation patterns in the Lakeview Neighborhood are well established and permit through traffic to flow north and south on both Lakeview Drive and Lake Washington Boulevard. Northup Way, NE 52nd Street and NE 68th Street provide the east-west connections to the Central Houghton neighborhood.

Goal L-10: Improve vehicle, pedestrian and bicycle mobility along Lake Washington Boulevard NE.

Lake Washington Boulevard is designated as a principal arterial and provides the major north-south route through Kirkland south of the Central Business District and west of I-405 (See Figure L- 4). The Boulevard also provides local access for a substantial number of residential developments and businesses. A significant proportion of existing traffic, however, is probably attracted to the Boulevard as much because of the scenic vistas of Lake Washington and ease of convenience or necessity. The scenic qualities of the Boulevard also contribute to making it a major pedestrian and bicycle corridor, serving waterfront park users, joggers, strollers, and Downtown shoppers.

Traffic on Lake Washington Boulevard has greatly increased, particularly during morning and evening commute periods. This congestion restricts local access to and from the Boulevard and has created noise, safety problems, and conflicts for pedestrians, bicyclists, and adjacent residents.

Policy L-10.1: Enhance Lake Washington Boulevard NE as a scenic, recreational, open space and transportation corridor.

Improvements to the Boulevard could help accommodate its broader amenity function in such a manner that the safety of all the Boulevard's diverse users is enhanced, while significant amounts of through traffic are not diverted to other arterials. Accordingly, a master plan or set standards for Lake Washington Boulevard should be established through a public process that considers the following objectives:

1. Strategies to relieve congestion during commute times to improve traffic flow and provide gaps in traffic to improve access from adjacent properties.
2. Widen sidewalks to improve pedestrian circulation on both sides of the street with the widest sidewalks on the west side.
3. Improve pedestrian crossings at intersections and adjacent to waterfront parks where safety considerations allow such installation. One option that could be studied is the concept of providing a pedestrian bridge across Lake Washington Blvd in the Yarrow Bay Business District to facilitate pedestrian crossing and provide a gateway feature to the City.
4. Use of landscaped median islands to separate traffic and provide pedestrian safety where center left-turn lanes or on-street parking are not needed.
5. Widening bicycle lanes.
6. Installation of on-street parking in areas of high parking demand, provided that traffic safety will not be impaired.
7. Installation of streetscape amenities such as public art, pedestrian lighting, street furniture, and low level landscaping that will not obscure views of the Lake and will enhance the pedestrian experience along the street.

Policy L-10.2: Implementation of the above street improvements should be considered through the City's Capital Improvement Program process and site specific with private redevelopment.

The means for implementing these improvements should be both on a comprehensive area wide basis and to the extent possible, on an incremental basis by encouraging or requiring them to be incorporated into private development.

Policy L-10.3: Support regional transportation solutions that will reduce commuter or pass through traffic through the neighborhood and along Lake Washington Blvd. NE.

Also important to the successful achievement of a greater amenity and mobility functions for Lake Washington Boulevard will be traffic improvements that are regional in scope. Accordingly, the City should support and encourage the following regional solutions:

1. Alternatives to the single-occupancy vehicle for commuting purposes, such as increased use of Metro Transit, commuter pool, High-Occupancy Vehicles (HOV), and the investigation of future modes, such as light rail.
2. Improvements to the I-405/SR 520 corridors.

Policy L-10.4: Maintain Lakeview Drive as a minor arterial and alternative route to Lake Washington Blvd. NE through the neighborhood.

Lakeview Drive is designated as a minor arterial and fully developed with two through lanes, bicycle lanes, sidewalks, and street trees. From its intersection with Lake Washington Boulevard, Lakeview Drive provides the primary route to the Houghton Business District and to State Street, which in turn provides access to the Central Business District. Lakeview Drive/ State Street provide an alternative north-south vehicular route from Lake Washington Blvd during peak commute times. Future traffic levels should be monitored and necessary measures undertaken to mitigate impacts.

Policy L-10.5: Improve pedestrian and bicycle circulation systems as both recreation amenities and as non-motorized transportation connections to neighborhood as well as city and regional destinations.

The path/trail system shown in Figures L-5 and L-6 indicates the major elements of the pedestrian and bicycle circulation network in the neighborhood. Pedestrian and bicycle pathways provide a recreation as well as transportation function. The following pedestrian and bicycle connections should be priorities within the neighborhood:

1. From Lake Washington Blvd east to the future Eastside Rail Corridor on the railroad right of way and the Central Houghton Neighborhood.
2. Between properties in the Yarrow Bay Business District and to the South Kirkland Park and Ride and future Transit Oriented Development.

3. Along the Lake Washington shoreline with connections to Lake Washington Boulevard as required by the shoreline regulations. Existing signs marking the location of public shoreline pedestrian walkways should be maintained by private development.
4. From Yarrow Bay Wetlands to Watershed Park.
5. Along NE 60th Street trail from Houghton Beach Park east through the City to connect to the regional trail at Marymoor Park in Redmond.
6. From SR 520, and Bellevue to the South.

These trails will cross a combination of City parklands, City rights-of-way, and public access easements. The trails should be part of the City's Active Transportation Plan and implemented through the Capital Improvement Program or -private development. The trails will improve neighborhood access and enhance the unique areas they traverse.

Policy L-10.6: Support development of a future Eastside Rail Corridor as multipurpose trail.

Development of the old BNSF railroad right of way as a multipurpose corridor for bikes, pedestrians and potentially for rail transit should be designed to:

- Result in a public benefit to the citizens of Kirkland.
- Serve as a gateway to the City.
- Provide neighborhood connections.
- Be compatible in scale with adjacent neighborhoods.
- Ensure a high degree of safety.
- Show environmental stewardship.

7. Open Space and Parks

Goal L-11: Ensure adequate park and recreation facilities in the Lakeview Neighborhood.

Current park needs for the Lakeview Neighborhood are being met by existing facilities. Terrace Park is a neighborhood park. Marsh and Houghton Beach Park are waterfront parks, and Yarrow Bay Wetlands is a passive natural area (see Figure L-1).

Policy L-11.1: The City should continue to acquire property in Lakeview for recreation purposes wherever possible.

As properties adjacent to existing parks become available, the City should seek opportunities to acquire land for expansion. In addition, shoreline street ends should be accessible and enhanced for public enjoyment.

Policy L-11.2: Restore the shoreline within waterfront parks. Replace hard shoreline armoring with native plants and soft armoring techniques while ensuring erosion protection and public access to Lake Washington.

A goal in the Shoreline Area Chapter is to replace hard armoring such as bulkheads and rockeries with softer, natural shorelines planted with native plants to improve shoreline habitat including along waterfront parks. Park restoration can be used as a model for how private property owners can restore their shoreline.

Policy L-11.3: Maintain wide, expansive views of Lake Washington through waterfront parks. Prevent view obstruction by vegetation or placement of structures.

A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks. Ongoing maintenance of existing vegetation at parks to retain views of the Lake from Lake Washington Boulevard and properties to the east is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration with the planting of vegetation with retaining views.

As new trees or vegetation are planted, the placement and variety should carefully be chosen to avoid view obstruction. Neighbors to the east who may be impacted by new vegetation should be involved in providing input on the placement and variety. In addition to the normal notification techniques, the Parks and Community Services Department should notify surrounding residents and the neighborhood association prior to placement of new trees or vegetation that have the potential for impeding views.

Planning Commission recommends the following alternative text for Policy L-11.3:

Policy L-11.3: Maintain public views of wide, expansive views of Lake Washington through waterfront parks. Prevent view obstruction by vegetation or placement of structures.

~~A high priority for the neighborhood is to maintain the wide expansive views of Lake Washington and beyond, especially at waterfront parks.~~ Ongoing maintenance of existing vegetation at parks to retain views of the Lake Washington and beyond from Lake Washington Boulevard ~~and properties to the east~~ is a priority. Shoreline regulations also encourage planting of shoreline vegetation and trees. A balance must be achieved between shoreline restoration using vegetation ~~with the planting of vegetation with retaining while maintaining public~~ views.

As new trees or vegetation are planted, the placement and variety should carefully be chosen to avoid view obstruction. Neighbors to the east who may be impacted by new vegetation should be involved in providing input on the placement and variety. In addition to the normal notification techniques, the Parks and Community Services Department should notify surrounding residents and the neighborhood association prior to placement of new trees or vegetation that have the potential for impeding views.

Policy L-11.4: Seek opportunities to improve wildlife habitat, increase pedestrian and non motorized boat access, if ecological functions can be enhanced at Yarrow Bay wetland.

Yarrow Bay wetlands are one of the largest remaining wetlands on Lake Washington and serve as valuable wildlife habitat, water quality functions as well as aesthetic open space for the community. Public access is available by existing public rights of way but is limited. Improving access for viewing

wildlife and environmental education through constructing a series of boardwalks should be evaluated provided ecological functions are protected. Wildlife habitat may be improved by removing upland and underwater invasive plants in and near the wetlands. Any future development of the park should be undertaken following a community based master planning process. Considerations for a future park master plan should include protection and enhancement of natural resources while providing appropriate public access. Opportunities for further acquisition of adjacent land in order to preserve and protect the wetlands and associated wetland buffers should also be pursued.

8. Public Services and Facilities

Goal L-12: Provide public and private utility services for the Lakeview Neighborhood.

Water, sewer, and drainage facilities are adequate for planned development in the Lakeview Neighborhood. The goals and policies contained in the Utilities, Capital Facilities and Public Services Chapters of the Comprehensive Plan provide the general framework for these services and facilities.

Policy L-12.1: Encourage undergrounding of overhead utilities.

In order to contribute to a more amenable and safe living environment and to enhance views and a sense of community identity, the undergrounding of utilities should be actively encouraged.



9. Urban Design Policies

Lakeview's unique urban design assets are identified on Figure L-7 and described below.

Lakeview's north-south orientation and west facing Houghton slope allow for a majority of residents to take advantage of the views of Lake Washington, Seattle and the Olympic Mountains. Lake Washington and the Yarrow Bay Wetlands are two visual landmarks that provide a sense of openness and natural beauty. Preserving public views of Lake Washington and beyond from Lake Washington Boulevard is a high priority. Other landmarks in this neighborhood include the waterfront parks and the historic places. The Lakeview Neighborhood serves as the southwestern gateway to the City at SR 520 and Lake Washington Blvd. and 108th intersections.

Goal L-13: Preserve public view corridors and natural features that contribute to Lakeview's visual identity.

Policy L-13.1: Preserve public scenic views and view corridors of Lake Washington, Seattle and the Olympic Mountains from public rights of ways and waterfront parks.

Public and private view corridors along Lake Washington's shoreline are important assets and should continue to be enhanced as new development occurs. Wide, expansive views of Lake Washington looking west from public rights of ways and waterfront parks should be maintained. Street trees along rights of ways and trees in public parks that offer local and territorial views should be of a variety that will not block views as trees mature.

Policy L-13.2: Preserve natural landforms, vegetation and scenic areas such as the Houghton and Yarrow Bay Slopes and Yarrow Bay Wetlands.

Lakeview's natural landforms, such as steep slopes and ravines, contain significant woodlands, streams, open space and wildlife that help define neighborhood character. These natural landforms should be preserved, restored and incorporated into the design of new development.

Goal L-14: Enhance neighborhood gateways to strengthen neighborhood identity.

Policy L-14.1: Establish gateway features at the locations identified in Figure L.7 through public and private efforts.

Gateways welcome residents, employees and visitors into the City and help define neighborhood identity. Gateways can be in the form of natural feature such as landscaping or structures, such as signs or buildings. The northern gateway to the neighborhood is at NE 68th Street where views of Lake Washington are prominent. At the "Y" intersection at Lake Washington Boulevard and Lakeview Drive, the triangular median with the sculpture serves as a gateway to the Carillon Point development, neighborhood businesses and shoreline parks.

The intersections at SR 520 and Lake Washington Boulevard and at 108th Avenue NE provide two southern gateways to the City. These intersections provide opportunities to enhance the gateways with future private development or through community efforts. For example, the existing gateway sign located on the east side of Lake Washington Blvd at NE 38th Pl by Cochrane Springs Creek, could be enhanced by relocating the sign to a more prominent location, removing the clutter of street signs and utility poles, screening the adjacent utility box or highlighting the stream crossing and coordinated with a similar gateway treatment on the west side of the boulevard.

The City should pursue opportunities to work with private property owners to install gateway features as part of future development. Improvements such as signs, public art, structures, lighting, and landscaping could be included.

Goal L-15: Provide public improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Policy L-15.1: Identify design standards for Lake Washington Boulevard, NE 38th Pl, and Northup Way right of ways that include:

- ***Adequate sidewalk widths (preferably 10' in width) on both sides of the street to encourage greater pedestrian circulation.***
- ***Street trees that are of a variety that will not obstruct views of Lake Washington from public rights of way, properties to the east or businesses***
- ***Public amenities such as benches, pedestrian lighting, view platforms, public art and directional signs pointing to public facilities and points of interest.***

Lake Washington Boulevard is a major pedestrian shoreline promenade connecting Downtown points south and north. Within the Yarrow Bay Business District, design standards for NE 38th PL, Lake Washington Blvd and Northrup Way should be developed to ensure a consistent design including wider sidewalks, landscape strips, decorative street lighting and street furniture. As redevelopment occurs, sections of the sidewalk on both sides of the street should be improved to meet these standards. Opportunities to install public art and street furniture along arterials throughout the neighborhood should also be pursued.

Yarrow Bay Business District

The urban design vision for the Yarrow Bay Business District is to transform the suburban style office park development into a more integrated, mixed use commercial and residential district. Implementing the following strategies will help achieve this vision such as allowing a broader range of commercial uses with residential above the ground floor, improving pedestrian connections between properties, businesses, the South Kirkland Park and Ride transit facility and SR 520 freeway. Providing public plazas, green spaces and pedestrian amenities in new development will help create a sense of place for employees and residents. New design standards and design review for new development will ensure quality architecture, site design and identity for the commercial district.

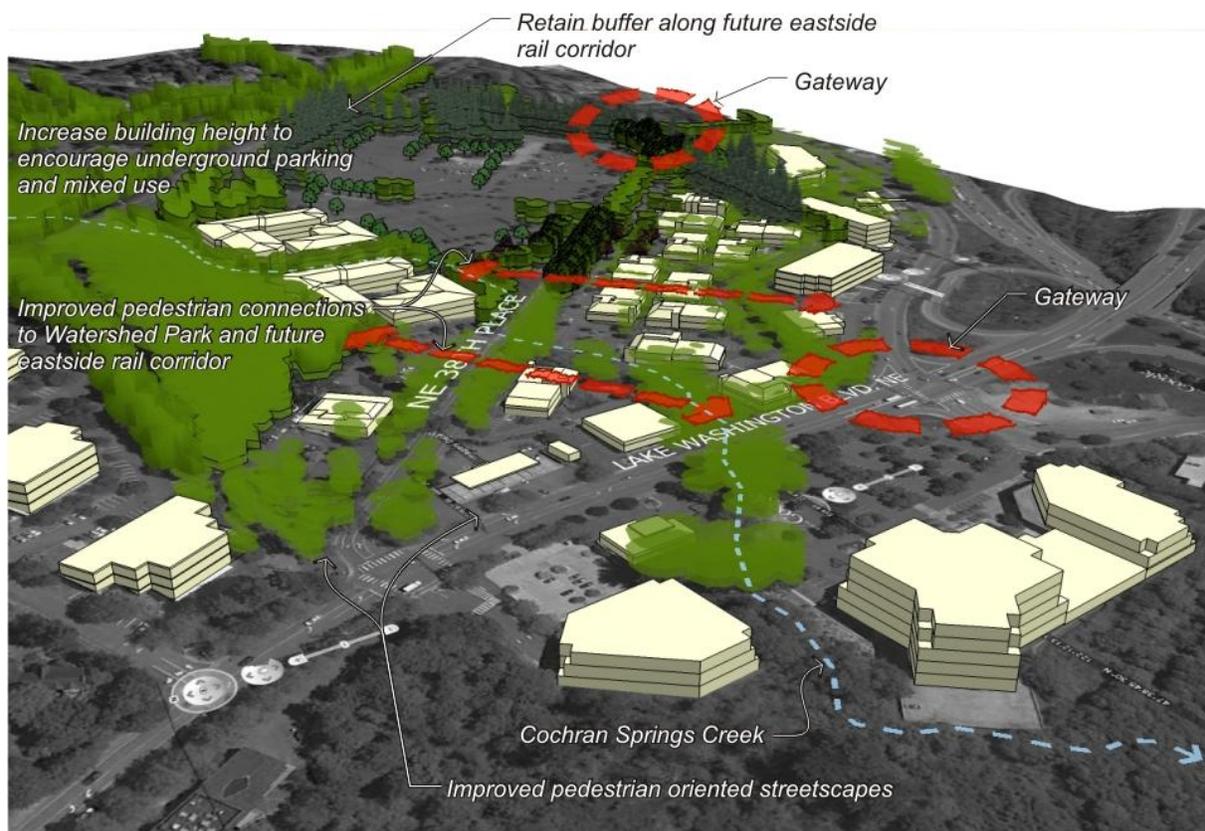


Illustration by Makers Architects shows the future urban design concept for the Yarrow Bay Business District.

Goal L-16: Promote high quality design in the Yarrow Bay Business District.

Policy L-16.1: Establish design guidelines and regulations that apply to all new, expanded or remodeled commercial, multifamily or mixed use buildings in the Yarrow Bay Business District. Ensure that guidelines should address the following design principles:

- ***Promote pedestrian oriented design techniques such as minimizing blank walls, providing generous window treatments, awnings, superior building materials, open space plazas, and pedestrian amenities especially around retail uses.***
- ***Encourage pedestrian links between uses on site, to adjacent properties and to the transit facility at the South Kirkland Park and Ride property.***
- ***Enhance streetscapes along Lake Washington Blvd, NE 38th Pl and Northup Way improved with wide sidewalks, street trees, pedestrian lighting, benches, and street furniture distinctive to the District.***
- ***Orient buildings to sidewalks or other pedestrian routes.***
- ***Moderate the scale of large buildings through vertical and horizontal modulation. Incorporate upper story step backs along all street frontages and perimeter of district.***
- ***Incorporate gateway features at locations shown in Figure L-7 incorporating signs, sculpture, lighting, and landscaping.***



This illustration by Makers Architects shows conceptual redevelopment of parcels at and adjacent to the South Kirkland Park and Ride along with improved pedestrian connections and streetscape improvements to NE 38th Pl.

Policy L-16.2: Encourage buildings and public infrastructure to include high quality materials, art, and bicycle and pedestrian amenities.

Policy L-16.3: Utilize design review to administer building and site design standards in the Yarrow Bay Business District.

Site and architectural design standards should address the principles above and be used in the design review process to evaluate new public and private development. These will help create an attractive image for the Yarrow Bay Business District and create a desirable place to work and live.

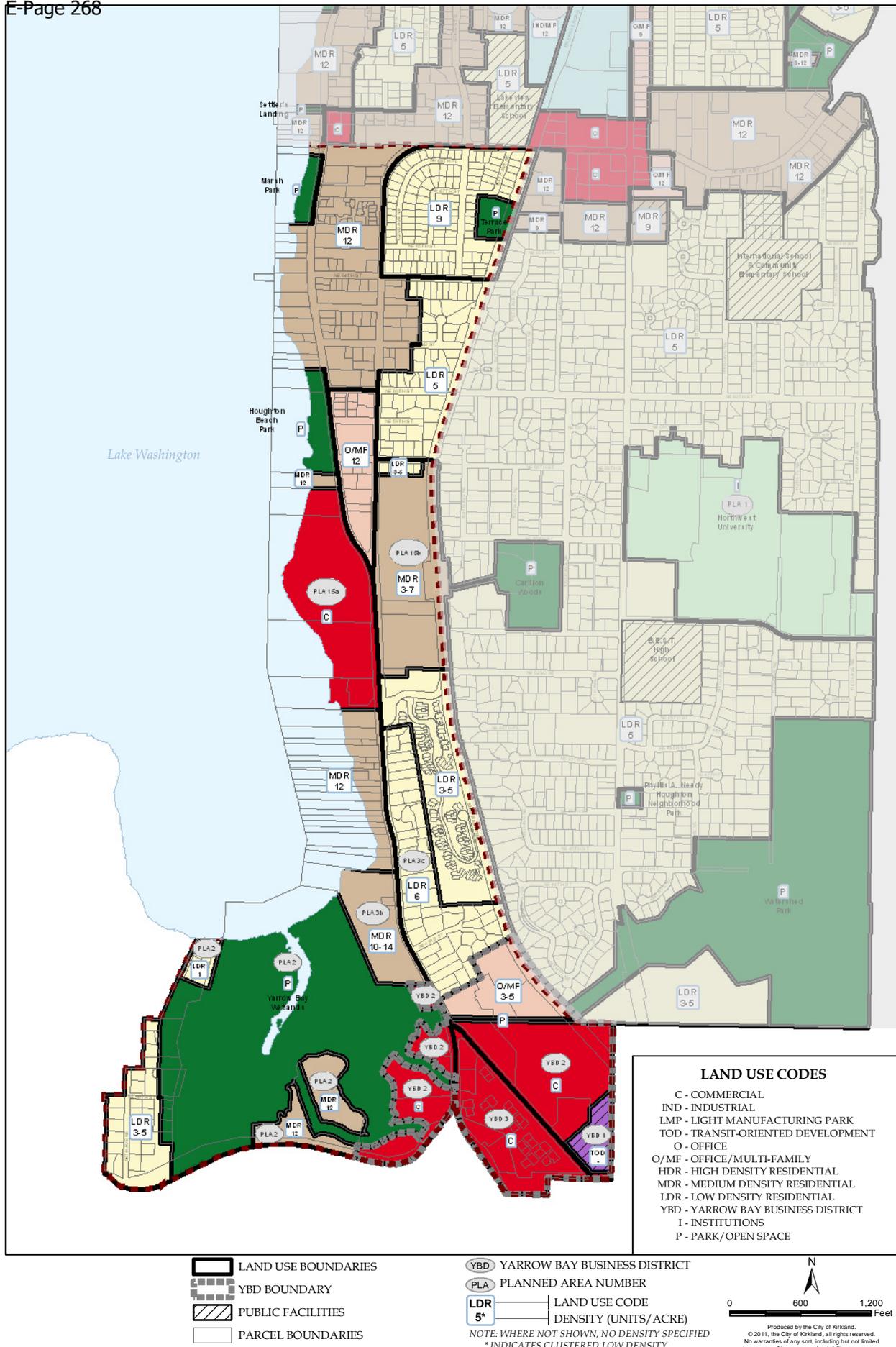
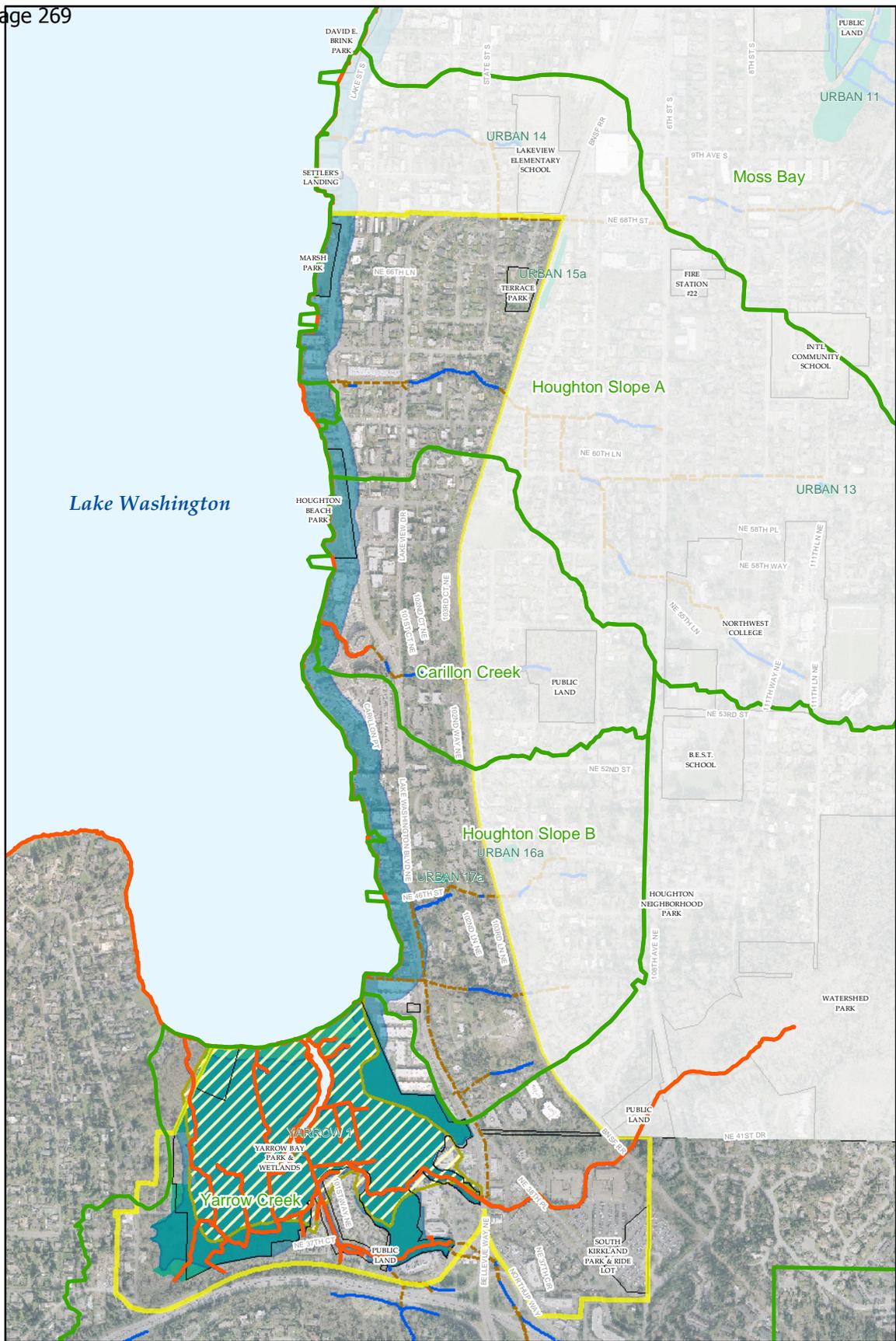


Figure L-1: Lakeview Comprehensive Plan Land Use



Legend

- Known Salmonid Locations
- Streams in Pipes
- Open Streams
- 100-Year Floodplain
- Wetlands
- Shoreline of Statewide Significance
- Drainage Basin Boundaries
- Selected Public Properties
- Lakes
- Lakeview Neighborhood Boundary

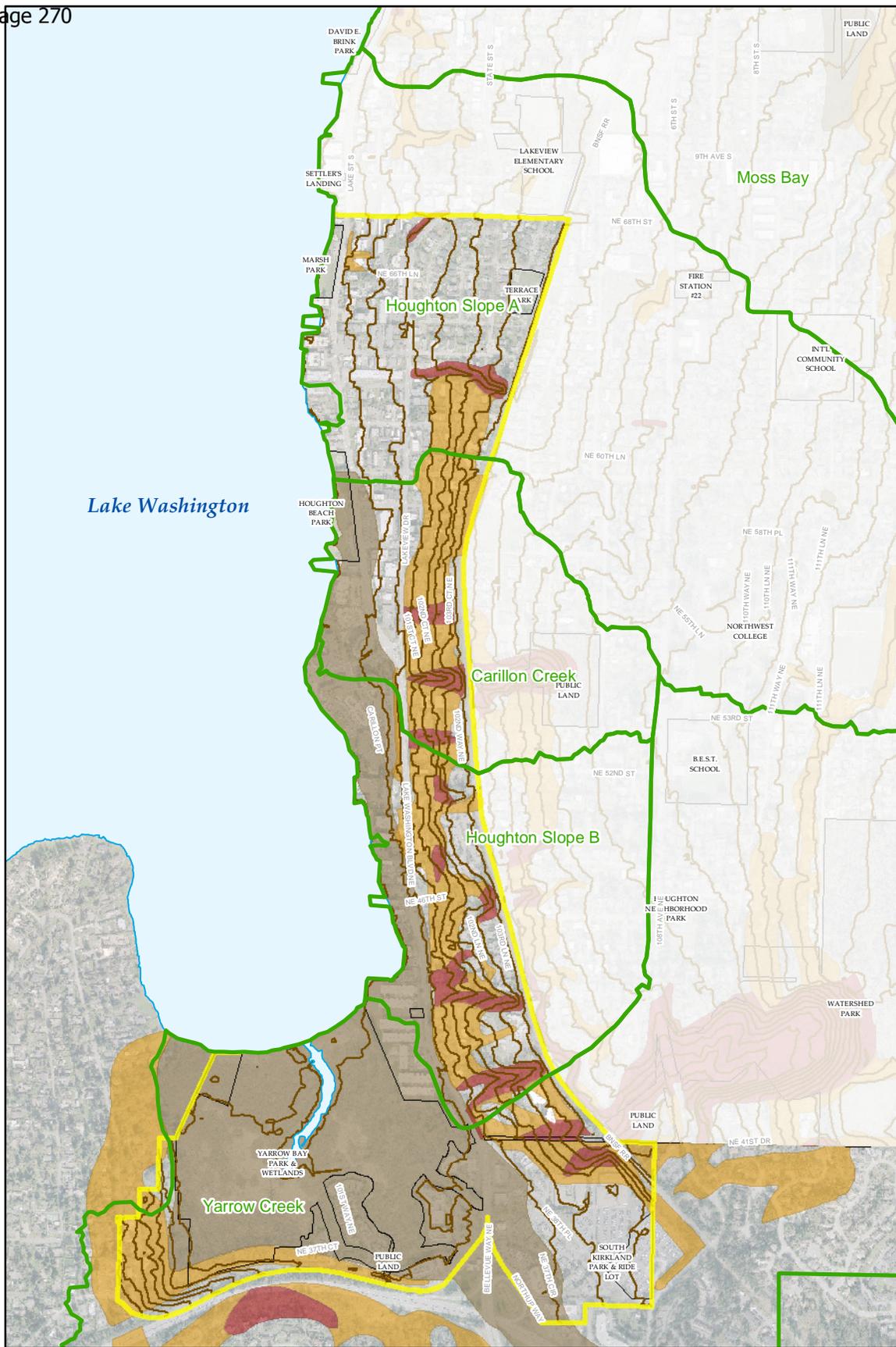
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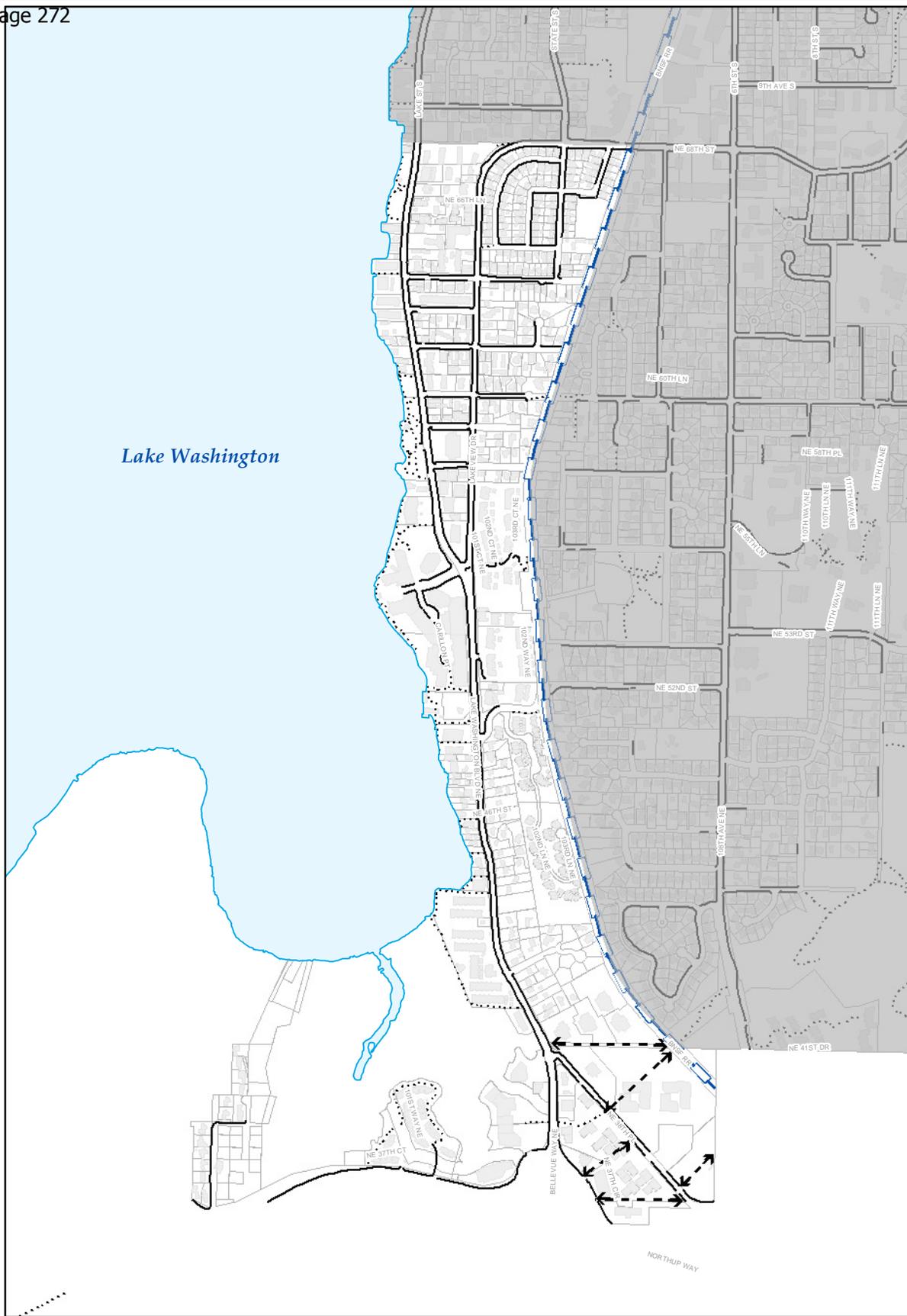
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Feet

Scale: 1" = 1,200'

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Figure L-2: Lakeview Sensitive Areas





Legend

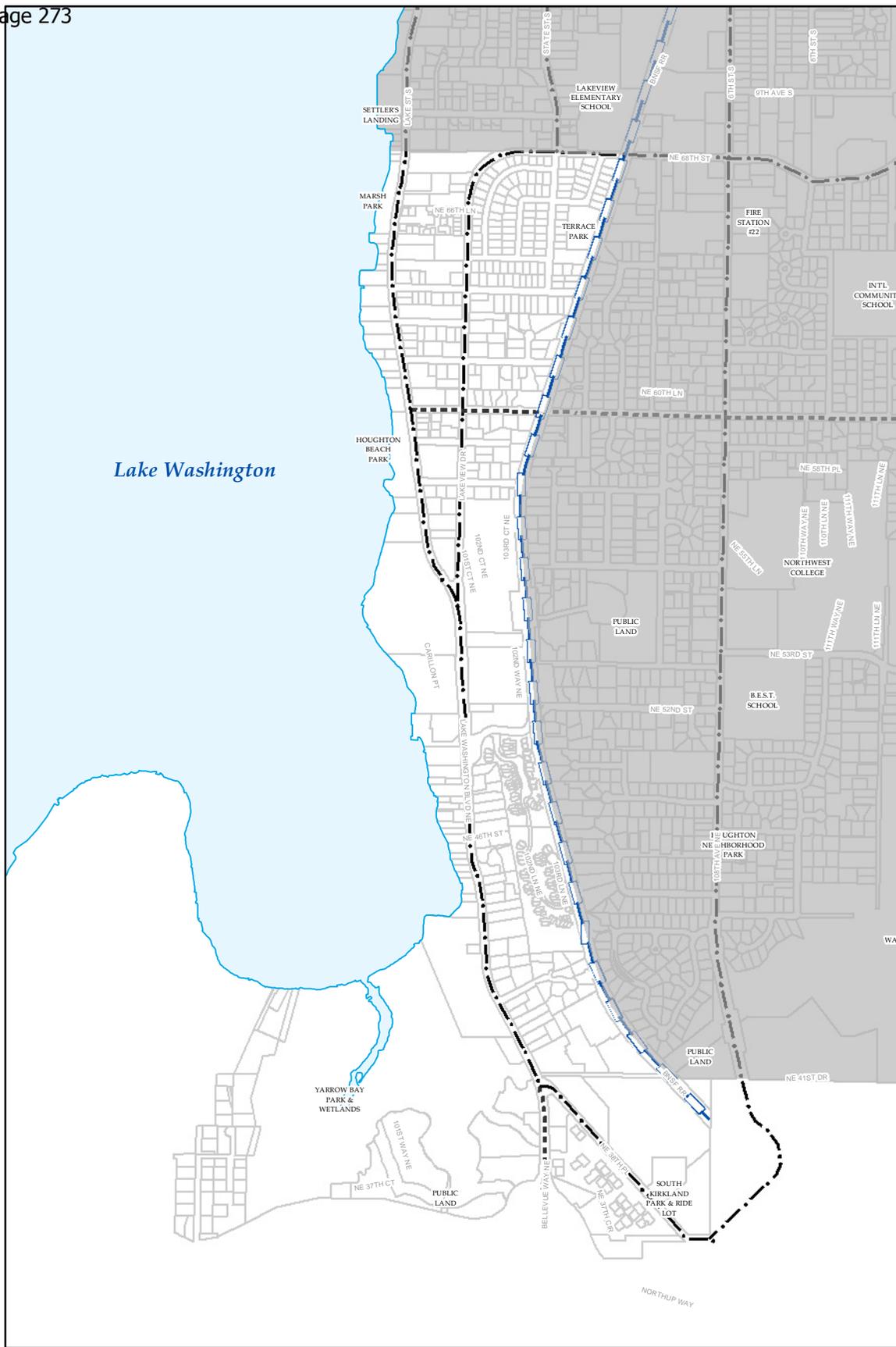
- Existing Sidewalks
- Maintained Trails
- - - Estimated Location of Proposed Walkways
- Building Footprints
- Proposed Shared Use Paths
- Tax Parcel Boundaries
- Existing Shared Use Paths

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Scale: 1" = 1,200'
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Figure L-5: Lakeview Neighborhood Pedestrian System



- Legend**
- Proposed Bicycle Paths
 - Existing Bicycle Paths
 - - - Proposed Shared Use Paths
 - Existing Shared Use Paths
 - Tax Parcel Boundaries
 - Lakes

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Scale: 1" = 1,200'

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Figure L-6: Lakeview Bicycle System

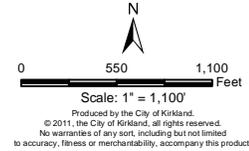
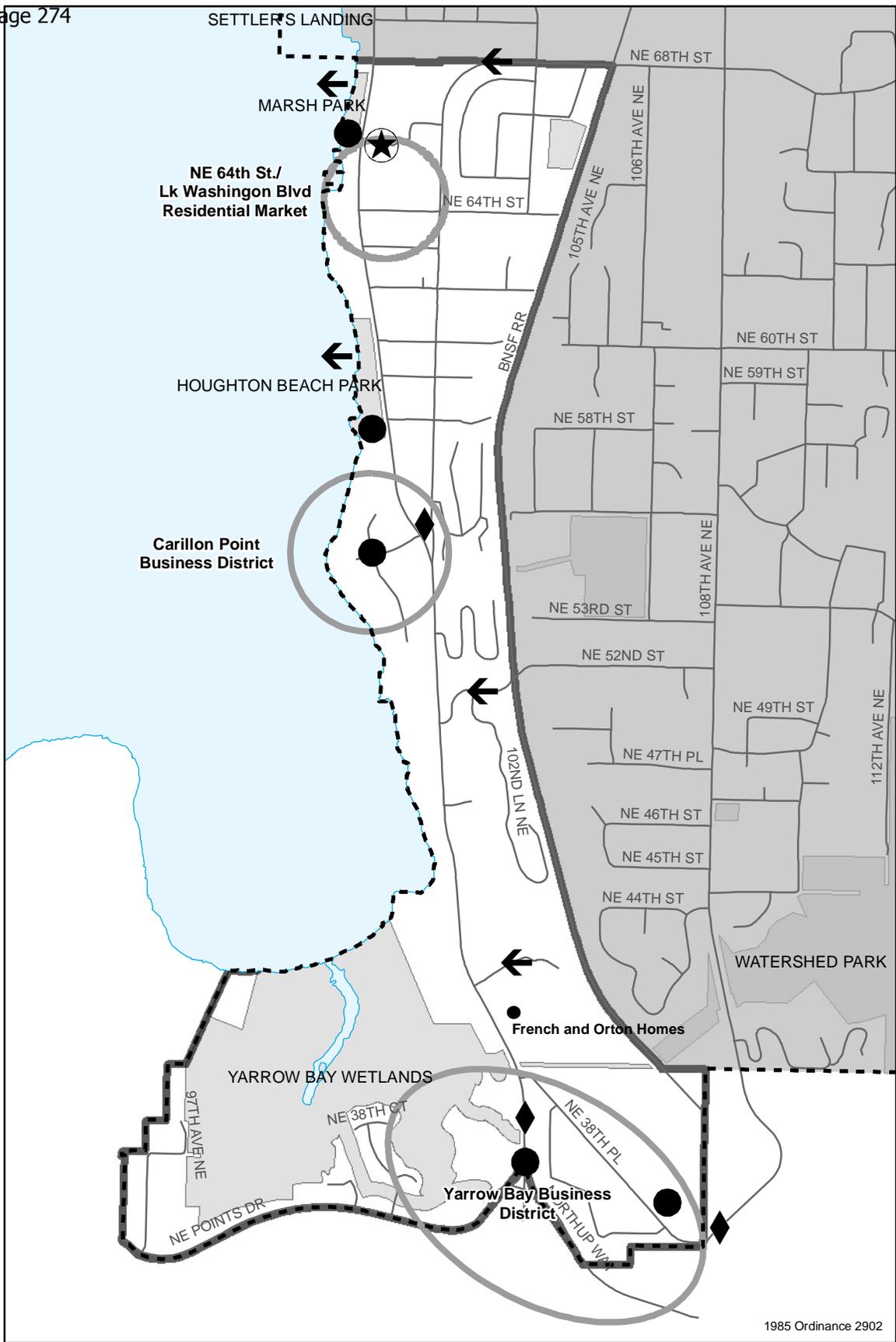


Figure L-7: Lakeview Neighborhood Character/Urban Design

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4331

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT THE LAKEVIEW NEIGHBORHOOD PLAN UPDATE; AMEND THE COMPREHENSIVE LAND USE MAP AND IMPLEMENTATION STRATEGIES CHAPTER; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON07-00032.

SECTION 1. Amends the following specific portions of the Kirkland Comprehensive Plan:

- A. Amends Figure LU-1 Comprehensive Land Use Map in the Land Use Element;
- B. Adds text to Table IS-1: Implementation Tasks in the Implementation Strategies Chapter
- C. Repeals existing Lakeview Neighborhood Plan and replaces it with a new Lakeview Neighborhood Plan;

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, which will be more than five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2011

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

City Clerk

ORDINANCE NO. O-4332

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF KIRKLAND MUNICIPAL CODE CHAPTER 22.28 RELATING TO SUBDIVISIONS AND CHAPTER 3.30 RELATING TO YARROW BAY BUSINESS DISTRICT DESIGN GUIDELINES AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00032.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend the Municipal Code, as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council for the Lakeview Neighborhood dated September 7, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00032; and

WHEREAS, prior to making said recommendation the Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070 and RCW 36.70A.035, held public hearings on June 23, 2011 and July 14, 2011 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued on July 15, 2011 by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission and Houghton Community Council; and

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

Section 1. The following specific portions of the Municipal Code are hereby amended to read as follows:

- A. Section 3.30.040 – Design guidelines adopted by reference: Addition of “Design Guidelines for the Yarrow Bay Business District” as set forth in Exhibit A attached to this ordinance and incorporated by reference.
- B. Section 22.28.040, Lots – Lot averaging. as set forth in Exhibit B attached to this ordinance and incorporated by reference.
- C. Section 22.28.042 – Lots – Small lot single-family. as set forth in Exhibit C attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 full force and effect January 1, 2012, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

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

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

3.30.040 Design guidelines adopted by reference.

The design review board in combination with the authority set forth in Chapter 142 of the Zoning Code shall use the following design guidelines documents to review development permits:

(1) The document entitled “Design Guidelines for Pedestrian Oriented Business Districts” bearing the signature of the mayor and the director of the department of planning and community development, dated August 3, 2004, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(2) The document entitled “Design Guidelines for the Rose Hill Business District” bearing the signature of the mayor and the director of the department of planning and community development, dated January 3, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(3) The document entitled “Design Guidelines for the Totem Lake Neighborhood” bearing the signature of the mayor and the director of the department of planning and community development, dated June 6, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(4) The document entitled “Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines” bearing the signature of the mayor and the director of the department of planning and community development, dated December 16, 2008, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(5) The document entitled “Design Guidelines for the Yarrow Bay Business District” bearing the signature of the mayor and the director of the department of planning and community development, dated ~~June 7, 2011~~ **November 15, 2011**, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission and the Houghton community council prior to amending this document.

(6) Text Amended. The following specific portions of the text of the design guidelines are amended as set forth in Attachment A attached to Ordinance 4106 and incorporated by reference. (Ord. 4308 § 1, 2011; Ord. 4172 § 1, 2008; Ord. 4106 § 1, 2007; Ord. 4052 § 1, 2006; Ord. 4038 § 1, 2006; Ord. 4031 § 1, 2006)

Design Guidelines

For Yarrow Bay Business Districts



Adopted by the City Council pursuant to
Kirkland Municipal Code Section 3.30.040.

Joan McBride, Mayor

Eric Shields, Director
Planning & Community
Development

Design Guidelines for Yarrow Bay Business District

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Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code that will be used by the City in the design review process for development in the Yarrow Bay Business District located in the Lakeview Neighborhood. The Yarrow Bay Business District includes the YBD 1, YBD 2, YBD 3 and PR 8.5 zones. Other documents that should be referred to during design review are the YBD (Chapter 56) and PR (Chapter 25) Use Zone Charts found in the Kirkland Zoning Code.

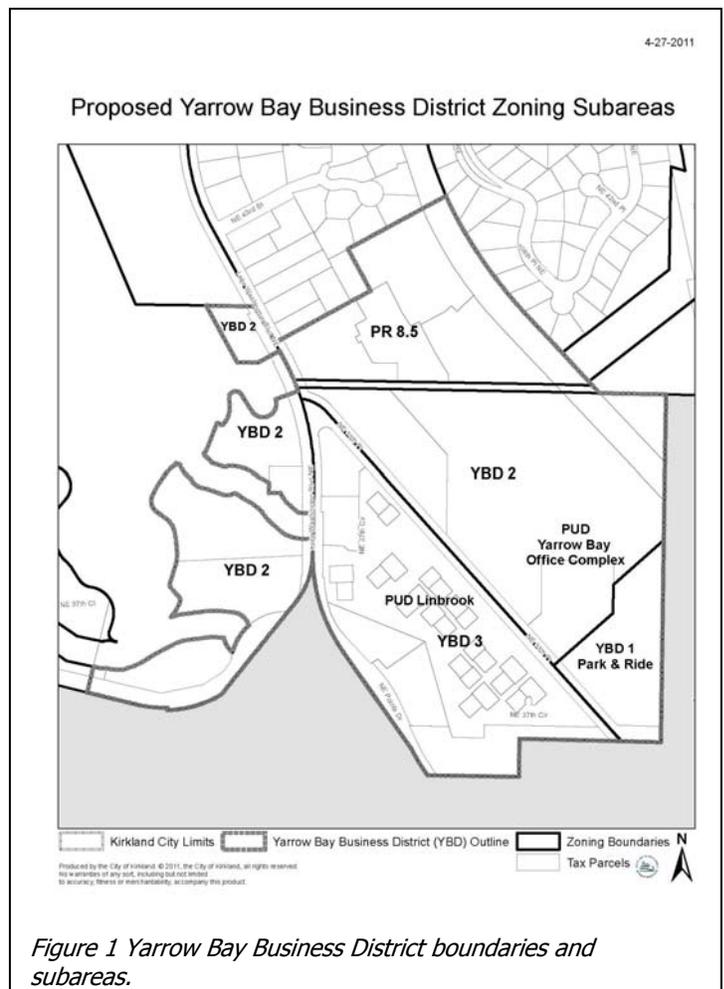
Purpose of the Design Guidelines

The Design Review Board will use these guidelines to evaluate development proposals during the design review process. The Design Guidelines are intended to establish a greater sense of quality, unity, and conformance with Kirkland's physical assets and civic identity. These guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.

Urban Design Goals and Objectives

The key design objectives promoted in the Lakeview Neighborhood Plan for the Yarrow Bay Business District include:

- *Promote quality architectural and site design.*
- *Encourage architectural vertical and horizontal modulation along all street frontages and perimeter of district.*
- *Preserve public scenic views and natural features that contribute to Lakeview's visual identity.*
- *Provide interconnected street and pedestrian improvements throughout the district that tie the district together, contribute to a sense of identity and enhance visual quality. Included in this concept are pedestrian linkages on site, to adjacent properties, and to transit facilities. Provide directional signs that indicate path locations.*



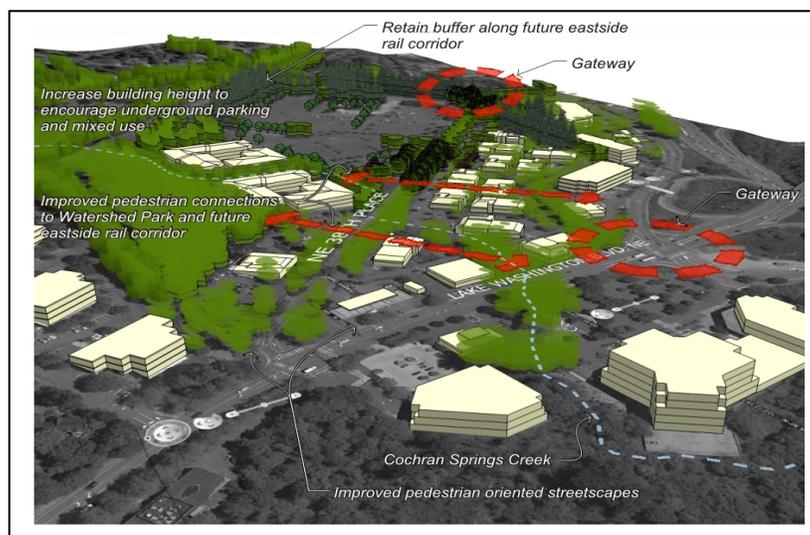
- *Enhance streetscapes distinctive to the neighborhood along Lake Washington Blvd., Northup Way and NE 38th PI with wide sidewalks, street trees, decorative pedestrian lighting, benches, or other street furniture.*
- *Incorporate gateway features to the neighborhood to strengthen neighborhood identity at the locations identified in the Lakeview Neighborhood Plan.*
- *Especially along retail uses and streets, promote using pedestrian oriented design techniques such as, generous ground floor window treatments, awnings, superior building materials, open space plazas, and pedestrian amenities.*
- *Locate development away from streams and wetlands. Enhance stream corridors for both habitat and as a natural amenity.*

Vision for the Yarrow Bay Business District

The Lakeview Neighborhood Plan vision for the Yarrow Bay Business District is to transform the large suburban style office park development into a more integrated, mixed use residential and commercial district. Several strategies will help achieve this vision such as allowing a broader range of uses, and improving pedestrian connections between properties, businesses, the Transit Oriented Development at the South Kirkland Park and Ride facility and the Eastside Rail Corridor. Incorporating public plazas, green spaces and pedestrian amenities into new development will help create an inviting environment for employees, residents and visitors. New design standards and design review for development will ensure quality architecture, site design and identity for the district.

The Lakeview Neighborhood Plan envisions improvements to NE 38th PI, Lake Washington Blvd. NE and Northup Way to upgrade the streets with wider sidewalks, street trees and decorative pedestrian lighting, directional signs, benches and varying pavement textures. On-street parking is encouraged along NE 38th PI to support pedestrian-oriented uses or retail frontage.

Figure 2 illustrates the future urban design concept for the Yarrow Bay Business District



Vision for YBD 1

The YBD 1 zone contains the South Kirkland Park and Ride property, planned for transit-oriented development (TOD). In light of the district's role in fostering a vibrant and desirable community that includes mixed use and promotes the use of transit, design guidelines are established to create a supportive built environment.

The guidelines implement the vision for the area described in the Lakeview Neighborhood Plan. They emphasize coordinated development of the site through high quality building design and pedestrian amenities and connections within and beyond the site. The importance of building orientation and connections to NE 38th Place, and the creation of a welcoming and attractive gateway at the entrance to the district at NE 38th Place and 108th Avenue NE are also highlighted in the guidelines.

Vision for YBD 2 and 3

Larger sites within the Yarrow Bay Business District provide opportunities for coordinated development. Mixed-use developments combining retail, office and residential uses with an attractive face along the major traffic corridors or provide interior vehicular and pedestrian pathways and open space as focal points for pedestrians. Focal points may include plazas surrounded by shops, offices, services or wide sidewalk areas along an interior access street.

Buildings should front along NE 38th Pl. and orient toward Lake Washington Blvd. Storefronts may be clustered around major entry points to the development to provide a welcoming entry. Use of a variety of materials and colors and modulated walls and rooflines is encouraged to reduce architectural scale.

Residential buildings should feature prominent building entries and individual balconies. Orienting residential buildings around a courtyards, plazas, or natural features also is encouraged.

The following design guidelines for the Yarrow Bay Business District (YBD) are intended to help guide the future development toward the vision described in the Lakeview Neighborhood Plan and in this document.

Design Guidelines for YBD 1

1. High Quality Building and Design

- a. Building materials should exhibit permanence.

- b. Building materials and color should be selected to integrate with each other and complement architectural design.
- c. Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied.
- d. Emphasis should be placed on highlighting building features such as doors, windows, and eaves, and on the use of materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements
- e. Original artwork or hand-crafted details should be considered in special areas.

2. Building Scale and Massing

- a. Large window areas should be avoided. Instead smaller window units should be used to achieve human scale.
- b. Facing the street, buildings above the 2nd story should use upper story step backs to create receding building forms as building height increases to maintain human scale. A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate. Prescribed upper story step backs in the gateway area at the intersection of NE 38th Place and 108th Avenue NE are appropriate to prevent the building from overpowering the gateway design.
- c. Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building.
- d. The location of the subject property makes any new multi-story building highly visible from the surrounding streets and properties. Building design should be based on viewpoints or vantages to be identified through the Design Review process. The final arrangement of building mass should therefore address the key vantage points and respond to the context of existing and/or planned improvements, gateway features, and location of plazas and open space.
- e. All building facades should be designed carefully, i.e. there should be no “backside” of a building.
- f. Building facades should be well modulated to avoid blank walls and provide architectural interest.
- g. Landscaping should be used to provide visual interest and help soften building form at appropriate locations, including upper level terraces.

- h. To help moderate the vertical scale of buildings, buildings should incorporate design techniques which clearly define the building's top, middle, and bottom.

Examples include using a sloped roof and strong eave lines to help define the top; using windows, balconies, and material changes to define a building's middle; and pedestrian-oriented storefronts, awnings, and use of 'earth' materials such as concrete and stone to help define the building's bottom.

- i. Roof forms should be varied and attractive. Where appropriate, roof forms should also help reinforce the modulation or articulation interval of the building façade.
- j. Roof forms should be designed to screen rooftop mechanical units.
- k. A predominantly flat roof design is discouraged. For portions of the building where a flat roof design is used, architectural details such as eaves, cornices, or other articulation elements should be used to provide interest at the ground level.
- l. Vertical building modulation should be used to add variety by avoiding monotonous design. A technique that may be used is to make large buildings appear to be an aggregation of smaller buildings. Different colors and/or materials may be used to help differentiate between façade planes.
- m. Horizontal building modulation should be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments. Different colors and/or materials may be used to help differentiate between façade planes.

3. Pedestrian Features and Amenities

- a. Pedestrian walkways should be placed throughout the site to allow for efficient access between the residential, commercial, transit center uses, and adjacent streets. The walkways should be situated to minimize walking distance from the public sidewalk and transit facilities to building entrances.
- b. Pedestrian and bicycle pathways and/or connections should be well-defined and safe.
- c. Pedestrian connections should be provided to adjacent properties to allow for efficient access to the transit facilities and commercial uses.
- d. Landscaping should be used to help define and provide visual interest along pedestrian walkways.

- e. Convenient and safe pedestrian areas should be designed in centralized locations to accommodate transit users.
- f. Lighting should be provided to walkways and sidewalks through building mounted light and canopy or awning mounted lights.
- g. Low level lighting in the form of bollards or similar style of lighting should be encouraged along pedestrian pathways not adjacent to buildings.
- h. Through-block pathways should be designed so that it is clear that access by the general public is allowed. The following guidelines also apply:
 - i. Because the subject property is steep along NE 38th Place, stairways may be used in the design of the through-block pathway where connecting to the street. If located along NE 38th Place, the stairway should function as a focal entry/exit point and contain design elements that make it a welcoming, safe, and attractive entry.
 - ii. If located within a parking lot, the following guidelines should be incorporated into the design of the through-block pathway:
 - a) Increased landscaped island size adjoining the pathway. This helps to narrow the driveway width where appropriate to help slow parking lot traffic.
 - b) Raised landscape beds.
 - c) Raised pathway with pavement material, texture, and color different from traffic lanes.
 - d) Selection of tree species that provide the broadest canopy possible to produce a dense landscaped environment.
 - iii. If the through-block pathway is located between buildings, appropriate plants and trees should be selected based on solar access and the location of proposed improvements.

4. Streetscape

- a. Street trees species should be selected and spaced to allow for visual continuity along NE 38th Place, buffer pedestrians from the street, and provide visibility of ground floor retail uses.
- b. Buildings should be oriented towards the street when located along NE 38th Place.

- c. Design elements such as multiple storefronts, pedestrian-oriented signs, exterior light fixtures, glazing, landscaping, and awnings should be utilized to add human scale and interest at the street level.
- d. Ground floor spaces along NE 38th Place should be transparent with windows of clear vision glass beginning no higher than 2' above grade to at least 10' above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.
- e. Varied window treatments should be encouraged. Architectural detailing at window jambs, sills, and heads should be emphasized. Use of ribbon windows should be avoided.
- f. A street wall is a wall or portion of a wall of a building facing a street. Continuous street walls should incorporate vertical and horizontal modulations into the building form.
- g. Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies, and other activities overlooking the street.
- h. Awnings or canopies should be required on facades adjoining sidewalks. Blank walls should be avoided near sidewalks, open spaces, and pedestrian areas.
- i. Blank walls should not be visible from the street or sidewalk. Where blank walls are unavoidable, they should be treated with landscaping, art, or other architectural treatments.

5. **Gateways**

- a. A gateway is an urban design feature that signifies a sense of place and arrival into a city or neighborhood. A gateway should be designed in the location shown in the Comprehensive Plan. The design elements of the gateway should include a combination of landscaping, architectural features, and artwork which:
 - i. Contain a highly visible and welcoming public space between the sidewalk and the building which is easily accessible, comfortable, safe, and includes pedestrian amenities;

- ii. Establish a landmark that reflects the TOD elements of the site;
- iii. Reinforce NE 38th Place and 108th Avenue NE as a focal point;
- iv. Transition between Kirkland and Bellevue and the Yarrow Bay Business District to the west; and
- v. Are integrated with the TOD building design

6. Parking Facilities

- a. Parking areas should not be located between NE 38th Place and buildings.
- b. Access driveways to parking areas should be minimized.
- c. Parking lots should be designed to provide for clear vehicular and pedestrian circulation and be well organized.
- d. Screening and landscaping should be used to reduce the visual impact of parking lots and/or parking structures to the surrounding neighborhood.
- e. Parking structures shall be designed and located to obscure the view of parked cars from adjacent properties. Parking structures should be located to the back of buildings or underground with intervening uses.
- f. Portions of parking structures visible from the street that cannot be placed behind an intervening use due to site topography, should be constructed with high quality materials and be architecturally compatible with the character of surrounding buildings.
- g. Architectural treatment, artwork, building setbacks, and/or dense landscaping should be used to further reduce the visual impact of parking structures along the street.
- h. If adjacent to the required gateway, the exterior of a parking structure should reflect the design elements of the gateway. Design should avoid the appearance of a parking structure.

7. Public Amenities and Open Space

- a. Public open space should be provided on the subject property which can be used by the general public, residents, and transit users.

- b. Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings). The space should appear and function as public space rather than private space.
- c. Public open space should be located in close proximity to commercial and retail uses that are required along NE 38th Place. The public open space should be well defined and contain amenities such as outdoor dining, seating areas, art, water features, and/or landscaping. Adequate room for pedestrian movement through the space should be maintained. Additional public open space in a location convenient to the site's transit users may also be appropriate.
- d. Careful attention should be paid to the transition between transit operations and the building to create a well defined pedestrian space such as a small plaza with landscaping features.
- e. A combination of lighting, access to sunlight, paving, landscaping, and seating should be used to enhance the pedestrian experience with the public open space.

Design Guidelines for YBD 2 and 3

1. Building Location and Orientation

Objectives

- To enhance the character and identity of the Yarrow Bay Business District.
- To upgrade the appearance of streets in the Yarrow Bay Business District.
- To enhance pedestrian circulation.
- To create focal points, particularly on large sites.

Guidelines

- a. Locate and orient buildings toward sidewalks along streets.
- b. Within interior portions of sites orient buildings to plazas, common open spaces or major internal pedestrian pathways.
- c. Where buildings are located at the sidewalk with direct pedestrian access, provide pedestrian oriented building façade treatments described in the Pedestrian Friendly Facades Section 9.



Figure 3. Encourage buildings to orient to the street and locate parking lots to the side, rear, or provide structured parking to as accomplished here.

- d. Provide landscaping, plazas or building façade treatments to enhance the pedestrian experience. In general, buildings that have less pedestrian orientation will merit more landscaping and façade treatments to prevent blank walls.
- e. Locating parking to the side and/or rear of buildings is preferred.
- f. Configure development to provide focal points and opportunities for coordinated pedestrian and vehicular access. Where there are no current opportunities for coordinated access provide the opportunity for future coordination should adjacent site redevelop in the future.

2. Parking Lots and Vehicular Circulation

Objectives

- To minimize the impact of parking facilities on the fronting street, pedestrian environment, and neighboring properties.
- To enhance pedestrian and vehicular safety.
- To maintain traffic flow on streets.
- To promote shared parking.
- To provide attractive and connected vehicular circulation routes.

Discussion

Parking lots can detract from the pedestrian and visual character of a commercial area. The adverse impacts of parking lots can be mitigated through sensitive design, location, and configuration. Large parking lots can be confusing unless vehicle and pedestrian circulation patterns are well organized and marked.

Guidelines

Driveways

- a. Minimize the number of driveways into a development along Lake Washington Blvd, NE 38th Pl. and Northup Way. To the extent possible, adjacent developments should share driveways.

Parking Lot Location and Design



Figure 4 A good example of incorporating trees between parking lot and along pedestrian paths in front of uses.



Figure 5 An example of interior parking lot landscaping.

- a. Surface parking lots are discouraged. Where they are provided, locate parking to the side or rear of buildings so it is not between a building and the sidewalk.
- b. Avoid parking layouts that visually dominate a development. Design parking lots to be attractive to pedestrian's walking by and to break up large parking lots into smaller ones.
- c. Provide a clear and well organized parking lot design. Space should be provided for pedestrians to walk safely in all parking lots.

Parking Lot Landscaping and Screening

- a. Integrate landscaping into parking lots to reduce their visual impact. Provide planting beds with a variety of trees, shrubs, and ground cover to provide visual relief, summer shade, and seasonal interest.
- b. Provide low level perimeter landscaping where parking is adjacent to sidewalks in order to maintain a visual screen and reduce clutter. Use screening methods that maintain visibility at eye level between the street and parking area.
- c. Provide extensive screening and landscaping between parking lots, residential uses, and open spaces. A combination of a screen wall with a landscape buffer is preferred.

3. Parking Structures

Objective

- To mitigate the visual impacts of parking structures in the urban environment.

Guidelines

- a. Structured parking garages are preferred over surface parking lots provided they can be designed to mitigate the intrusive qualities of parking garages along streets, pedestrian pathways and in pedestrian areas using the following design techniques:
 - Locate parking structures, service areas, and storage away from the street edge and so they are not visible from the street or sidewalks.
 - Incorporate ground-level commercial space, oriented to the adjacent street, into parking structures.
 - Use landscaping to screen the parking garage façade.
 - Design and locate parking garage entries to complement, not subordinate the pedestrian entry. Where possible, locate the parking entry away from the primary street, to either the side or rear of the building.



Figure 6. This parking garage includes street front retail space and landscaped trellises to mitigate visual impacts

- Use architectural forms, materials, and/or details to integrate parking structure with the design of other buildings on the property.
- Locate and design parking structures to obscure the view of parked cars from adjacent properties.

4. Architectural Scale

Objectives

- To encourage an architectural scale of development desired for each zone within the Yarrow Bay Business District.
- To add visual interest to buildings.

Discussion

“Architectural scale” means the size of a building relative to the buildings or elements around it. When the buildings in a neighborhood are about the same size and proportion, we say they are “in scale.” The vision and development regulations for the Yarrow Bay Business District provide for larger buildings than currently exist. Care must be taken to design buildings so they appropriately respond to the evolution of the District from the current low rise condition to its vibrant mixed use future. For example, a new project need not step down to a one story edge condition to acknowledge an existing one story building on an adjoining site, but it can incorporate horizontal and vertical modulation that allow it to “fit” with the existing context and provide cues for future development of the adjoining site.

Guidelines

A combination of techniques to reduce the architectural scale of buildings is important. In general the following techniques should be included at intervals of 70 feet for office uses and 30 feet for residential uses. Alternatives will be considered if they meet the objectives.

- Incorporate fenestration techniques proportionate in size and pattern for the scale of the building. This is particularly important on upper floors, where windows should be divided into individual units with each window unit separated by a visible mullion or other element. “Ribbon windows” (continuous horizontal bands of glass) or “window walls” (glass over the entire surface) do little to indicate the scale of the building and are thus discouraged, except in special circumstances where they serve as an accent element.
- Encourage vertical modulation on multi-story buildings to add variety. Vertical modulation may be particularly effective for tall buildings adjacent to a street, plaza, or



Figure 7. Fenestration and vertical modulation techniques help to reduce the architectural scale of this office building

residential area to provide compatible architectural scale and to minimize shade and shadow impacts.

- c. Incorporate horizontal building modulation techniques to reduce the architectural scale of the building and add visual interest. Horizontal building modulation is the horizontal articulation or division of an imposing building façade through upper story setbacks, awnings, balconies, roof decks, eaves, and banding of contrasting materials. Elevations that are modulated with horizontal elements appear less massive than those with sheer, flat surfaces.

Recommended horizontal building modulation techniques include:

- Roofline modulation and a change in building materials.
 - Step back building facades, generally above the second floor.
 - For residential uses, provide horizontal building modulation based on individual unit size, use roofline modulation, and changes in color and/or building materials. The depth and width of the modulation should be sufficient to meet the objectives of the guidelines. Avoid repetitive modulation techniques, since they may not be effective when viewed from a distance. Larger residential buildings will require greater horizontal modulation techniques to provide appropriate architectural scale.
- d. Break up long continuous walls with a combination of horizontal building modulation, change in fenestration, and/or change in building materials. This is especially important for office buildings.
- e. Encourage a variety of roofline modulation techniques such as hipped or gabled rooflines and modulated flat rooflines. As a general rule, the larger the building or unbroken roofline, the bigger the modulation should be. In determining the appropriate roof type and amount of modulation, consider the distance from which the building can be viewed. For example, a large commercial building adjacent to a parking lot is capable of being viewed from a relatively large distance and will consequently necessitate greater roofline modulation.

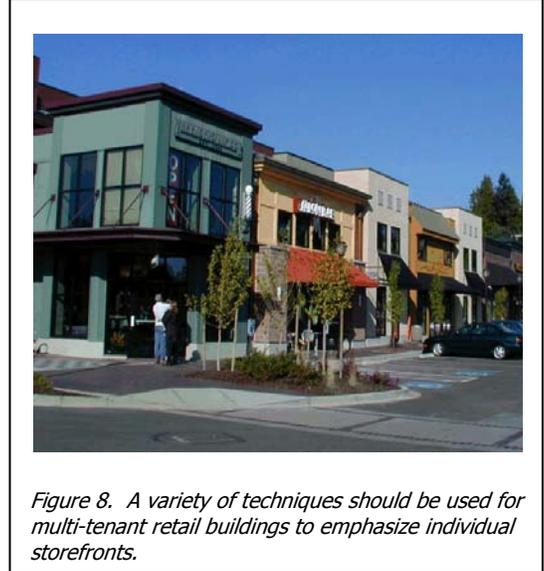


Figure 8. A variety of techniques should be used for multi-tenant retail buildings to emphasize individual storefronts.

5. Human Scale

Objectives

- To encourage the use of building components that relate to pedestrian activity.
- To add visual interest to buildings.

Discussion

The term “human scale” is generally used to indicate a building’s size in proportion to pedestrians. The actual size of a building is often not as important as its perceived size. A variety of design techniques may be used to make a building less imposing and to make people feel comfortable using and approaching it.

How the pedestrian interacts with the building at street level, along store fronts and portions of the building that are within view and reach of the pedestrian are most important factors. Upper story setbacks can also prevent taller structures from overwhelming the pedestrian scale at the street level. The use of materials, detailing, and transparency of windows along a building façade are important techniques. A bay window suggests housing, while an arcade suggests a public walkway with retail frontage. Each element must be designed for an appropriate urban setting and for public or private use. A building should incorporate special features that enhance its character and surroundings. Such features give a building a better defined “human scale.”

Guidelines

- a. Encourage a combination of architectural elements that give buildings a human scale. Examples include arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, street front courtyards and plazas outside of retail spaces. Window fenestration techniques described in Section 4 can also be effective. Consider the distances from which buildings can be viewed (from the sidewalk, street, parking lot, open space, etc.).

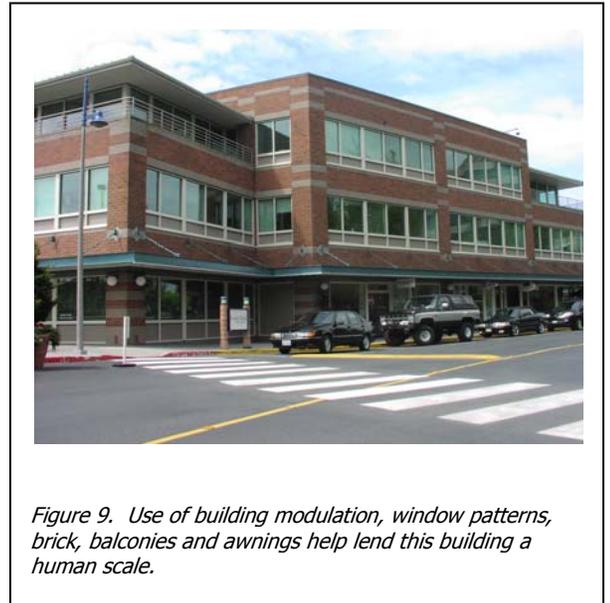


Figure 9. Use of building modulation, window patterns, brick, balconies and awnings help lend this building a human scale.

6. Pedestrian Connections

Objectives

- To provide convenient pedestrian access.
- To reduce vehicle trips.
- To encourage pedestrian activity.

Guidelines

- a. Provide convenient pedestrian access between the street, bus stops, buildings, parking areas, and open spaces.
- b. Provide direct pedestrian access from buildings to abutting public sidewalks and major internal pathways.
- c. Provide paved walkways through large parking lots. Separate walkways from vehicular parking and travel lanes by use of contrasting paving material which may be raised above the vehicular pavement and by landscaping.
- d. Provide safe and convenient pedestrian connections east to west through the business district consistent with Plate 34 of the Zoning Code.
- e. Consider installing a public trail along the stream corridor as a pedestrian connection and natural amenity.

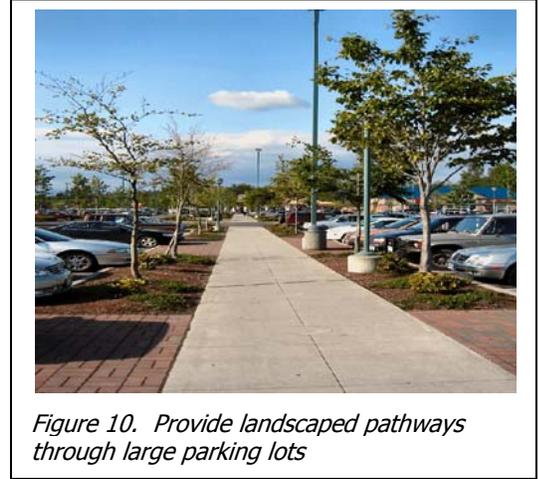


Figure 10. Provide landscaped pathways through large parking lots

7. Natural Features

Objectives

- Establish a “greenway” corridor extending in an east/west direction across the business district from the Yarrow Bay wetlands and along stream corridors to the Houghton slope.

Guidelines

- a. Configure buildings and site features to preserve and enhance stream corridors. Consider these natural features as open space amenities.
- b. Use wooded slopes as a natural site amenity and buffer by using and retaining native vegetation.
- c. Encourage buildings and rooflines to step down or be tucked against hillsides to roughly follow the slope of the existing terrain.



Figure 11. Seek opportunities to expand the existing public pedestrian pathway.

8. Blank Walls

Objectives

- To minimize visible blank walls.
- To enhance public safety along sidewalks and pathways.
- To encourage design elements that enhance the character of buildings at all perceived distances.

Discussion

Blank walls deaden the pedestrian environment and break the continuity of ground floor activity along a street or pathway. Blank walls can also create a safety problem, particularly where adjacent to pedestrian areas, as they don't allow for natural surveillance of those areas.

Guidelines

- a. Avoid blank walls near sidewalks, major internal walkways, parks, and pedestrian areas. Use the following treatments to mitigate the negative effects of blank walls (in order of preference):
 - Configure buildings and uses to avoid blank walls exposed to public view.
 - Provide a planting bed with plant material to screen most of the wall.
 - Install trellises with climbing vines or plant materials to cover the surface of the wall. For long walls, use trellises to avoid monotony.
 - Provide artwork on the wall surface.
 - Provide architectural techniques that add visual interest at a pedestrian scale, such as a combination of horizontal building modulation, change in building materials and/or color, and use of decorative building materials.
 - Provide decorative lighting fixtures.



Figure 12. An example of treatment for blank wall or parking structure.



Figure 13. This building was a combination of alternating building materials, details, and landscaping elements to add visual interest at a close range.

9. Pedestrian-Friendly Building Fronts

Objectives

- To enhance the pedestrian environment.
- To create safe and active sidewalks and pathways.

Guidelines

- Incorporate transparent windows, pedestrian entrances, and weather protection along facades adjacent to a sidewalk or internal pathway. Weather protection features could include awnings, canopies, marquees, or other similar treatments.
- Where buildings are not located at the sidewalk, incorporate landscaping, a pedestrian plaza or open space between the building and the sidewalk or provide building façade treatment.



Figure 14. An example of pedestrian friendly building façade.

10. Pedestrian Plazas

Objectives

- To provide a variety of pedestrian-oriented areas to attract shoppers and employees to commercial areas and enrich the pedestrian environment.
- To create gathering spaces for the community.
- To configure buildings to encourage pedestrian activity and pedestrian focal points.

Discussion

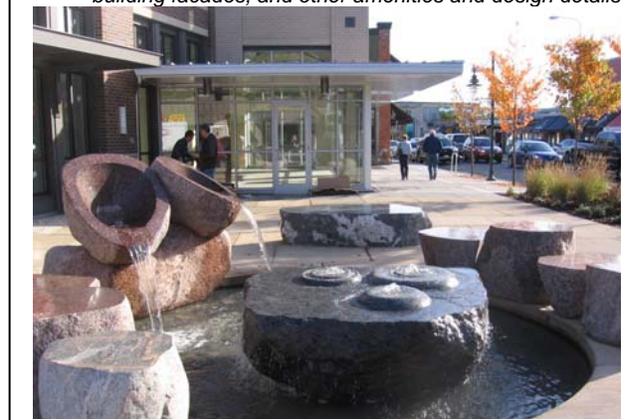
Pedestrian plazas serve as open space and places for people to gather.

Guidelines

- Provide pedestrian plazas in conjunction with building and site spaces that are accessible to the general public, residents and transit users.
- Position plazas in locations adjacent to and visible from major streets, such as along NE



Figure 15. Good examples of pedestrian plazas. Notice the decorative pavements, landscaping components, adjacent building facades, and other amenities and design details



38th Pl, major internal circulation routes, or where there are strong pedestrian flows on neighboring sidewalks. For large sites, development should be configured to create one or more focal plazas. To enhance visibility and accessibility, plazas usually should be no more than 3' above or below the adjacent sidewalk or internal pathway.

- c. Locate building entrances that open on to plazas.
- d. Provide landscaping elements that add color and seasonal interest. This can include trees, planting beds, potted plants, trellises, and hanging plants.
- e. Incorporate pedestrian amenities, as described in Section 12.
- f. Locate plazas in sunny locations.
- g. Provide transitional zones along building edges to allow for outdoor seating areas and a planted buffer.

11. Residential Open Space

Objectives

- To create useable space that is suitable for leisure activities for residents.
- To create open space that contributes to the residential setting.

Guidelines

- a. Incorporate common open space for use by residents. Guidelines for common open space include:
 - Design space as a focal point of the development.
 - Space may be provided in one large area or in multiple smaller spaces, provided that each space is large enough to provide functional leisure activity. For example, long narrow spaces rarely function as usable common space.
 - Provide space for a range of activities and age groups. Children's play areas should be visible from dwelling units and positioned near pedestrian activity.
 - Separate common space from ground floor windows, streets, service areas, and parking lots with landscaping and/or low-level fencing. However, care should be used to maintain visibility from dwelling units towards open space for safety.
- c. Provide private open space for individual residential units. For townhouses and other ground-based

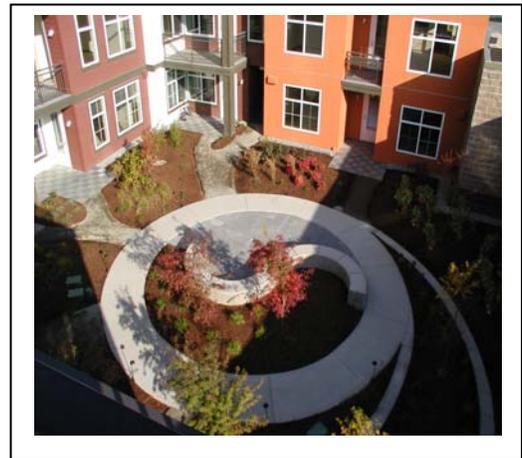


Figure 16. Good examples of common open space, including internal courtyard (above), a children's play area (below).

housing units, provide patios, decks, and/or landscaped front or rear yards adjacent to the units. For all other units, provide balconies large enough for usable space for sitting, outdoor cooking and eating etc.

12. Pedestrian Amenities

Objectives

- To provide amenities that enrich the pedestrian environment.
- To increase pedestrian activity.

Discussion

Site features and pedestrian amenities, such as lighting, benches, paving, waste receptacles, and other site elements, are an important aspect of a business district's character. These elements reduce apparent walking lengths and unify the district's visual character.

Guidelines

Provide pedestrian amenities along all sidewalks, interior pathways and within plazas and other open spaces. Examples include:

- Pedestrian-scaled lighting less than 15' above the ground.
- Seating space such as benches, steps, railings and planting ledges. Ideal heights are between 12" to 18". An appropriate seat depth ranges from 6" to 24".
- Pedestrian furniture such as trash receptacles, consolidated newspaper racks, and drinking fountains.
- Planting beds and/or potted plants.
- Unit paving such as stones, bricks, or tiles.
- Decorative pavement patterns and tree grates.
- Water features.
- Informational kiosks.
- Transit shelters.
- Decorative clocks.
- Artwork.



Figure 17. Consolidated newspaper racks



Figure 18. Bicycle racks



Figure 19. Potted plants

- Bicycle racks.

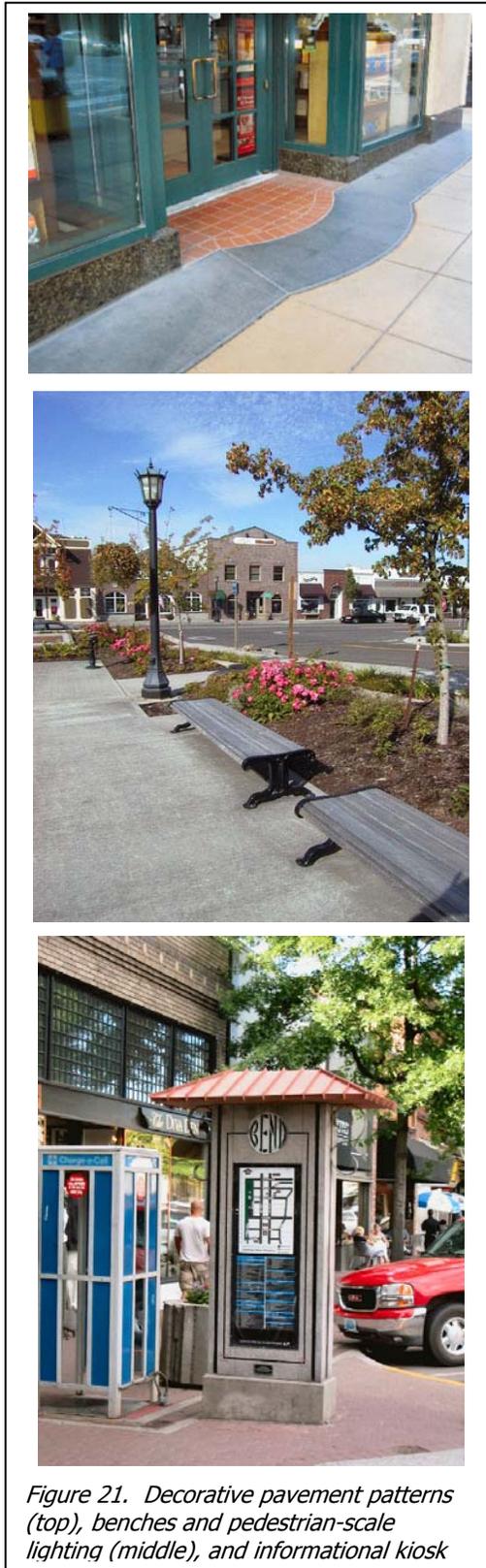


Figure 21. Decorative pavement patterns (top), benches and pedestrian-scale lighting (middle), and informational kiosk



Figure 20. This example combines a sculptural water feature with landscaping

13. Pedestrian Coverings

Objectives

- To provide shelter for pedestrians.
- To provide spatial enclosure and add design interest to a retail or office streetscapes.

Discussion

The design and width of pedestrian coverings should be determined by their function, the building's use and the type of street.

As a general rule, the more traffic an entry is expected to accommodate, the larger the covered area at the entry should be.

The width of the sidewalk should also be considered when sizing the pedestrian covering (wider sidewalks can accommodate wider pedestrian coverings). Canopies and awnings should be appropriately dimensioned to allow for tree growth, where applicable. The architecture of the building and the spacing of individual storefronts should help determine the appropriate placement and style of the canopy or awning. Continuous, uniform awnings or canopies, particularly for multi-tenant retail buildings, can create a monotonous visual environment and are discouraged.

Guidelines

- a. Provide weather protection along the primary exterior entrance of all businesses, residential units, and other buildings.
- b. Design weather protection features to provide adequate width and depth at building entries.
- c. Pedestrian covering treatments may include: covered porches, overhangs, awnings, canopies, marquees, recessed entries or other similar features. A variety of styles and colors should be considered and be compatible with the architectural style of the building and the ground floor use.
- d. Back lit, plastic awnings are not appropriate.



Figure 22. Wider pedestrian coverings allow for outdoor dining



Figure 23. Note how these awnings have been integrated into the building's storefront spaces

14. Building Details and Materials

Objectives

- To use building and site design details that add visual interest to buildings/sites at a pedestrian scale.
- To use a variety of quality building materials such as brick, stone, glass, timber, and metal appropriate to the Pacific Northwest climate.

Guidelines

- a. Encourage the integration of ornament and applied art with structures and site environments. For example, significant architectural features should not be hidden, nor should the urban context be overshadowed.



Figure 24. Consider changes in building materials with modulation techniques

Emphasis should be placed on highlighting building features such as doors, windows, eaves, and ornamental masonry. Ornament may take the form of traditional or contemporary elements. Original artwork or hand-crafted details should be considered in special areas. Ornament may consist of raised surfaces, painted surfaces, ornamental or textured banding, changing of materials, or lighting.

- b. Use a variety of quality building materials such as brick, stone, timber, and metal to add visual interest to the buildings and reduce their perceived scale. Use masonry or other durable materials - especially near the ground level.
- c. Avoid use of concrete block and large expansive tilt up concrete facades.



Figure 25. A combination of materials is preferred

15. Entry Gateway Features

Objectives

- To enhance the character and identity of the Lakeview Neighborhood.
- To provide a welcoming statement for visitors entering the City.

Discussion

The Lakeview Neighborhood Plan calls for gateway features at two key entry points into neighborhood and the Yarrow Bay Business District:

- Intersection of SR 520 and Lake Washington Blvd. NE
- Intersection of 108th Avenue NE and NE 38th PL at the Transit Oriented Development.

Guideline

Incorporate entry gateway features in new development in the vicinity of gateways/nodal intersections identified in the Lakeview Neighborhood Plan. Locate and provide a new design for a gateway sign on Lake Washington Blvd. Gateway features may include some or all of the following:

- a. Distinctive landscaping.
- b. Artwork (e.g. vertical sculpture incorporating historical information about the Lakeview Neighborhood).
- c. Decorative lighting elements.
- d. Distinctive architectural features that are unique to the neighborhood or provide open space.
- e. Incorporation of the Cochrane Springs Creek crossing into a gateway feature as a soft, green entrance to the City.



Figure 26 Existing gateway city entrance sign

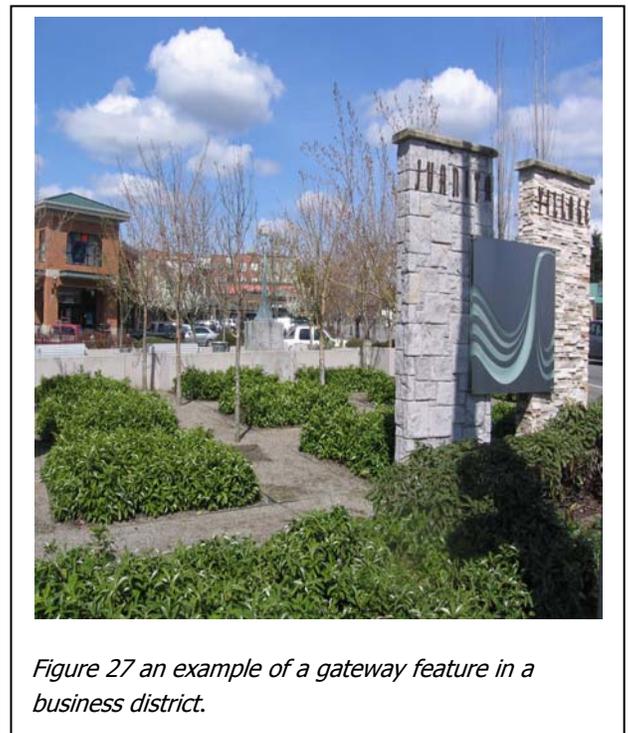


Figure 27 an example of a gateway feature in a business district.

16. Sidewalk and Pathway Widths

Objectives

- To provide wide sidewalks and pathways that accommodates pedestrian movement and provides a pleasing pedestrian experience.

Discussion

Sidewalks have three overlapping parts with different functions: the curb zone, the movement zone, and the storefront or activity zone. A well-sized and uncluttered movement zone allows pedestrians to move at a comfortable pace.

Sidewalks or pathways adjacent to moving vehicular traffic need generous buffers to make them safer and more inviting. Landscaping elements are particularly important physical and visual buffers between walkways and streets or other vehicle access areas. As a general rule, the higher the travel speed, the greater the buffer should be between moving cars and pedestrians.

Guidelines

- Integrate a "curb zone" into the sidewalk or pathway width to separate the pedestrian from the street. This space should include street trees in a landscape strip or tree grates. Subtle changes in paving patterns between the curb zone and the movement zone can be effective and should be considered.
- Design sidewalks and pathways to support a variety and concentration of activities and provide a separation for the pedestrian from the busy street. Provide decorative pedestrian lighting and amenities described in the pedestrian amenities section below.
- For the movement or storefront activity zone design sidewalks to be wide enough to allow for pedestrians to pass those window shopping or seated at sidewalk cafes.

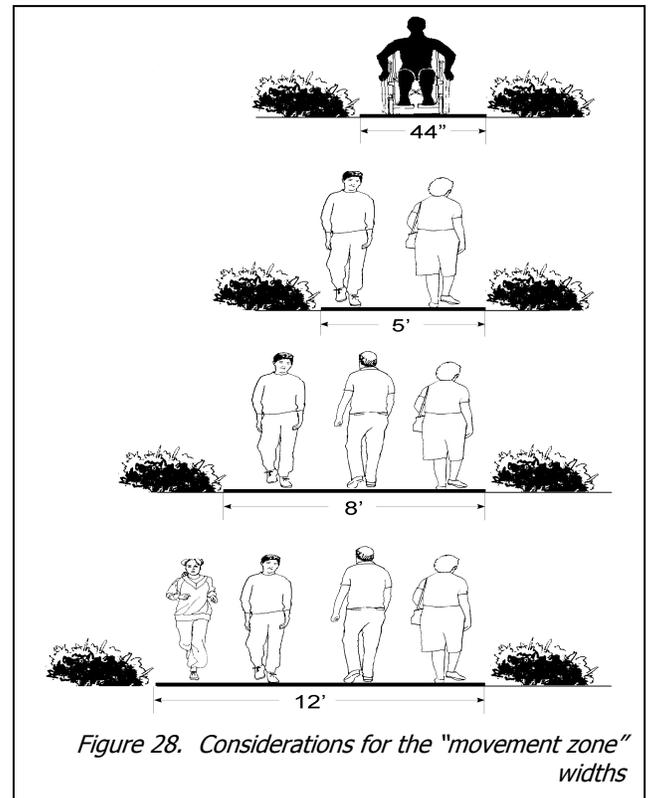


Figure 29. High-traffic streets without on-street parking warrant wider planting strip buffers

17. Street Trees

Objectives

- To utilize street trees to upgrade the character and identity of the Yarrow Bay Business District.
- To enhance the pedestrian environment in the Business District.
- To use trees that provide seasonal interest.
- To use trees that will not obscure views of businesses from the street.

Discussion

The repetition of trees bordering streets, internal roadways, and pathways can unify the District. Trees can add color, texture, and form to the urban environment and provide a respite from the weather.

Guidelines

- a. Incorporate street trees along all streets, internal access roads, and pathways.
- b. Encourage street trees to be used as a unifying features for the District.
- c. Select and maintain tree species that will accommodate pedestrian and vehicular traffic, and maintain visibility into and through sites for safety purposes.



Figure 30. Provide street trees along all streets and internal access roads

18. Landscaping

Objective

- To enhance the visual quality of the urban environment.
- To incorporate greenery into the urban environment.

Discussion

Landscaping can soften the hard edges and improve the visual quality of the urban environment. Landscaping treatment in the urban environment should focus on the automobile, pedestrian, and building landscapes.



Along high speed and high volume traffic areas, raised planting strips can be used to protect pedestrians from traffic. The pedestrian landscape should offer variety at the ground level through the use of shrubs, ground cover, and trees. Pedestrian circulation, complete with entry and resting points, should be emphasized. Landscaping around buildings particularly along blank walls can reduce scale and add diversity through pattern, color, and form.

Examples of how landscaping is used to soften and enhance the visual quality of the urban environment include:

- Screening of parking lots;
- Tall cylindrical trees to mark an entry;
- Continuous street tree plantings to protect pedestrians;
- Clusters of dense trees along long building facades;
- Cluster plantings at focal points;
- Parking lots with trees and shrubs planted internally as well as on the perimeter.

Guidelines

- a. Design landscaping for the purpose and context in which it will be located. The auto oriented landscaping requires strong plantings of a structural nature to act as buffers or screens for pedestrians. The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's qualities and screens service areas or blank walls while not blocking views of the business or signage.
- b. Encourage a colorful mix of drought tolerant and low maintenance trees, shrubs and perennials. Except in special circumstances, ivy should be avoided.
- c. Consider the on-site topography to hide parking and enhance views.
- d. Use wooded slopes and streams as a natural site amenity and to screen unwanted views, where applicable.

19. Service Areas

Objectives

- To mitigate adverse impacts of service areas.
- To locate and design site service and storage areas to promote ease of use, safety, and visual cohesion.

Guidelines

- a. Locate and design service and storage areas (such as refuse, recycling, loading or mechanical equipment areas) to minimize visibility from public pedestrian spaces and adjacent properties.
- b. Locate service elements where they are accessible to service vehicles and convenient for tenant use.
- c. Design service enclosures to be compatible with the design of adjacent buildings. This may be accomplished by the use of similar building materials, details, and architectural styles. Such enclosures should be made of masonry, ornamental metal, heavy wood timber, or other durable materials.
- d. Locate roof-mounted mechanical equipment so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. Equipment screening should blend with the architectural character of the building.
- e. Consider the location and screening of mechanical equipment and service areas early in building and site design.

20. Lighting

Objectives

- To enhance safety by providing light levels sufficient to adequately illuminate pedestrian areas and building facades.
- To create inviting pedestrian areas using a variety of illumination techniques.
- To provide adequate lighting without creating excessive glare or light levels.

Discussion

Overpowering and uniform illumination in commercial areas creates glare and destroys the quality of night light especially adjacent to residential areas. Well placed light fixtures provide sufficient lighting levels for security and safety as well as create a positive ambience. A blend of lighting directed downward on walking surfaces and up onto trees can be used to define these spaces. Care should be taken to avoid spilling excessive glare into adjacent properties and to avoid sky directed light pollution. For this reason utilizing fixtures that shield the light source as much as possible is prudent. In some instances highlighting light fixtures by allowing the light source to be seen is appropriate; however, care should be taken to diffuse the light source to not cause excessive glare. Overall, it is desirable to have different intensities and balances of light to create well defined and comfortable outdoor places.

Guidelines

- a. Provide adequate lighting levels in all areas used by pedestrians and automobiles, including building entries, walkways, parking areas, circulation areas, and open spaces.

Recommended minimum light levels:

- Building entries: 4 foot candles. This can be a combination of up lighting and down lighting and building mounted lighting. Care should be taken to emphasize the importance of the building entrance.
- Primary pedestrian walkway: 2 foot candles lighting can be ambient light from canopies and building mounted lighting. Emphasis should take place on creating pools of lighting on the pedestrian surface. Lighting sources should not be seen except when lighting is designed as part of a theme for the overall building such as in some sort of lamp lighting.

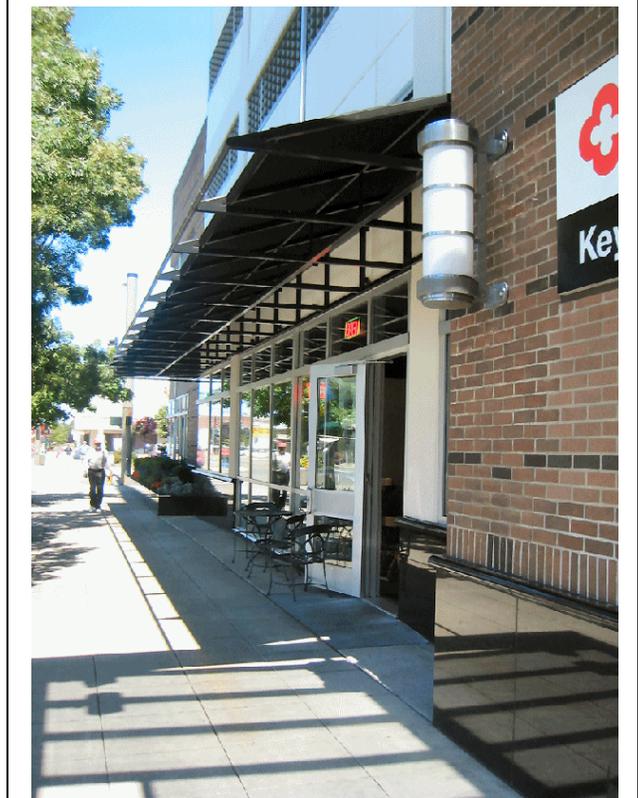


Figure 31. Building-mounted lighting is encouraged to enhance the pedestrian environment

- Secondary pedestrian walkway: 1-2 foot candles. Focus should be on pooling lighting on the walking surface and hiding the light source. Different levels of lighting should occur at focus or gathering points to provide destinations along pedestrian walkways.
 - Parking lot: .60 -1 foot candle
 - Enclosed parking garages for common use: 3 foot candles
- b. Provide lighting for walkways and sidewalks through building mounted lights, canopy or awning mounted lights, and display windows. Building-mounted light fixtures are encouraged to give visual variety and provide interest. It is acceptable to use the building mounted light as a piece of visual artwork unto itself. Care should be taken to prevent as much direct glare as possible from the light source. Canopies or awning-mounted lights are not to illuminate a glowing canopy. Canopies and awning lights should be directed onto walking surfaces, on the building façades or directed up under the canopy. Window display ambient light can spill onto the walkways and sidewalk.
- c. Provide parking lot light fixtures that are non-glare. Lower level lighting fixtures in a design that is coordinated with the architecture of the building are preferred. Lights up to 20' in height may be used for safety and security when needed. However, the light source shall not be seen beyond an approximate 20-degree angle from the light fixture itself.
- d. Prohibit flood illumination of building facades. Some directed façade lighting maybe appropriate when coordinated with the design theme of the building.

21. Signs

Objectives

- To encourage the use of creative, well-crafted signs that will contribute to the character of the district while providing adequate identification for buildings and tenants.

Discussion

Kirkland's Zoning Code regulates signs throughout the city in order to create a high-quality urban environment. The type and design of a sign will vary, depending on if it is geared toward the passing motorist, pedestrians or a commercial center. Signs should be an integral part of a building's façade or site design. The location, architectural style, and mounting of signs should conform to a building's architecture and not cover up or conflict with its prominent architectural features. A sign's design and mounting should be appropriate for the setting.

Guidelines

- Provide pedestrian oriented signs on all commercial facades where adjacent to a sidewalk or walkway. This includes signs located within 15' of the ground plane, such as "blade" signs which hang below canopies. Small signs located on canopies or awnings are also effective along building facades at the street. Sculpted signs and signs that incorporate artwork add interest.
- Prohibit internally lit cabinet signs. Neon signs are appropriate when integrated with the building's architecture.
- For ground mounted signs provide substantial sign bases in proportion to the sign face and install low level landscaping around the sign base.
- Use mounting supports for signs that reflect the materials and design character of the building or site elements or both. Too much variety, too much uniformity though unified by common design elements, signs can still express the individual character of businesses.
- Provide master sign plans for larger commercial centers to combine signage for the whole complex that describes the general location for signs, complements the architectural design of the center and signs oriented to automobile traffic.



Figure 32 good example of a sign geared to automobiles for a multi use development

22.28.040 Lots—Lot averaging.

In multiple lot subdivisions not located in an RSA **or PLA 3C** zone and not subject to Section 22.28.030, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zoning district in which the property is located as identified on the zoning map. Under this provision, either:

(a) Not more than twenty percent of the number of lots in a subdivision and one of the lots in a short plat may contain an area less than the prescribed minimum for this zoning district. In no case shall any lots be created which contain an area more than ten percent less than the prescribed minimum for this zoning district; or

(b) Up to seventy-five percent of the number of lots in a subdivision or short plat may contain an area less than the prescribed minimum for this zoning district if the lots which would be created contain an area no more than five percent less than prescribed.

These smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way.

Using process IIA, Chapter 150 of Title 23 of this code, and the applicable sections of Chapter 22.12 or 22.20 of this title, additional lot averaging may be achieved. Through process IIA, not more than thirty percent of the number of lots in a subdivision, and two of the lots in a short plat, may contain an area less than the prescribed minimum for this zoning district as long as the average lot area is not less than the minimum lot area required for the zoning district in which the property is located as identified on the zoning map. In no case shall any lots be created through this process which contain an area more than fifteen percent less than the prescribed minimum for this zoning district. The smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way. In addition, the plat or short plat must meet the following criteria:

(1) The averaging is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on that subject property; and

(2) The averaging will not be materially detrimental to the property or improvements in the area of the subject property or to the city in part or as a whole; and

(3) Existing significant trees and vegetation will be preserved where feasible to buffer the adjacent properties from the smaller lots in the subject subdivision.

Additional lot averaging may only be addressed and obtained through the provisions of Chapter 125, Planned Unit Development, of Title 23 of this code and the applicable sections of Chapter 22.12 or 22.20 of this title. (Ord. 4196 § 2 (Exh. B) (part), 2010; Ord. 4011 § 2, 2005; Ord. 3705 § 2 (part), 1999)

22.28.042 Lots—Small lot single-family.

In the Market, and Norkirk and Lakeview (except for lots located in the PLA 3C zone and RS 12.5 zone) neighborhoods, as defined in the comprehensive plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least six thousand square feet.
- (c) The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4102 § 1(A), 2007)

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4332

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF KIRKLAND MUNICIPAL CODE CHAPTER 22.28 RELATING TO SUBDIVISIONS AND CHAPTER 3.30 RELATING TO YARROW BAY BUSINESS DISTRICT DESIGN GUIDELINES AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00032.

Section 1. Amends the following specific portions of the Municipal Code:

Section 3.30.040 Design Guidelines adopted by reference.
Section 22.28.040, Lots – Lot averaging in reference to PLA 3C;
Section 22.28.042 – Lots – Small lot single-family to include the Lakeview Neighborhood except lots located in the PLA 3C and RS 12.5 zones;

Section 2. Provides a severability clause for the ordinance.

Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, which will be more than five days after publication of summary.

Section 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2011.

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

City Clerk

ORDINANCE NO. O-4333

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED TO IMPLEMENT THE LAKEVIEW NEIGHBORHOOD PLAN UPDATE AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00032.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated September 7, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00032; and

WHEREAS, prior to making said recommendation the Planning Commission and the Houghton Community Council, following notice thereof as required by RCW 35A.63.070 and RCW 36.70A.035, held public hearings on June 23, 2011 and July 14, 2011, on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued on July 15, 2011 by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission and the Houghton Community Council;

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

Section 1. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- A. Table of Contents:
Text amendments to Table of Contents as set forth in Exhibit A attached to this ordinance and incorporated by reference.
- B. Chapter 5. Definitions:
Text amendments to Sections 5.10.145, 5.10.490, 5.10.513, 5.10.595 and 5.10.785 as set forth in Exhibit B attached to this ordinance and incorporated by reference.

- C. Chapter 10. Legal Effect/Applicability:
Text amendments to Section 10.25 as set forth in Exhibit C attached to this ordinance and incorporated by reference.
- D. Chapter 25. Professional Office Residential (PR) and Professional Office Residential A (PRA) Zones:
Text amendments as set forth in Exhibit D attached to this ordinance and incorporated by reference.
- E. Chapter 30. Waterfront District (WD) Zones:
Text amendments to Sections 30.30 and 30.35.010 as set forth in Exhibit E attached to this ordinance and incorporated by reference.
- F. Repeal Chapter 35. Freeway Commercial (FC III) Zone
- G. Add to Chapter 56. Yarrow Bay Business District Subareas YBD 2 and 3 as set forth in Exhibit F attached to this ordinance and incorporated by reference.
- H. Chapter 60. Planned Areas:
Text amendments to PLA 2 Use Zone Chart as set forth in Exhibit G attached to this ordinance and incorporated by reference.

Delete PLA 3A use zone chart.

Add new Sections 60.19 – 60.22 PLA 3C Use Zone charts as set forth in Exhibit H attached to this ordinance and incorporated by reference.

Text amendments to 60.25 PLA 3B as set forth in Exhibit I attached to this ordinance and incorporated by reference.
- I. Add Yarrow Bay Business District (YBD) Design Regulations to Chapter 92 as set forth in Exhibit J attached to this ordinance and incorporated by reference.
- J. Chapter 100 Signs
Add Lakeview Drive and NE 60th Street to section 100.50 Designated Corridors and Yarrow Bay Business District to 100.52 Certain Signs Prohibited as set forth in Exhibit K attached to this ordinance and incorporated by reference.
- K. Chapter 105 Parking
Text amendment to Section 105.58.2 as set forth in Exhibit L attached to this ordinance and incorporated by reference.
- L. Chapter 115 Miscellaneous
Text amendment to Section 115.42 as set forth in Exhibit M attached to this ordinance and incorporated by reference.
- M. Chapter 142 Design Review

Text amendment to Section 142.25 and 142.37 as set forth in Exhibit N attached to this ordinance and incorporated by reference.

- N. Chapter 180 Plates
Revise Plate 34L and add Plate 34 M as set forth in Exhibit O attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

- A. Change zoning from RS 12.5 to PLA 3C in area set forth in Exhibit P attached to this ordinance and incorporated by reference.
- B. Change zoning from RM 3.6 to PR 3.6 and delete prefixes in areas set forth in Exhibit Q attached to this ordinance and incorporated by reference.
- C. Change zoning from PO and PLA 3A to YBD 2 and from FCIII to YBD 3 and designate Yarrow Bay Business District Boundary in areas set forth in Exhibit R attached to this ordinance and incorporated by reference.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 4. This ordinance shall be in full force and effect January 1, 2012, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

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

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

Title 23 ZONING

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This code contains zoning regulations for the Finn Hill, North Juanita, and Kingsgate annexation areas as adopted by the Kirkland City Council through Ordinance 4196. The effective date of the annexation and Ordinance 4196 zoning regulations is June 1, 2011.

[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

[Zoning Code Interpretations](#)

[Chapter 1](#) – User Guide

[Chapter 5](#) – Definitions

[Chapter 10](#) – Legal Effect/Applicability

[Chapter 15](#) – Single-Family Residential (RS) Zones

[Chapter 17](#) – Single-Family Residential X (RSX) Zones

[Chapter 18](#) – Single-Family Residential A (RSA) Zones

[Chapter 20](#) – Multifamily Residential (RM and RMA) Zones

[Chapter 25](#) – Professional Office Residential (PR) and Professional Office Residential A (PRA) Zones

[Chapter 27](#) – Professional Office (PO) Zones

[Chapter 30](#) – Waterfront District (WD) Zones

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[WDII Zone](#)

[WDIII Zone](#)

~~[Chapter 35](#) – Freeway Commercial (FC) Zones [Delete Chapter 35 FCIII Zone](#)~~

~~[FCIII Zone](#)~~

[Chapter 40](#) – Neighborhood Business (BN) Zones and Neighborhood Business A (BNA) Zones

[Chapter 45](#) – Community Business (BC, BC 1 and BC 2) Zones

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[TL 9A](#)

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[TL 10A](#)

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[TL 10C](#)

[TL 10D](#)

[TL 10E](#)

[TL 11](#)

[Insert Chapter 56-Yarrow Bay Business District YBD 2, YBD 3 Section 56.18](#)

[Chapter 60](#) – Planned Areas (PLA)

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[PLA2](#)

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[Insert new PLA 3C Use Zone Chart Section 60.19](#)

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Chapter 5 – DEFINITIONS

5.10 Definitions

.145 Commercial Zones

– The following zones: BN; BNA; BC; BC 1; BC 2; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; and TL 8, ~~YBD 2, YBD 3.~~

.490 Low Density Zones

– The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; ~~PLA 3C~~, PLA 6C, 6E; PLA 16; WD II; and comparable zones in other adjoining jurisdictions, except properties with approved intent to rezone to zoning designations other than low density.

.513 Maximum Units per Acre

– Within RSA ~~and PLA 3C~~ zones, the maximum allowed number of dwelling units shall be computed by multiplying the gross area of the subject property by the applicable residential density number per acre shown on the Zoning Map. ~~In the RSA zone, f~~For the purpose of calculating the maximum units per acre, all road dedications and vehicular access easements and tracts shall be included in the calculation for density. The maximum development potential requirements of Chapter 90 KZC shall apply.

.595 Office Zones

– The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; PRA 1.8; JBD 3; ~~PLA 3A~~; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A; ~~FC III~~; MSC 1; MSC 4; NRH 2; NRH 3; NRH 5; NRH 6; RH 4; RH 8; TL 1A; TL 10A, TL 10B, TL 10C, TL 10D and TL 10E.

.785 Residential Zone

– The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 9B; PLA 2; PLA 3B; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; ~~and~~ TL 11; ~~PLA 3C~~.

Amendments to KZC 10.25 Zoning Categories Adopted-

The City is divided into the following zoning categories:

Zoning Category	Symbol
1. Single-Family Residential Zones	RS, RSA and RSX (followed by a designation indicating minimum lot size per dwelling unit or units per acre)
2. Multifamily Residential Zones	RM and RMA (followed by a designation indicating minimum lot size per dwelling unit)
3. Professional Office/Residential Zones	PR and PRA (followed by a designation indicating minimum lot size per dwelling unit)
4. Professional Office Zones	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Freeway Commercial Zones Yarrow Bay Business District	FC (followed by a designation indicating which Freeway Commercial Zone) YBD (followed by a designation indicating which sub-zone within the Yarrow Bay Business District)
7. Neighborhood Business	BN and BNA
8. Community Business	BC, BC 1, BC 2 and BCX
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11. Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)
12. North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
13. Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
14. Totem Center and Totem Lake Neighborhood	TL (followed by a designation indicating which sub-zone within Totem Center or the Totem Lake Neighborhood)
15. Light Industrial Zones	LIT, TL 7
16. Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
17. Park/Public Use Zones	P

CHAPTER 25 – PROFESSIONAL OFFICE RESIDENTIAL (PR) AND PROFESSIONAL OFFICE RESIDENTIAL A (PRA) ZONES Proposed Amendments**25.05** User Guide.

The charts in KZC 25.10 contain the basic zoning regulations that apply in each PR 8.5, PR 5.0, PR 3.6, PR 2.4 and PR 1.8 and PRA 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 25.08


Zone
PR, PRA

Section 25.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
- ~~4.~~ ~~The required yard of a structure abutting Lake Washington Boulevard or Lake St. S. must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).~~
- ~~5.~~4 If the property is located south of NE 85th Street between 124th Avenue and 120th Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating nonresidential development from adjacent single-family homes.
- ~~6.~~5 Within the PRA zone, the maximum building height of a structure may be increased to 60 feet above average building elevation if:
 - a. All required yards are increased by one foot for every two feet of height above 35 feet;
 - b. Buildings may not exceed three stories; and
 - c. Rooftop appurtenances may not exceed the maximum height and are screened with sloped roof forms.
- ~~7.~~6 May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.

Section 25.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
				Front	Side	Rear						
.010	Detached Dwelling Units	None	8,500 sq. ft. if PR 8.5 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 3,600 sq. ft.	20'	5'	10'	70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building elevation. See Spec. Reg. 6.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units	Within the NE 85th Street Subarea and Yarrow Bay Business District , Chapter 142 KZC. Otherwise, none.	8,500 sq. ft. if PR 8.5 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1.	For PR zones: 5' each for detached units and 5' but 2 side yards must equal at least 15' for attached and stacked units. For PRA zones: 5' each side. See Spec. Reg. 4.	10' See Spec. Reg. 5.	Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35' above average building elevation. See Gen. Reg. 6-5		D		1.7 per unit.	<ol style="list-style-type: none"> Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> In PR 8.5 zones, the minimum lot area per unit is 8,500 sq. ft. In PR 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. In PR 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. In PR 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. In PR 1.8 zones and PRA 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed. 	

.030	Office Uses	Within the NE 85th Street Subarea <u>and Yarrow Bay Business District</u> , D.R., Chapter 142 KZC. Otherwise, none.	None	20'	For PR zones: 5' but 2 side yards must equal at least 15'. For PRA zones: 5' each in the PRA zones.	10'	70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building elevation. Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35 feet above average building elevation. See Gen. Reg. <u>6-5</u>	C	D	If medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1.	Within the NE 85th Street Subarea <u>and Yarrow Bay Business District</u> , D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. with a residential density as established on the Zoning Map. See Spec. Reg. 2.	20'	For PR zones: 5' but 2 side yards must equal at least 15'. For PRA zones: 5' each in the PRA zones.	10'	70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building elevation. See Spec. Reg. 5. Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35' above average building elevation. See Gen. Reg. <u>6-5</u>	C	D	See KZC 105.25.	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> a. In PR 8.5 zones, the minimum lot area per unit is 8,500 square feet. b. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet. c. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet. d. In PR 2.4 zones, the minimum lot area per unit is 2,400 square feet. e. In PR 1.8 and PRA 1.8 zones, the minimum lot area per unit is 1,800 square feet. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 6. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.

.050	Restaurant or Tavern	Within the NE 85th Street Subarea, <u>and Yarrow Bay Business District</u> D.R., Chapter 142 KZC. Otherwise, Process I, Chapter 145 KZC.	8,500 sq. ft. if PR 8.5 zone, otherwise 7,200 sq. ft.	20'	10' on each side.	10'	70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building elevation. Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35' above average building elevation. See Gen. Reg. <u>6-5</u>	B	E	1 per each 100 sq. ft. floor area.	<p>1. This use is not permitted in a PR 3.6 zone located in the NE 85th Street Subarea.</p> <p><u>2. This use is allowed in the Lakeview Neighborhood if located south of NE 60th Street between Lakeview Dr. and Lake Washington Blvd NE provided that:</u></p> <p><u>a. Both the front building façade and vehicular access are not located along Lakeview Dr.</u></p> <p><u>b. Internal lit signs are not located along Lakeview Dr and NE 60th Street</u></p> <p><u>c. Gross floor area shall not exceed 3,000 square feet</u></p> <p><u>d. On lots 13 and 14 of Block 2 of Houghton Addition Volume 5 of Plats, Page 71 of King County Records and if a change of use is proposed within a structure that existed on November 15, 2011 and requires additional parking the following shall apply:</u></p> <p><u>1) The number of required parking spaces shall be determined based on the actual parking demand pursuant to Section 105.25, KZC. The required additional parking for the new use may be provided by adding parking along the frontage of the subject property or across the street within the NE 60th ST right of way at the developer's expense.</u></p> <p><u>2) On Lot 13 a historic interpretive sign shall be installed.</u></p> <p><u>32. Drive-in or drive-through facilities are prohibited.</u></p>
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop										1 per each 300 sq. ft. floor area.	<p>1. This use is not permitted in a PR 3.6 zone located in the NE 85th Street Subarea.</p> <p>2. May not be located above the ground floor of a structure.</p> <p>3. Gross floor area shall not cannot exceed 3,000 square feet.</p> <p><u>4. This use is allowed in the Lakeview Neighborhood if located south of NE 60th Street between Lakeview Dr. and Lake Washington Blvd NE provided that:</u></p> <p><u>a. Both the front building façade and vehicular access are not located along Lakeview Dr.</u></p> <p><u>b. Internal lit signs are not located along Lakeview Dr and NE 60th Street</u></p> <p><u>c. Gross floor area shall not exceed 3,000 square feet</u></p> <p><u>d. On Lots 13 and 14 of Block 2 of Houghton Addition Volume 5 of Plats, Page 71 of King County Records if a change of use is proposed within a structure that existed on November 15, 2011 and requires additional parking the following shall apply:</u></p> <p><u>1) The number of required parking spaces shall be determined based on the actual parking demand pursuant to Section 105.25, KZC . The required additional parking for the new use may be provided by adding parking along the frontage of the subject property or across the street within the NE 60th ST right of way at the developer's expense.</u></p> <p><u>2) On Lot 13 a historic interpretive sign shall be installed.</u></p>
.070	<u>Any Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling</u>				<u>10' on each side</u>	<u>10'</u>			<u>B</u>	<u>E</u>		<p><u>1. This use is only allowed in the Lakeview Neighborhood and if located south of NE 60th Street between Lakeview Dr. and Lake Washington Blvd NE provided that:</u></p> <p><u>a. Both the front building façade and vehicular access are not located along Lakeview Dr.</u></p> <p><u>b. Internal lit signs are not located along Lakeview Dr and NE 60th Street</u></p>

	goods or providing services including banking and financial services. See Special Regulation 1										<p>c. Gross floor area shall not exceed 3,000 square feet</p> <p>d. On Lots 13 and 14 of Block 2 of Houghton Addition Volume 5 of Plats, Page 71 of King County Records if a change of use is proposed within a structure that existed on November 15, 2011 and requires additional parking the following shall apply:</p> <p>3) The number of required parking spaces shall be determined based on the actual parking demand pursuant to Section 105.25, KZC . The required additional parking for the new use may be provided by adding parking along the frontage of the subject property or across the street within the NE 60th ST right of way at the developer's expense.</p> <p>4) On Lot 13 a historic interpretive sign shall be installed.</p> <p>e. The following uses are not permitted:</p> <p>1) Vehicle service stations</p> <p>2) Entertainment or recreational activities</p> <p>3) Storage services unless accessory to another permitted use</p> <p>4) The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreation trailers, heavy equipment and similar vehicles.</p> <p>5) Storage and operation of heavy equipment, except delivery vehicles, associated with retail uses.</p> <p>6) Storage of parts unless conducted entirely within an enclosed structure.</p> <p>7) Uses with drive-in or drive through facilities.</p> <p>f. A delicatessen, bakery, or other similar use may include accessory seating if:</p> <p>1) The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</p> <p>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded</p>
.070-.080	Funeral Home or Mortuary			20' each side.	20'			C	B		1. This use is not permitted in a PR 3.6 zone located in the NE 85th Street Subarea.
.080-.090	Church									1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.
.090-100	School or DayCare Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise,	8,500 sq. ft. if PR 8.5 zone, otherwise 7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50'		70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building	D	B	See KZC 105.25.	<p>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</p> <p>2. Structured play areas must be set back from all property lines as follows:</p> <p>a. Twenty feet if this use can accommodate 50 or more students or children.</p> <p>b. Ten feet if this use can accommodate 13 to 49 students or children.</p>

		none. If this use is adjoining a low density zone, then Process I, Chapter 145 KZC.		If this use can accommodate 13 to 49 students or children, then: 20' 20' on 20' each side				elevation. Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35' above average building elevation. See Gen. Reg. 6-5 and Spec. Reg. 7.				<ol style="list-style-type: none"> 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 4. May include accessory living facilities for staff persons. 5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 7. For school use, structure height may be increased, up to 35 feet in PR zones and 40 feet in PRA zones, if: <ol style="list-style-type: none"> a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> 8. For a Mini-School or Mini-Day-Care Center use, electrical signs shall not be permitted and the size of signs may be limited to be compatible with nearby residential uses. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100, 110	Mini-School or Mini-Day-Care	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	8,500 sq. ft. if PR 8.5 zone, 7,200 sq. ft. if PR 7.2 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 3,600 sq. ft.	20'	For PR zones: 5' but 2 side yards must equal at least 15'. For PRA zones: 5' each in the PRA zones.	10'	70%	If adjoining a low density zone other than RSA or RSX, then 25' above average building elevation. Otherwise, for PR zones, 30' above average building elevation and for PRA zones,	E	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Structured play areas must be set back from all property lines by five feet. 3. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

.140. 120	Assisted Living Facility							35' above average building elevation. See Gen. Reg. 6-5	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the less intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met: <ol style="list-style-type: none"> a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.120. 130	Convalescent Center or Nursing Home	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC.	8,500 sq. ft. if PR 8.5 zone, otherwise 7,200 sq. ft.	20'	10' on each side	10'	70%	If adjoining a low density zone other than RSA and RSX, then 25' above average building elevation.	C	B	1 for each bed.	<ol style="list-style-type: none"> 1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the less intensive process between the two uses.
.130. 140	Public Utility	Otherwise, Process I, Chapter 145 KZC.	None		20' on each side	20'		Otherwise, for PR zones, 30' above average building elevation and for PRA zones, 35' above average building elevation.	A		See KZC 105.25.	
.140. 150	Government Facility Community Facility				10' each side	10'		See Gen. Reg. 6-5	C See Spec. Reg. 2.			<ol style="list-style-type: none"> 1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.150. 160	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

CHAPTER 56 – YBD 2 and YBD 3 – Draft Revised 8-1-2011

56.15 User Guide.

The charts in KZC 56.20 contain the basic zoning regulations that apply in each YBD 2 and YBD 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 56.18
YBD 2, YBD 3**

Section 56.18 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in the YBD 2 and YBD 3 zones are allowed:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided that the average height of the parapets around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
3. A City entry or gateway feature shall be designed and installed on the subject property adjacent Lake Washington Blvd. between the southern city limit line and NE 38th PI pursuant to the standards in KZC 110.60. The specific location and design of the gateway shall be evaluated with the Design Review Process.
4. Driveways onto Lake Washington Blvd., NE 38th PI. and Northup Way shall be limited to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible (does not apply to Public Park uses). The Public Works Official shall approve the number, location and design of all driveways.
5. The minimum ground floor story height shall be 13' for retail establishments selling goods or services including banking and financial services, restaurant and tavern, or office.
6. The upper story setback for all floors above the second story within 40' of the property line abutting NE 38th Place shall average 15'. For the purpose of this regulation, the term "setback" shall refer to the horizontal distance between the property line and any exterior wall abutting the street prior to any potential right of way dedication. The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area, as shown on Plate 35.
7. Developments in parts of this zone may be limited by chapter 83 or 90 KZC, regarding development near streams, lakes, and wetlands.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 56.20	USE ↓ REGULATIONS ↓	Require d Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15' on each side. See also Special Regulation 3.	15'	80%	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	A	E	See KZC 105.25.	1. The following uses and activities are prohibited: a. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers. 2. There may not be more than two vehicle service stations at any intersection. This use is only allowed if the subject property abuts Lake Washington Blvd. or Northup Way. 3. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations
.020	Restaurant or Tavern	D.R., Chapter 142 KZC	None	0' adjacent to NE 38 th Pl and Northup Way otherwise 20'	0'	0'			B		1 per each 100 sq. ft. of gross floor area.	1. The following uses and activities are prohibited: a. Drive in or drive through facilities. 2. The gross floor area of individual retail establishments may not exceed 15,000 sq. ft. except within a mixed use development in which the floor area of other uses exceeds the floor area of retail establishments.

<p>.030</p>	<p>Office Use</p>	<p>D.R. Chapter 14 2, KZC</p>	<p>None</p>	<p>0' adjacent to NE 38th Pl and Northup Way otherwise 20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.</p>	<p>C</p>	<p>D</p>	<p>If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.</p>	<p>1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
<p>.040 .050</p>	<p>Hotel or Motel A Retail Establishment other than those specifically listed, limited, or prohibited in the zone, selling goods, or providing services including banking and related financial services</p>	<p>D.R. Chapter 14 2, KZC</p>	<p>None</p>	<p>0' adjacent to NE 38th Pl and Northup Way otherwise 20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.</p>	<p>B</p>	<p>E</p>	<p>1 per each room. See also Special Regulation 2. 1 per each 300 sq. ft. of gross floor area.</p>	<p>1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case by case basis. 1. The following uses and activities are prohibited: a. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers. b. Vehicle repair, c. Retail establishment providing storage services unless accessory to another permitted use. d. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. e. Storage of parts unless conducted entirely within an enclosed structure, f. Drive in or drive through facilities. 2. The gross floor area of individual retail establishments may not exceed 15,000 sq. ft. except within a mixed use development in which the floor area of other uses exceeds the floor area of retail establishments. 3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed</p>

more than 10 percent of the gross floor area of the use; and
 b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

.060	Stacked Dwelling Units	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th PI and Northup Way otherwise 20'	0'	0'	80%	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	D	A	1.7 per unit	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Assisted Living Facility, Convalescent Center or Nursing Home			0' adjacent to NE 38 th PI and Northup Way otherwise 20'	0"	0"			C		Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents the required review process shall be the least intensive process between the two uses.
.080	Private Lodge or Club	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th PI and Northup Way otherwise 20'	0'	0'	80%	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area	
.090	Hospital Facility	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th PI and Northup Way otherwise 20'	0'	0'	80%	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	B	B	See KZC 105.25	

.100	Public Utility	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th Pl and Northup Way otherwise 20'	0'	0'	80 %	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	A	B	See KZC 105.25	
.110	Church			0' adjacent to NE 38 th Pl and Northup Way otherwise 20'	0'	0'			C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Special Reg 2	<ol style="list-style-type: none"> 1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.120	School or Day-Care Center	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th Pl and Northup Way otherwise 20'	0'	0'	80 %	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. An on-site passenger loading area must be provided depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. May include accessory living facilities for staff persons.
.130	Mini-School or Mini-Day-Care	D.R. Chapter 142, KZC	None	0' adjacent to NE 38 th Pl and Northup Way otherwise 20'	0>	0>	80 %	In YBD 2 55' above average building elevation. In YBD 3 60' above average building elevation.	E	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. An on-site passenger loading area must be provided depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. May include accessory living facilities for staff persons.
.140	Government Facility Community Facility								C See Spec. Reg. 1			<ol style="list-style-type: none"> 1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

60.14 User Guide. [Proposed Amendments](#)

The charts in KZC 60.17 contain the basic zoning regulations that apply in Planned Area 2, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
60.15****Zone
PLA2****Section 60.15 – GENERAL REGULATIONS**

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. Development in parts of this zone may be limited by Chapter 83 or 90 KZC, regarding development near streams, lakes and wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands.
4. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
5. May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.17	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Unit	Process IIB, Chapter 152 KZC.	35,000 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'.	10'	60%	25' above average building elevation. See Spec. Reg. 3.	D	A	1.7 per unit.	1. No structure may be waterward of the ordinary high water mark. 2. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. 32. The height of a structure may be increased as long as neither of the following maximums is exceeded: a. The structure may not exceed 60 feet above average building elevation. b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. 43. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 54. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 65. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

See Spec. Regs. 45 and 56.

.020	Mini-School or Mini-Day-Care	Process IIB, Chapter 152 KZC.	35,000 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	25' above average building elevation. See Spec. Reg. 23.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. No structure may be waterward of the ordinary high water mark. 2. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. 23. The height of a structure may be increased as long as neither of the following maximums is exceeded: <ol style="list-style-type: none"> a. The structure may not exceed 60 feet above average building elevation. b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. 34. May locate on the subject property if: <ol style="list-style-type: none"> a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 45. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 56. Hours of operation may be limited by the City to reduce impacts on nearby residential areas. 67. Structured play areas must be set back from all property lines by five feet. 78. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 89. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential areas. 940. May include accessory living facilities for staff persons. 1044. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20' on each side	10'	70%	25' above average building elevation.	A	A	See KZC 105.25.	<ol style="list-style-type: none"> 1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.040	Government Facility				10' on each side				B See Spec. Reg. 2.	B		
.050	Community Facility				Process IIB, Chapter 152 KZC.							
.060	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										<ol style="list-style-type: none"> 1. Portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.

30.29 User Guide. Proposed Amendments

The charts in KZC 30.35 contain the basic zoning regulations that apply in the WD III zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
30.30**Zone
WDIII**Section 30.30 – GENERAL REGULATIONS**

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
4. The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure ~~;~~ ~~provided, that subsection (4)(d) of this regulation is met; and~~
 - d. ~~Within the front yard, each portion of the replaced or portion of replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.~~

(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi).
5. ~~The required 30-foot front yard may be reduced, subject to the following conditions:~~
 - a. ~~The existing primary structure does not conform to the minimum shoreline setback standard;~~
 - b. ~~The front yard may be reduced one foot for each one foot of the shoreline setback that is increased in dimension;~~
 - c. ~~The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and~~
 - d. ~~Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line.~~
5. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
 - a. Substantially, the entire width of the yard (from north to south property line) is developed as a public use area; and,
 - b. The design of the public use area is specifically approved by the City.

(Does not apply to Public Access Pier; Boardwalk or Public Access Facility; Piers, Docks, Boatlifts and Canopies Serving Detached Dwelling Units; Piers, Docks Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units, Public Park, Public Utility Uses, Boat Launch; or Water Taxi.)
6. May also be regulated under the Shoreline Master Program, Chapter 83 KZC.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 30.35	USE REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure						
				Front	Side Property Line	Shoreline Setback							
.010	Detached Dwelling Unit	None	3,600 sq. ft./unit, except 1,800 sq. ft./unit for up to 2 dwelling units if the public access provisions of KZC 83.420 are met.	30' See also Spec. Reg. 2.	5', but 2 side yards must equal at least 15'.	See Chapter 83 KZC.	80%	30' above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. No structures, other than moorage structures or public access piers, may be waterward of the ordinary high water mark. For the regulations regarding moorages and public access piers, see the specific listings in this zone and Chapter 83 KZC. 2. Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. <li style="color: red;">4. The required yard of a structure abutting Lake Washington Blvd. must be increased two feet for each one foot that structure exceeds 25 feet above the adjacent centerline of Lake Washington Blvd. 	
.020	Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	30'	5', but 2 side yards must equal at least 15'. See General Regulations.	See Chapter 83 KZC.		30' above average building elevation. See also Spec. Reg. 3.	D			<ol style="list-style-type: none"> 1. No structures, other than moorage structures or public access piers, may be waterward of the ordinary high water mark. For the regulations regarding moorages and public access piers, see the specific listings in this zone and Chapter 83 KZC. 2. Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> a. The increase is offset by a view corridor that is superior to that required by Chapter 83 KZC. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Any required yard, other than the front required yard or shoreline setback, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard. 	

.030	Public Access Pier or Boardwalk or Public Access Facility	See Chapter 83 KZC.	None	See Chapter 83 KZC.	-	See Chapter 83 KZC.	See Chapter 83 KZC.	See Chapter 83 KZC.	See KZC 105.25.	1. Refer to Chapter 83 KZC for additional regulations.
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Proposed New KZC Section 60.19 PLA 3C USE ZONE CHART -8-5-2011

User Guide. The charts in KZC 60.22 contain the basic zoning regulations that apply in the PLA 3A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.20 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a detached or attached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
 - b. The maximum horizontal facade shall not exceed 50 feet.
 - c. See KZC [115.30](#), Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. Development shall be subject to the following development standards:
 - a. Structures must be clustered and located so that they will not significantly impact slope stability, drainage patterns, erosion or landslide hazards, and steep ravine areas on the subject property or adjacent property.
 - b. Vegetative cover shall be retained to the maximum extent possible to stabilize slopes.
 - c. Pursuant to the requirements of Chapter 85.15.1-4 KZC, the applicant shall submit a geotechnical report prepared by a qualified geotechnical engineer evaluating the potential geologic hazard areas of the subject and adjacent properties to minimize damage to life and property. Specific structural designs and construction techniques to ensure long term stability shall be considered as part of the analysis. The applicant's geotechnical report and recommendations shall be reviewed by a qualified geotechnical engineer selected and retained by the City at the applicant's expense. The applicant shall comply with the performance standards contained in 85.25 KZC and 85.45 KZC.
 - d. The City may require traffic control devices, shared access points, right of way realignment, or limit development if necessary to further reduce traffic impacts.
 - e. Development must ensure that the City has the ability to access and provide necessary emergency services.
4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

USE ZONE CHARTS Section 60.22

Use: Detached Dwelling Unit

Required Review Process: None

Minimums:

Lot Size: 12,500 sq. ft. See Special Regulation 1, 2, and 3

Required Yards:

Front: 20' See Special Regulation 5

Side: Minimum 5' but 2 sides must equal at least 15'

Rear: 10'

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation.

Landscape Category: E

Sign Category: A

Required Parking: 2.0 per dwelling unit.

Special Regulations:

1. Maximum dwelling units per acre is 6 dwelling units. Not more than one dwelling unit may be on each lot regardless of the size of the lot.
2. Within a subdivision or short plat the minimum lot size is 5,000 sq. ft.
3. Road dedication and vehicular access easements or tracts may not be included in the density calculation or in the minimum lot size per dwelling unit.
4. For lots containing less than 7,200 sq. ft., the Floor Area Ratio (FAR) requirements of KZC Section 115.42 shall apply. The maximum Floor Area Ratio is 50% of the lot size provided that F.A.R. may be increased to 60% if:
 - a. The primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal and
 - b. A setback of at least 7.5 feet is provided along each side yard.See KZC 115.42 Floor Area Ratio (FAR) calculation for Detached dwelling Units in Low Density Residential Zones for additional information.
5. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
6. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Use: Attached Dwelling Units

Required Review Process: Process I, KZC Chapter 145

Minimums:

Lot Size: See Special Regulation 1, 2 and 3

Required Yards:

Front: 20' See Special Regulation 6

Side: 10' See Special Regulation 7

Rear: 10' See Special Regulation 7

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation.

Landscape Category: E

Sign Category: A

Required Parking: 2.0 per dwelling unit.

Special Regulations:

1. Maximum dwelling units per acre is 6 dwelling units. Not more than one dwelling unit may be on each lot regardless of the size of the lot.
2. Within a subdivision or short plat the minimum lot size is 5,000 sq. ft.
3. Road dedication and vehicular access easements or tracts may not be included in the density calculation or in the minimum lot size per dwelling unit.
4. No more than two units may be attached to each other.
5. For lots containing less than 7,200 sq. ft., the Floor Area Ratio (FAR) requirements of KZC Section 115.42 shall apply. The maximum Floor Area Ratio is 50% of the lot size provided that F.A.R. may be increased to 60% if the primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal.
See KZC 115.42 Floor Area Ratio (FAR) calculation for Detached dwelling Units in Low Density Residential Zones for additional information.
6. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
7. The side or rear yard may be reduced to zero feet if the side or rear of the dwelling unit is attached to a dwelling unit on an adjoining lot within the short plat or subdivision.
8. Attached dwelling units must be designed to look like a detached single family house using such techniques as limiting the points of entry on each façade, providing pitched roofs and covered porches.
9. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section:

Use: Church

Required Review Process: Process IIA, Chapter 150 KZC

Minimums:

Lot Size: 12,500 sq. ft.

Required Yards:

Front: 20'

Side: 20' on each side

Rear: 20'

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation. See General Regulations.

Landscape Category: C

Sign Category: B

Required Parking: 1 for every 4 people based on maximum occupancy load of any area of worship. See Special Reg. 1

Special Regulations:

1. No parking is required for day-care or school ancillary to the use.
2. The property must be served by a collector or arterial street.

Section:

Use: School or Daycare Center

Required Review Process: Process IIA, Chapter 150 KZC.

Minimums:

Lot Size: 12,500 sq. ft.

Required Yards:

If this use can accommodate 50 or more students or children, then: 50' front 50' on each side 50' rear

If this use can accommodate 13 to 49 students or children, then: 20' front 20' on each side 20' rear

Maximums:

Lot Coverage: 50%

Height of Structures: 25' above average building elevation. See General Regulations.

Landscape Category: D

Sign Category: B

Required Parking: See KZC 105.25

School Special Regulations:

1. May locate on the subject property only if:
 - a. It will not be materially detrimental to the character of the neighborhood in which it is located.
 - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
 - c. The property is served by a collector or arterial street.
2. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas.
3. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses.
4. Structured play areas must be setback from all property lines as follows:
 - a. 20 feet if this use can accommodate 50 or more students or children.
 - b. 10 feet if this use can accommodate 13 to 49 students or children.
5. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
6. Electrical signs shall not be permitted.
7. May include accessory living facilities for staff persons.

Section:

Use: Mini School or Mini Day Care Center

Required Review Process: Process I, Chapter 145 KZC.

Minimums:

Lot Size: 12,500 sq. ft.

Required Yards:

Front: 20'

Side: 5' but 2 side yards must equal at least 15'

Rear: 20'

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation.

Landscape Category: E

Sign Category: B

Required Parking: See KZC 105.25

Special Regulations:

1. May locate on the subject property if:
 - a. It will not be materially detrimental to the character of the neighborhood in which it is located.
 - b. Site design must minimize adverse impacts on surrounding residential neighborhoods.
2. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
3. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
4. Structured play areas must be setback from all property lines by five feet.
5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.
6. The location of parking and passenger loading areas shall be designated to reduce impacts on nearby residential uses.
7. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.

8. May include accessory living facilities for staff persons.

Section:

Use: Public Utility

Required Review Process: Process IIA, Chapter 150 KZC

Minimums:

Lot Size: None

Required Yards:

Front: 20'

Side: 20' on each side

Rear: 20'

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation. See General Regulations

Landscape Category: A See Special Regulation 2

Sign Category: B

Required Parking: See KZC 105.25

Special Regulations:

1. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.

Section:

Use: Government Facility Community Facility

Required Review Process: Process IIA, Chapter 150, KZC

Minimums:

Lot Size: None.

Required Yards:

Front: 20'

Side: 10' on each side

Rear: 10'

Maximums:

Lot Coverage: 50%.

Height of Structures: 25' above average building elevation. See General Regulations

Landscape Category: C See special regulation 2

Sign Category: B

Required Parking: See KZC 105.25

Special Regulations:

1. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.

Section:

Use: Public Park

Development standards will be determined on a case-by-case basis. See chapter 49 KZC for required review process.

60.24 User Guide. Proposed Amendments

The charts in KZC 60.27 contain the basic zoning regulations that apply in Planned Area 3B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.25


Zone
PLA3B

Section 60.25 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; ~~provided, that subsection (3)(d) of this section is met; and~~
 - d. ~~Within the front yard, each portion of the primary structure that is replaced is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.~~
4. The required 30-foot front yard may be reduced one foot for each foot of this yard that is developed as a public use area if:
 - a. ~~Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and~~
 - ba. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - eb. The design of the public use area is specifically approved by the City.
(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat Launch; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Decks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility uses; or Water Taxi).
5. A view corridor must be maintained across 30 percent of the average parcel width. Refer to Chapter 83 KZC for additional details.
6. May not use lands waterward of the high water mark to determine lot size or to calculate allowable density.
7. May also be regulated under the Shoreline Master Program. Refer to Chapter 83 KZC.

Chapter 92 – DESIGN REGULATIONS-Proposed Amendments

92.05 Introduction

1. General
2. Applicability
3. Design Review Procedures
4. Relationship to Other Regulations
5. Dedication
6. Design Districts in Rose Hill Business District
7. Design Districts in the Totem Lake Neighborhood

92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

1. Building Placement in JBD
2. Pedestrian-Oriented Facades Defined for RHBD and TLN
3. Building Placement In RHBD, ~~and~~ TLN, and YBD
4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLN
5. Multifamily Buildings Located in TLN
6. Building Location at Street Corners in the RHBD and TLN Zones
7. Building Location at Street Corners in CBD

92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

1. All Zones – Pedestrian Oriented Space and Plazas in Parking Areas
2. Pedestrian-Oriented Space and Plazas in TC, CBD, NRHBD, RHBD and TLN Zones
3. Blank Wall Treatment
4. Parking Garages

92.30 Architectural and Human Scale

1. Techniques To Moderate Bulk and Mass in the CBD
2. Horizontal Definition in All Zones
3. Techniques To Moderate Bulk and Mass in the RHBD and TLN Zones
4. Techniques To Achieve Architectural Scale in All Zones
5. Techniques To Achieve Architectural Scale in the RHBD and the TLN Zones
6. Achieving Human Scale in All Zones

92.35 Building Material, Color and Detail

1. Required Elements
2. Prohibited Materials – All Zones
3. Metal Siding – All Zones
4. Concrete Block – All Zones
5. Awnings – All Zones
6. Covering of Existing Facades – All Zones
7. Building Cornerstone or Plaque – All Zones
8. Required On-Site Improvements – All Zones

92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C.

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

This section contains regulations which establish the location of a building on the site in relationship to the adjacent sidewalk, pedestrian pathway or pedestrian-oriented elements on or adjacent to the subject property.

1. Building Placement in JBD – All buildings must front on a right-of-way or through-block pathway (see Plate 34).
2. Pedestrian-Oriented Facades Defined for RHBD and TLN – To meet the definition of a pedestrian-oriented facade (see Figure 92.10.A):
 - a. The building's primary entrance must be located on this facade and facing the street. For purposes of this chapter, "primary entrance" shall be defined as the primary or principle pedestrian entrance of all buildings along that street. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principal architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.
 - b. Transparent windows and/or doors must occupy at least 75 percent of the facade area between two and seven feet above the sidewalk.
 - c. Weather protection feature(s) at least five feet wide must be provided over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.
3. Building Placement In RHBD, ~~and~~ TLN and YBD
 - a. ~~-~~Building Location Featuring Pedestrian-Oriented Facades in RHBD, ~~and~~ TLN and YBD Zones – Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE in the TLN) and in YBD (except for Lake Washington Blvd and Northup Way), if they contain a pedestrian-oriented facade along that street frontage pursuant to the standards in subsection (2) of this section. As part of the Design Review process, required yards, setbacks or other development standards may be modified along the street frontage. Buildings not featuring a pedestrian-oriented facade along a street must provide a building setback of at least 10 feet from any public street (except areas used for pedestrian or vehicular access) landscaped with a combination of trees, shrubs, and groundcover per the requirements of supplemental landscape standards of KZC 95.41(2).

92.30 Architectural and Human Scale

6. Achieving Human Scale in All Zones
 - a. General
 - 1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.
 - 2) JBD, NRHBD, RHBD, MSC, TC, YBD and TLN – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a one-story building facing a street or through-block pathway, and at least two of the elements or techniques for a two-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).

Kirkland Zoning Code Amendments:**100.50 Designated Corridors**

1. General – KZC [100.45](#) contains limitations on sign area along the following designated corridors:
 - a. Market Street between Central Way and N.E. 106th Street.
 - b. State Street, between N.E. 68th Street and 2nd Avenue South.
 - c. Lake Washington Boulevard and Lake Street South between N.E. 38th Street and 3rd Avenue South.
 - d. Lakeview Drive and NE 60th Street.
2. Electrical Signs Prohibited – Electrical signs shall not be located along designated corridors.

100.52 CBD and JBD – Certain Signs Prohibited

Cabinet signs shall be prohibited in all Central Business District (Chapter [50](#) KZC), ~~and~~ Juanita Business District zones (Chapter [52](#) KZC) and Yarrow Bay Business District (Chapter 56, KZC).

105.58 Location of Parking Areas Specific to Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas in the CBD, TC (TL 1, TL 2, TL 3) Zones
 - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
 - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2, and the NRHBD and YBD ~~Zones~~ – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.
4. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
 - a. TL 4, only properties fronting on 120th Avenue NE;
 - b. TL 5;
 - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d. TL 6B, only properties fronting on NE 124th Street;
 - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

 - f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

Insert: and attached dwelling unit in PLA 3C

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones

Insert: and attached dwelling units in PLA 3C

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
 - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
 - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
 - e. Uncovered and covered decks, porches, and walkways.
2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
 - a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;
 - b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.
3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

Insert: except for those lots in PLA 3C that are less than 7200 sq. ft. or lots that have less than the minimum lot size created through the small lot provisions of Subdivision 22.28.042.

Zoning Code Amendments to Chapter 142:

142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter [92](#) KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
 - b. Design guidelines for the Rose Hill Business District (RHBD), ~~and~~ the Totem Lake Neighborhood (TLN) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
 - c. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter [92](#) KZC by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
 3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development.
 4. A.D.R. Approval
 - a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.
 - b. Additions or Modifications to Existing Buildings
 - 1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter [92](#) KZC to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.
 - 2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.
6. Design departure and minor variations may be requested pursuant to KZC [142.37](#).

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
 - a. In the CBD [and YBD](#): minimum required yards; and
 - b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
 - c. In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and
 - d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements; and
 - e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), minimum required front yards and horizontal facade requirements; and
 - f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
3. Application Information – The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in subsection (4) of this section.
4. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:
 - a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
 - b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

Plate 34L: PEDESTRIAN CIRCULATION IN YBD

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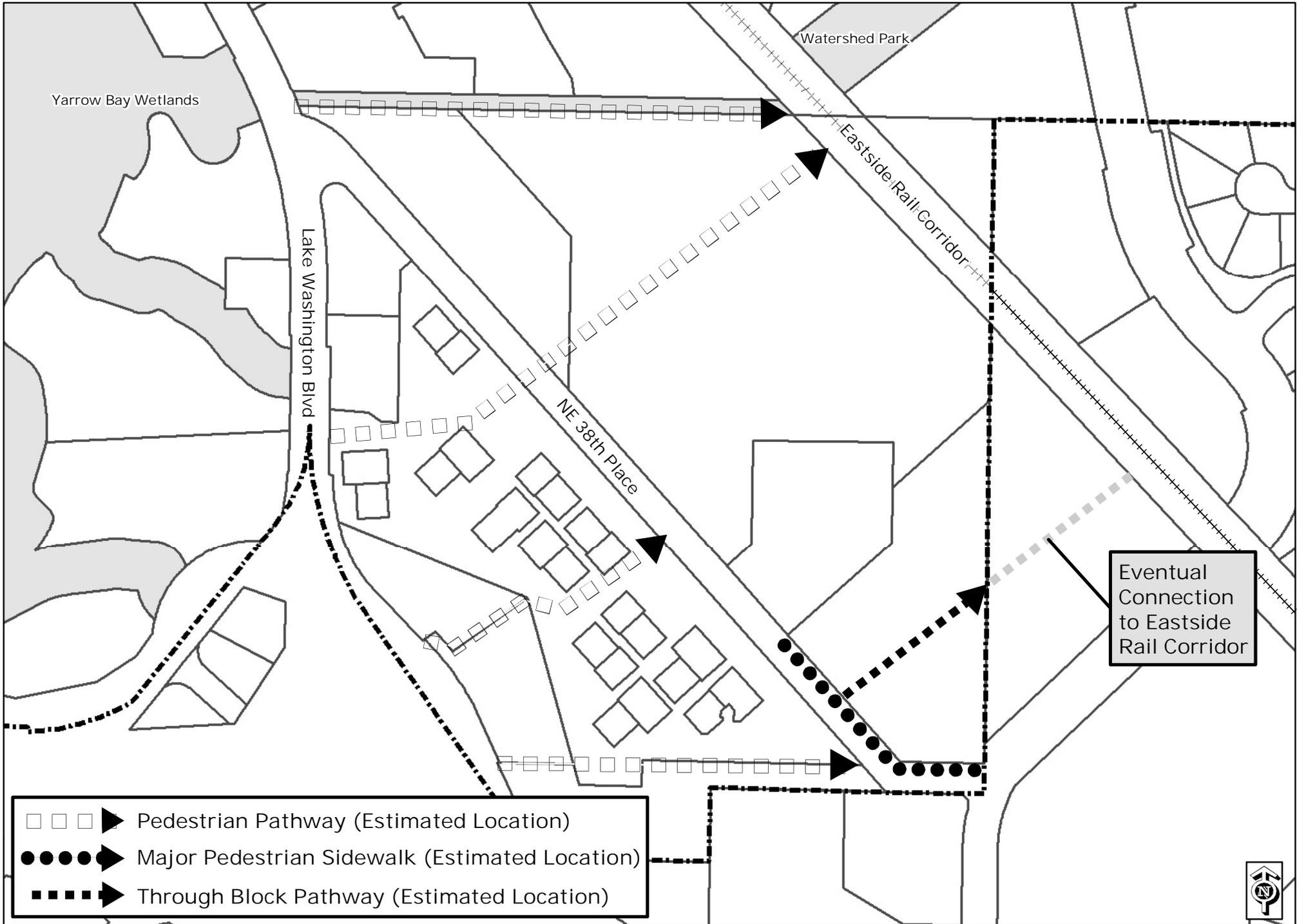
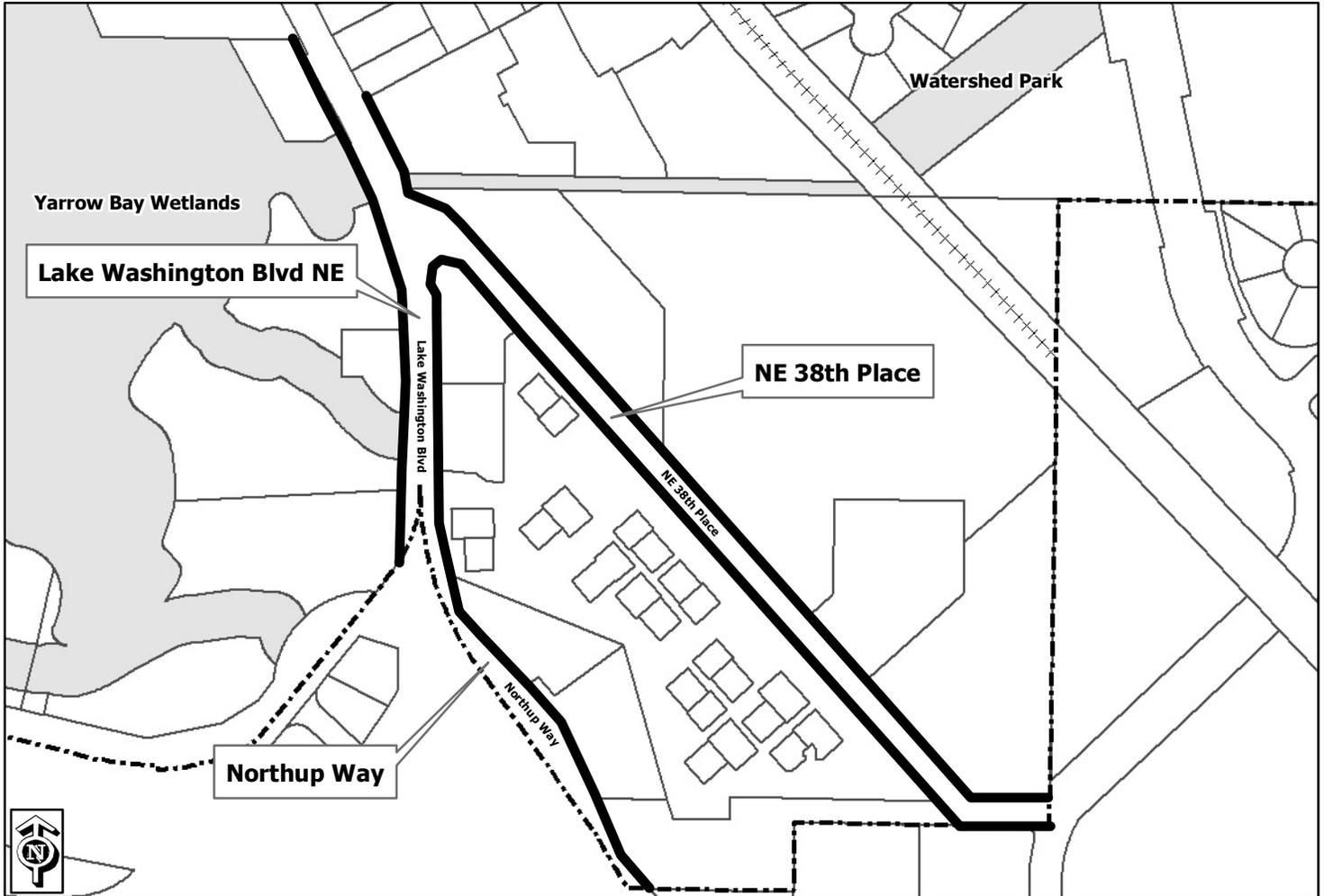


Plate 34M: Street Improvements in YBD



Required street improvements for NE 38th Pl, Lake Washington Blvd NE, and Northup Way in the Yarrow Bay Business District:

NE 38th Pl:

- 70-80 feet of public right of way**
- 10 foot wide sidewalks with street trees in landscape strip or tree grates on both sides of street and decorative street light fixtures**
- On-street parking strongly encouraged along street**

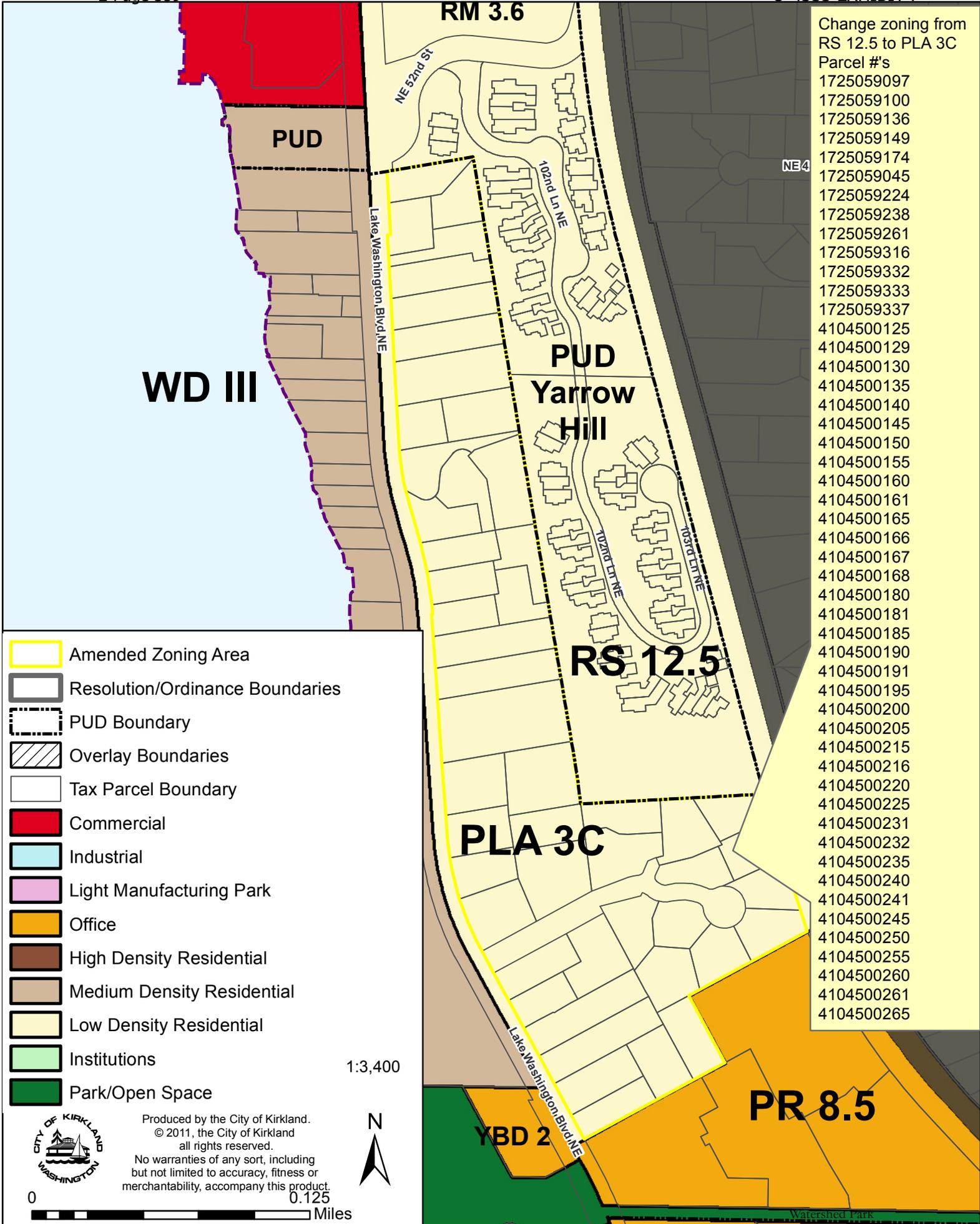
Lake Washington Blvd NE:

- 60 – 80 feet of public right of way**
- 10 foot wide sidewalks with street trees in landscape strip or tree grates on both sides of street and decorative street light fixtures**

Northup Way:

- 10 foot wide sidewalks with street trees in landscape strip or tree grates on both sides of street and decorative street light fixtures.**

Note: The precise right of way specifications may vary and shall be determined by the Public Works Director



- Change zoning from RS 12.5 to PLA 3C
- Parcel #'s
- 1725059097
 - 1725059100
 - 1725059136
 - 1725059149
 - 1725059174
 - 1725059045
 - 1725059224
 - 1725059238
 - 1725059261
 - 1725059316
 - 1725059332
 - 1725059333
 - 1725059337
 - 4104500125
 - 4104500129
 - 4104500130
 - 4104500135
 - 4104500140
 - 4104500145
 - 4104500150
 - 4104500155
 - 4104500160
 - 4104500161
 - 4104500165
 - 4104500166
 - 4104500167
 - 4104500168
 - 4104500180
 - 4104500181
 - 4104500185
 - 4104500190
 - 4104500191
 - 4104500195
 - 4104500200
 - 4104500205
 - 4104500215
 - 4104500216
 - 4104500220
 - 4104500225
 - 4104500231
 - 4104500232
 - 4104500235
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 - 4104500250
 - 4104500255
 - 4104500260
 - 4104500261
 - 4104500265

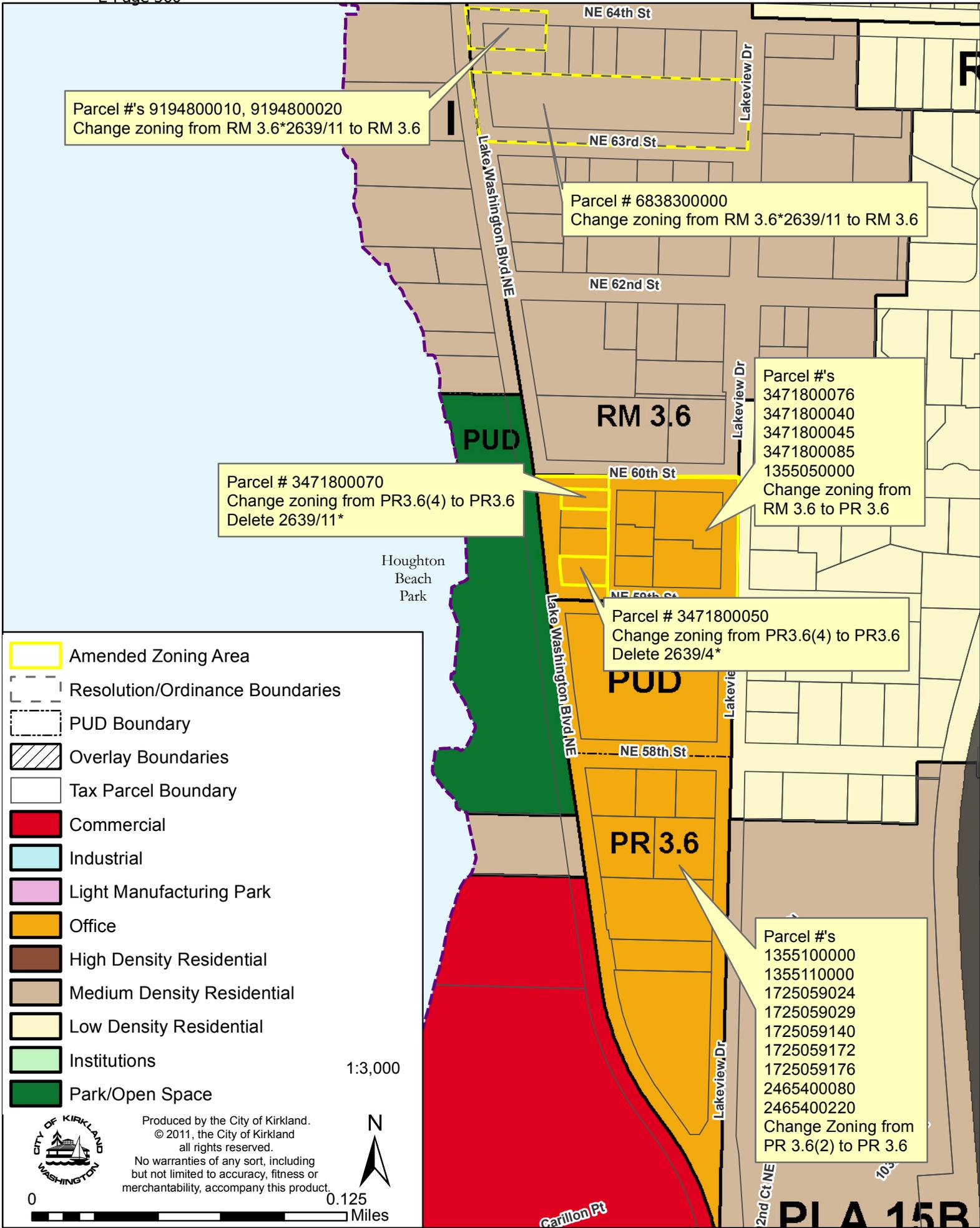
- Amended Zoning Area
- Resolution/Ordinance Boundaries
- PUD Boundary
- Overlay Boundaries
- Tax Parcel Boundary
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

1:3,400



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 but not limited to accuracy, fitness or
 merchantability, accompany this product.

0 0.125 Miles



Parcel #'s 9194800010, 9194800020
Change zoning from RM 3.6*2639/11 to RM 3.6

Parcel # 6838300000
Change zoning from RM 3.6*2639/11 to RM 3.6

Parcel # 3471800070
Change zoning from PR3.6(4) to PR3.6
Delete 2639/11*

Parcel #'s
3471800076
3471800040
3471800045
3471800085
1355050000
Change zoning from
RM 3.6 to PR 3.6

Parcel # 3471800050
Change zoning from PR3.6(4) to PR3.6
Delete 2639/4*

Parcel #'s
1355100000
1355110000
1725059024
1725059029
1725059140
1725059172
1725059176
2465400080
2465400220
Change Zoning from
PR 3.6(2) to PR 3.6

- Amended Zoning Area
- Resolution/Ordinance Boundaries
- PUD Boundary
- Overlay Boundaries
- Tax Parcel Boundary
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

1:3,000

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0 0.125 Miles

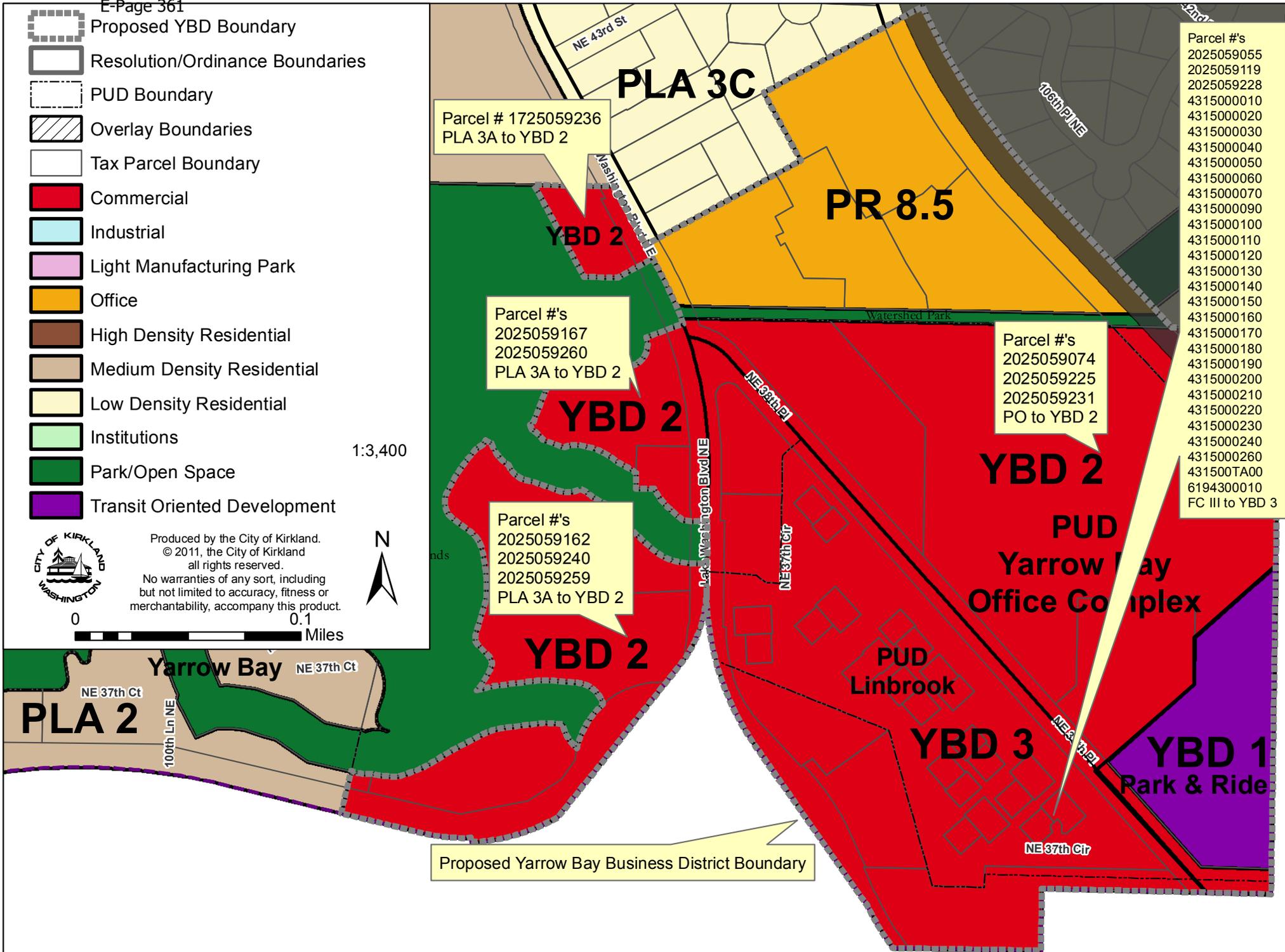
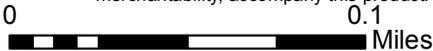
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-  Proposed YBD Boundary
-  Resolution/Ordinance Boundaries
-  PUD Boundary
-  Overlay Boundaries
-  Tax Parcel Boundary
-  Commercial
-  Industrial
-  Light Manufacturing Park
-  Office
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Institutions
-  Park/Open Space
-  Transit Oriented Development

1:3,400



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 merchantability, accompany this product.



Parcel # 1725059236
 PLA 3A to YBD 2

Parcel #'s
 2025059167
 2025059260
 PLA 3A to YBD 2

Parcel #'s
 2025059162
 2025059240
 2025059259
 PLA 3A to YBD 2

Parcel #'s
 2025059074
 2025059225
 2025059231
 PO to YBD 2

Parcel #'s
 2025059055
 2025059119
 2025059228
 4315000010
 4315000020
 4315000030
 4315000040
 4315000050
 4315000060
 4315000070
 4315000090
 4315000100
 4315000110
 4315000120
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 4315000140
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 4315000160
 4315000170
 4315000180
 4315000190
 4315000200
 4315000210
 4315000220
 4315000230
 4315000240
 4315000260
 431500TA00
 6194300010
 FC III to YBD 3

Proposed Yarrow Bay Business District Boundary

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4333

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED TO IMPLEMENT THE LAKEVIEW NEIGHBORHOOD PLAN UPDATE AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00032.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code:

- A. Amend Table of Contents;
- B. Amend Chapter 5. Definitions;
- C. Amend Chapter 10. Legal Effect/Applicability;
- D. Amend Chapter 25. Professional Office Residential (PR) and Professional Office Residential A (PRA) Zones;
- E. Amend Chapter 30. Waterfront District (WD) Zones;
- F. Repeal Chapter 35. Freeway Commercial (FCIII) Zone;
- G. Add new section to Chapter 56. Yarrow Bay Business District Subareas YBD 2 and YBD 3;
- H. Chapter 60. Planned Areas:
 - a. Amend PLA 2 Use Zone Chart;
 - b. Delete PLA 3A Use Zone Chart;
 - c. Add new Sections 60.19 – 60.22 PLA 3C Use Zone Chart;
 - d. Text amendments to 60.25 PLA 3B;
- I. Add Yarrow Bay Business District (YBD) Design Regulations to Chapter 92;
- J. Amend Chapter 100. Signs;
- K. Amend Chapter 105. Parking;
- L. Amend Chapter 115. Miscellaneous;
- M. Amend Chapter 142. Design Review;
- N. Amend Chapter 180 Plates.

SECTION 2. Amends the Kirkland Zoning Map as set forth in Exhibit P, Exhibit Q and Exhibit R.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 1, 2012, which will be more than five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2011.

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

City Clerk

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: John MacGillivray, Solid Waste Programs Lead
Ray Steiger, P.E., Public Works Director

Date: November 4, 2011

Subject: Solid Waste Debt Recommendation

RECOMMENDATION:

Staff recommends that the City Council support a 30-year bonding period for the King County Solid Waste Division (KCSWD) to finance the transfer station system infrastructure upgrades.

BACKGROUND DISCUSSION:

The region's transfer stations were built in the 1960's, are old, and inefficient having now been in operation for nearly 50 years. In 2006, KCSWD collaborated with cities in the region on the development of a new transfer station master plan that called for investment in new transfer stations that would have a potential life of 40+ years. The transfer system infrastructure upgrades identified in the Plan are expected to be completed by 2018 and were envisioned to be financed from bonds re-paid from the revenue received from disposal rates that are adopted by the King County Council.

Kirkland is one of 37 King County cities that signed an Interlocal Agreement (ILA) with King County in 1988. Per the agreement, ILA cities have agreed to direct all of their solid waste to the King County transfer system and pay disposal rates to the KCSWD for the transport and disposal of their solid waste. In return, the KCSWD owns, manages, and maintains its transfer stations, consolidates and transports solid waste, and ultimately disposes of solid waste at the County's only operating landfill at Cedar Hills. The 1988 ILAs expire in 2028, and without modification, KCSWD will not be able to sell bonds for the Transfer Station Plan that extend beyond the 2028 expiration, since they must have a reliable sources of revenue to secure and retire the bond debt.

The 2006 Transfer Station Plan will provide the opportunity for cities to continue to receive solid waste service from the KCSWD well beyond 2028. To accomplish that, the ILAs can be extended to a date more closely aligned with the useful life of the solid waste system or some other long-term date beyond 2028. The disposal system that will be used once the Cedar Hills Regional Landfill closes has yet to be determined. While the Cedar Hills Regional Landfill is expected to close in 2024, it is anticipated that decisions on the disposal system will be decided at least five years prior to the closure of the landfill. Transfer stations are anticipated to be needed regardless of the post-Cedar Hill disposal system.

Over the past several months, the Solid Waste ILA Review Committee, a subcommittee of the Metropolitan Solid Waste Management Advisory Committee (MSWMAC), has been negotiating the terms of a new ILA with the KCSWD. The City of Kirkland is represented on the subcommittee by MSWMAC Chairperson and Kirkland City Council Member Jessica Greenway. Through the process, there has been difficulty in building consensus between cities around a bonding period and subsequent ILA extension, and at this point, cities are being asked to weigh in on their recommendation for extension. The new draft ILA is substantially completed and will be presented to MSWMAC member cities at their November 17 meeting. Kirkland City Council feedback is requested.

FINANCING OPTIONS ANALYSIS AND DISCUSSION

To finance the transfer station infrastructure upgrades, two bonding options have emerged as viable choices for cities to consider. The bonding period selected will directly impact the length of the ILA extension and the required funding levels. A detailed comparison of the bonding options are shown in two exhibits prepared by KCSWD: *Attachment 1 – Comparison of Solid Waste Bond Options and Fiscal Impact*, and *Attachment 2 – Rate Scenarios – 3 Debt Structures*.

20-Year Bonding Period scenario

This option would result in higher short and long term disposal rates through the 20 year period. Based upon 2010 data provided by the KCSWD, the tipping fee could increase by 14% in 2013 to approximately \$125/ton from the current \$109/ton (Attachment 2). At the time of the closure of the Cedar Hills Landfill in 2028 the disposal rate may increase by 42% to about \$155/ton.

This shorter bonding period would however provide for a comparably lower total interest payments of \$174 M. Due to the shorter bonding period, the required term of the ILA extension would be shorter and, consequently, cities would have more long term flexibility by not being tied to the ILA.

The projected 14% tipping fee increase in 2013 would translate to an increase to Kirkland's retail rates of about 4% and increase the cost for the weekly 35 gallon garbage cart service by about 80 cents per month (based on Kirkland's adopted 2012 rates).

30-Year Bonding Period scenario

This option would result in lower short and long term disposal rates for the next 20 years. With this bonding option, the tipping fee could increase by 12% to approximately \$122/ton in 2013 from the current \$109/ton. At the time of the closure of the Cedar Hill Landfill in 2028, the tipping fee may increase by 38% to about \$151/ton. The longer bond period would result in comparably higher total interest payments of \$276 M. Due to the longer bonding period, the required term of the ILA extension would be longer and, consequently, cities would have less flexibility as they would be tied to a longer ILA. This longer term option more closely aligns the bonding period with the anticipated 40+ year life span of the system upgrades.

Based upon the data provided in *Attachment 2*, a 12% tipping fee increase would translate to an increase to Kirkland's retail rates of about 3.5% and increase the cost for the weekly 35 gallon garbage cart service by about 69 cents per month (based on Kirkland's adopted 2012 rates).

However it is important to note that rates would be higher from years 21-30 in the 30-year scenario.

STAFF RECOMMENDATION

Both the 20-year and 30-year options are rational and defensible. However, the City of Kirkland, as a signatory to the ILA with King County and as a host transfer station City, has been an active system user and proponent of the economy of scale provided by the King County Solid Waste cooperative system which has kept solid waste rates low for all King County residents. An alternative transfer system, perhaps in which Kirkland constructs, owns and maintains its own transfer system and exports its waste to a distant landfill, would likely be vastly more expensive over the long and short term. Given this, the length of the bonding period, length of the ILA extension, and the resulting flexibility gained from the shorter term agreement are currently factors that are not as important for Kirkland. Consequently, rate impacts are the determining factor in choosing between a 20- and 30-year bonding periods. Kirkland's past practice has been to provide the greatest number of services to its customers for the lowest cost possible. Interest rates are at historic lows and securing those rates as long as possible is another factor. The 30-year bonding option will result in lower rates for Kirkland rate payers for the initial 20-year period relative to the 20-year bonding option. In the end, the staff conclusion is that this initial rate savings is worth the higher payments in the last ten years and the staff recommendation is to support the 30-year bonding proposal.



Comparison of Solid Waste Bond Options & Fiscal Impact

Hypothetical Example -- This is NOT a Detailed Rate Analysis

Assume \$336,000,000 is needed for new Solid Waste capital facilities

Facility:	Cost:	Original Station Build Date:
Factoria Transfer	\$77,000,000	1963 to 1967
Bow Lake Transfer	\$92,000,000	1977
NE Transfer	\$86,000,000	Houghton - 1967
SW Transfer	\$81,000,000	Algona & Renton - 1963 to 1967
	\$336,000,000	Enumclaw - 1994 Vashon Island - 1999 Shoreline - 2008

Also assume: Annual system tonnage = 900,000

All capital costs must be recovered within utility rates - no county general fund money or major grants

Borrowing used for all capital costs; usually cash contribution from operating underexpenditure is used to reduce borrowing

Simple financial plan assumes one massive bond issue; usually projects are staggered over 10 years or so

All capital improvements have useful life of 30 to 40 years or more

King County Council will not authorize utility revenue bonds beyond ILA term, which is currently 2028

This is a simple analysis: ignore financing costs, bond coverage requirements, etc. for now

Simple debt analysis doesn't include offsetting operating savings from system efficiencies -- detailed rate analysis due in early 2011

Capacity enhancements at Cedar Hills landfill covered by reserves; doesn't include 10-year savings of @ \$80 million from extended landfill operations (2026).

Scenario:	10 YEAR BONDS	15 YEAR BONDS	20 YEAR BONDS	30 YEAR BONDS	40 YEAR BONDS
Loan Principle:	\$336,000,000	\$336,000,000	\$336,000,000	\$336,000,000	\$336,000,000
Interest Rate:	4.500%	4.500%	4.500%	4.500%	4.500%
Term (Years)	10	15	20	30	40
Annual Bond Payment:	\$41,787,006.41	\$30,844,529.40	\$25,508,422.85	\$20,429,551.69	\$18,126,373.60
Monthly Payment:	\$3,482,250.53	\$2,570,377.45	\$2,125,701.90	\$1,702,462.64	\$1,510,531.13
Est. Total Payments:	\$417,870,064.11	\$462,667,941.07	\$510,168,456.98	\$612,886,550.77	\$725,054,944.07
Est. Total Interest:	\$81,870,064.11	\$126,667,941.07	\$174,168,456.98	\$276,886,550.77	\$389,054,944.07
Debt Service rate impact:	\$46.43	\$34.27	\$28.34	\$22.70	\$20.14
Cost per can/ tipping fee component:	\$7.20	\$6.49	\$6.14	\$5.81	
Increase of \$ per can:	\$1.64	\$0.93	\$0.58	\$0.25	

Policy Choices:

1. Build the Transfer Station system as approved by MSWMAC, SWAC, RPC & County with +/- 15 year bonds.
2. Extend the ILA agreements to match useful life of assets and to reduce near-term rate impacts.
3. Revisit "Transfer Station & Waste Export System Plan" and eliminate projects to reduce rate impacts within ILA constraints.

