CITY OF KIRKLAND

CITY COUNCIL

James Lauinger, Mayor • Joan McBride, Deputy Mayor • Dave Asher • Mary-Alyce Burleigh
Jessica Greenway • Tom Hodgson • Bob Sternoff • David Ramsay, City Manager

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

AGENDA
KIRKLAND CITY COUNCIL MEETING
City Council Chamber
Tuesday, June 5, 2007
6:00 p.m. – Study Session – Peter Kirk Room
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.ci.kirkland.wa.us, at the Public Resource Area at City Hall or at the Kirkland Library on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

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

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

P - denotes a presentation from staff or consultant

1. *CALL TO ORDER*

2. *ROLL CALL*

3. *STUDY SESSION,* Peter Kirk Room

   a. Joint Meeting with Human Services Advisory Committee

4. *EXECUTIVE SESSION*

   b. To Discuss Property Acquisition

5. *SPECIAL PRESENTATIONS*

   a. Twenty-five Year Service Award, Sharon Anderson

   b. Twenty Year Service Awards:
      Katy Coleman
      Rob Jammerman
      Jim Simpson

   c. Community Emergency Response Team (CERT) Graduates Recognition

   d. Kirkland Concours de'Elegance

   e. Puget Sound Regional Council Regional Plan Preparation Status Report

6. *REPORTS*

   a. *City Council*

      (1) Regional Issues

b. City Manager

(1) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

b. Petitions

8. CONSENT CALENDAR

CONSENT CALENDAR consists of those items which are considered routine, for which a staff recommendation has been prepared, and for items which Council has previously discussed and no further discussion is required. The entire Consent Calendar is normally approved with one vote. Any Council Member may ask questions about items on the Consent Calendar before a vote is taken, or request that an item be removed from the Consent Calendar and placed on the regular agenda for more detailed discussion.

a. Approval of Minutes: May 15, 2007

b. Audit of Accounts:

Payroll $

Bills $

c. General Correspondence

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.

(1) Rob Butcher, Regarding Potential Annexation

d. Claims

e. Authorization to Call for Bids

(1) 116th Avenue NE (North Section) Non-Motorized Facilities Project

(2) 2007 Water System Improvement Project

f. Award of Bids

(1) Award Bid for Juanita Creek Channel Enhancements at Juanita Beach Park to Taggart Construction Inc. and Authorize Additional Funds

(2) 2007 Sidewalk Maintenance Project, Dennis R. Craig Construction Inc.

(3) 2007 Street Preservation Program, Watson Asphalt Paving Company

g. Acceptance of Public Improvements and Establishing Lien Period

h. Approval of Agreements

(1) Ratifying 2007-2009 Commissioned Police Agreement

i. Other Items of Business

(1) Resolution R-4646, Approving the Settlement of Claims Against Yakima County Arising from the Yakima Jail Agreement and Authorizing the City Manager to Settle and Release Claims

P - denotes a presentation from staff or consultant

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.

(2) Resolution R-4647, Ratifying Amendments to the King County Countywide Planning Policies

(3) Resolution R-4648, Establishing Notice of Hearing for the VanBuskirk Street Vacation – That Portion of NE 97th Place Right-of-Way Lying West of Slater Avenue NE and East of I-405

(4) Resolution R-4649, Approving a Sewer Facility Agreement with Mike Renwick and Authorizing the City Manager to Sign Said Agreement on Behalf of the City of Kirkland

(5) Ordinance No. 4098 and its Summary, Relating to City Floats and Moorages and the Commercial Tour Boat Facility

(6) Ordinance No. 4099 and its Summary, Relating to Modifications to Title 21 of the Kirkland Municipal Code Regarding Building and Construction

(7) Ratifying Property Acquisition

(8) Approving Surplus Equipment Rental Vehicles/Equipment for Sale

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.

9. PUBLIC HEARINGS

* *a.* Resolution R-4645, Approving a Development Agreement with Derek and Susan Arndt and Authorizing the City Manager to Sign Said Agreement

10. UNFINISHED BUSINESS

a. Adopting Impact Fees:

(1) Ordinance No. 4100 and its Summary, Amending Chapter 27.04 of the Kirkland Municipal Code Relating to Transportation Impact Fees; Adopting a New Transportation Impact Fee Schedule; Providing for Periodic Review and Annual Adjustment of the Impact Fee Schedule; and Addressing Other Related Matters

(2) Ordinance No. 4101 and its Summary, Amending Chapter 27.06 of the Kirkland Municipal Code Relating to Park Impact Fees; Adopting a New Parks Impact Fee Schedule; Providing for Periodic Review and Annual Adjustment of the Impact Fee Schedule; and Addressing Other Related Matters

b. Authorizing Letter of Support to Sound Transit for the Downtown Transit Center Preferred Design Concept and Approving Additional Funds

c. Potential Annexation

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. Authorizing Permit Process Improvement Project and Approve Additional Funding

P - denotes a presentation from staff or consultant

b. Ordinance No. 4097 and its Summary, Relating to Zoning, Planning and Land Use and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance Amending Portions of Chapters 5, 92, 95, 105, 110, 115, 142, 162, 180, Use Zone Charts in Chapters 20, 48, 52, 53, 55, and Approving a Summary Ordinance for Publication

12. ANNOUNCEMENTS

13. ADJOURNMENT

Council Meeting: June 5, 2007
Agenda: Study Session
Item #: 3.a.

CITY OF KIRKLAND
123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3300

DEPARTMENT OF PARKS AND COMMUNITY SERVICES MEMORANDUM

To: City Council

From: Human Services Advisory Committee

Date: June 6, 2007

Subject: Joint Meeting with City Council

The Human Services Advisory Committee would like to thank the City Council for the opportunity to meet together and discuss a number of issues of importance to the Advisory Committee and our community. The opportunity to meet in a study session allows for a better exchange of ideas and a better discussion of the issues.

Human Services Advisory Committee Members
Committee members will be present to discuss human service issues and respond to Council questions. Committee members would appreciate Council's consideration of the King County Alliance for Human Services request to adopt a resolution (Attachment C).

Tom Sherrard, Committee Chair
Katherine Robichaux
Bonnie Stinson
Anahita Narjihi
Chris Houden
Sharon Anderson, Human Services Coordinator

Committee's Role
The role of the Committee is to advise the City Council on all matters concerning human services. The Committee reviews all requests for funding of human services; develops recommendations on priorities, planning, funding and the delivery of human services. The Committee meets regularly; conducts site visits with local human service providers and participates in regional planning efforts to be a voice for Kirkland.

City's Commitment to Funding Human Service Programs - 20 Year Anniversary
The Kirkland City Council adopted human service policies and guidelines in 1986. These guidelines called for the establishment of the Human Services Advisory Committee and the distribution of a per-capita funding mechanism to support human service organizations that provide services for Kirkland residents.

This year marks the 20th anniversary of Kirkland's investment in human service funding.

In 1987, the amount of City funds budgeted for Human Services was $2.00 per-capita ($40,000), funding four programs. For the 2007-2008 funding cycle, the City's total funding is $10.86 per capita for a total of $524,953. These funds support 46 programs.

Presentation by King County Alliance for Human Services
One of the recommendations of the King County Healthy Families and Communities Task Force was passage of a 0.1% sales tax to fund critically needed mental health and substance abuse services to help fill the regional human services funding gap. Steve Daschle, representing the King County Alliance for Human Services will give a brief presentation on the proposed Mental Health and Substance Abuse Sales Tax.

For Council's review, attached is:
A. Description of the King County Alliance for Human Services
B. Healthy Families and Communities Task Force Recommendation identifying an $83 million shortfall in human service funding.
C. Sample Resolution being requested by the King County Alliance for Human Services. If Council wishes, we can bring a resolution back for adoption.

Program Outcome Results for 2005-2006
At their joint study session in June 2006, Council requested information on the effectiveness of the human service programs the City funds and the impact these services have on the lives of Kirkland residents.

The Parks and Community Services Department implemented an outcome-based performance evaluation system in 2003. All human service programs funded by the City are required to identify one to three measurable outcomes; they provide both the numerical goals (outputs) and program outcomes. Copies of the report were sent to Council in April.

Outcome results are requested in applications for two-year funding and are submitted during the mid-biennium budget process. Staff will prepare outcome reports at the end of the funding cycle.

Veterans and Human Services Levy
Approved by King County voters in November of 2005, the Veterans and Human Services levy will generate approximately $13.3 million per year for six years to implement human services for veterans, their families, and other low-income residents of King County. The goals of the levy are to reduce homelessness and emergency medical costs, reduce criminal justice system involvement, and increase self-sufficiency through employment. Oversight boards were created for both funds: one for the veterans' and one for the human services. The first year of funds will be used for capital projects.

City Human Service staff, and the Eastside Human Services Forum have tracked the implementation of the Veterans and Human Services levy and have been proactive in advocating for the funds to be dispersed across King County, including East King County.

Increasing Efficiencies/Pooled Contract Funding
For a number of years, nine North and East King County cities with competitive allocation processes for human service funds have had an agreed upon common application form. This provided for consistency, but not necessarily efficiency since agencies were required to fill out separate applications for each city.

For the 2007-2008 allocation cycles, the nine cities entered into a Memorandum of Understanding, agreeing upon a joint application that could be filled out one time and submitted to any or a combination of one or more cities. In addition, seven of these cities successfully agreed upon pooling funds into a joint account, from which one contract can be executed with an agency receiving awards from multiple cities.

The City of Bellevue serves as the lead agency to administer these funds. Agencies submit an invoice to each participating city for approval. The lead city (Bellevue) then authorizes payment. Currently twelve agencies (nineteen programs) are taking advantage of pooled funding contracts. The success of this program is demonstrated in the fact that what would have been over 100 separate city-specific contracts were distilled into twelve pooled contracts.

An Interlocal Agreement detailing Kirkland's role in the pooled funding program will be presented to Council within the next six months. This is the first step in the process of evaluating an ARCH type regional model for human services funding on the Eastside.

Status of the Newly Funded Pilot Programs

Chinese Information and Services Center (CISC) - Eastside Cultural Navigator Program

The Cultural Navigator Program is a new service combining Information and Assistance, Interpretation, Translation, Advocacy and Case Management. The Peter Kirk Community Center (PKCC) is one of four Eastside locations to host the Cultural Navigators. Bilingual/bicultural navigators help limited and non-English speaking individuals and families is accessing appropriate services. At the PKCC, navigators are assigned four hours a week of Chinese, Vietnamese, Russian and Spanish navigator service.

During the first quarter, CISC helped four Kirkland residents. Since this is a new service to the Eastside residents are not aware of the program. The navigator is mainly focusing their efforts on outreach, translating brochures, intake forms, client survey forms, and press releases in the native languages.

YWCA - Homeless Women's Center

As part of the goals for the Committee to End Homelessness, the new YWCA Eastside Women's Center, which opened on December 11, 2006, provides a safe and welcoming daytime drop-in center for low-income and homeless women who are seeking refuge from the streets- the first of its kind designed exclusively to meet the needs of single women on the Eastside. Bellevue First Congregational Church provides the building and space to house the program. The Cities of Kirkland, Bellevue and Redmond and the First Presbyterian Church in Bellevue are key funders.

Eastside Human Services Forum Event "The Face of Homelessness, Prevention and Intervention in East King County"

The Eastside Human Services Forum in partnership with the Eastside Homelessness Advisory Committee (EHAC) will host "The Face of Homelessness, Prevention and Intervention in East King County" on June 28, at Bellevue City Hall from 7:30am – 9:30am.

The event will include a publication from the Forum, *The Face of Homelessness on the Eastside,* as well as the introduction of the draft strategic plan developed by EHAC on prevention and intervention of homelessness in East King County. The Committee to End Homelessness provided funding for the development of the East King County plan and supports the efforts of the Eastside Homeless Advisory Committee. The meeting will include comment and discussion of the strategic plan. Both the event and the publication will be part of the overall King County 10 year Plan to End Homelessness, specifically designed to identify and meet the needs for East King County.

Support for Non-Profit Organizations

The City continues to take a leadership role in finding new in-kind opportunities to support human service organizations. The Computer Donation program has provided over 200 computers and related equipment to the non-profit agencies. When contacted by a local business, staff coordinated the distribution of office furniture and file cabinets to several agencies.

In 2006, it became apparent that the Kirkland Hopelink operations would have to move from its current building. A larger concern for the community was that the agency would need to move its offices, services and programs to the Bothell Hopelink. Moving the agency out of Kirkland would have had a serious impact for the clients they serve. In response, Council approved an emergency ordinance to allow for the relocation of the Kirkland Hopelink to a City-owned property.

We thank Council for your continued commitment and leadership to human services. Working together, we will continue to make a difference for Kirkland's residents.

Attachment A

Description of the King County Alliance for Human Services

The **King County Alliance for Human Services** is a group of King County Residents who are concerned about the abilities of all our neighbors to meet their basic human needs. Many of us are human service providers from across the county and from many different types of agencies. We are also funders, recipients of services, representatives from local governments and County government, and faith-based communities.

Our primary focus as we work together is to find stable, adequate, dedicated funding for community health and human services to strengthen communities throughout King County.

Alliance members work together to EDUCATE the community, including our elected leaders, about the urgent need for community health and human services, and the success that strengthen our communities, in every community throughout King County.

Members of the Alliance also ADVOCATE for public officials to work together to create long-term solutions for stable, adequate funding of much needed services.

In 2004 KCAHS participants worked with the members of the Task Force on Regional Human Services to help them understand complex issues around needs for services and the variety of constraints in service delivery. After studying these issues for six months, the Task Force came to several conclusions including:

- We need dedicated, adequate resources.
- We all need to better communicate the urgent need for services.

In 2005 and 2006 Alliance participants worked as part of the follow-up Healthy Families and Communities Task Force which recently decided that there is an annual funding gap of $83.1 million for those services categorized as “regional” human services.

In 2007 the King County Alliance for Human Services is helping to build broader awareness and community-wide alliances necessary to implement these recommendations, identify revenue sources and grow public support for stable, adequate funding for community health and human services throughout King County.

We’re all in this together! The Alliance meets monthly on the third Tuesday from 3:00-4:45, at Mercer View Community Center on Mercer Island with various work group meetings in-between.

For more information contact Julia Sterkovsky, Seattle Human Services Coalition, on behalf of the King County Alliance for Human Services, 206/325-7105, kcahs@shscoalition.org.

Attachment B

Healthy Families and Communities Task Force Recommendations, 2005-2006

The Healthy Families and Communities Task Force concluded that the County is not meeting the needs of the children, seniors, young people and families who need help. The Task Force estimates that at least $83.1 million per year is needed to create safe, livable communities where people in need get the help the need.

The Task Force focused its findings in three key areas:

1. Communicate need. There is a lack of public understanding and appreciation of human services and how those services benefit not just those in need but create healthier and more livable communities.

2. Build a system. A truly regional infrastructure is needed to create greater efficiencies and effectiveness in long-range planning, administration and delivery of services. A key element will be better and more consistent data collection and reporting to increase accountability and track results.

3. Dedicated resources. The current system is inadequately financed to meet the basic needs of our communities. Funding for human services has been steadily declining in recent years. A new, dedicated revenue source is needed to create stability to meet current needs, and to plan effectively for the future.

The Task Force recommends the following funding packages to address the human services crisis in our community:

Veterans and Human Services Levy, $7.65m- The HFC recommends that $6.65 million be applied to reduce the funding deficit. The remaining $1 million will be applied for special needs housing services for veterans.

Outreach, Information and Referral Services, $1.3m- The State Legislature allocated $2.5 million in 2006 for statewide 2-1-1, which provides residents will information on community health and human services. The new funding covers the $1.3 million gap needed to ensure adequate access to vital services.

Mental Health and Substance Abuse Services, $20.8m- RCW 82.14.460 allows counties to impose a 0.1 percent sales tax increase to augment state funding for mental health and substance abuse related services. The sales tax increase, at an average cost of $25 dollars per household per year, would raise an estimated $47 million in the County. The HFC recommends that the County Council approve the sales tax increase.

Ballot Measure Options, $48.07m- The HFC recommends that the County Executive develop a strategy to place two or three property tax measures before the voters over time, which together will close the outstanding $48.07 million gap. The specific timing, sequencing and content of these proposed ballot measures should be decided by the County Executive and County Council after gauging voter attitude through research and public education.

Attachment C

Resolution in Support of King County Council Vote for the Mental Health Substance Abuse Sales Tax

King County Alliance for Human Services
February 2007

WHEREAS, the Task Force on Regional Human Services, appointed by Executive Sims, found that the gap in funding for much needed county-wide community health and human services is $83.1 million dollars, and

WHEREAS, The current tax structure of King County has statutory limitations inhibiting the growth of revenue, so that annual increases in costs are exceeding potential increases in funding, and

WHERAS, a new, dedicated funding source is needed to raise revenue, and

WHEREAS, the King County Council has the authority granted under state law R.C.W. 82.14.460 to enact a 0.1 percent county wide sales tax increase for mental health and substance abuse services by county council vote, and

WHEREAS, a sales tax increase will raise an estimated $48 million and will reduce the regional funding gap for essential programs and services for the homeless, mental health and substance abuse diversion, transition services for high risk youth and adults in the criminal justice system, and other counseling and supportive services, and

WHEREAS, the Healthy Families and Communities Task Force recommended the King County Council approve the Mental Health and Substance Abuse Sales Tax by December 2007.

Now, Therefore, Be it Resolved That:

The Board of Directors of <insert Organization name> supports the passing of a 0.1 percent sales tax increase for mental health and substance abuse, and will submit a letter urging the King County Council to enact the sales tax increase as recommended by the Healthy Families and Communities Task Force.

Dated this_____ day of _____, 2007.

_____ _____
Signature Signature

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

MEMORANDUM

To: David Ramsay, City Manager

From: Jennifer Schroder, Director
Carrie Hite, Deputy Director
Judy Manchester, Youth and Family Services Supervisor

Date: May 22, 2007

Subject: Presentation of 25 Year Service Award to Sharon Anderson

RECOMMENDATION:

That the City Council recognize Sharon Anderson for 25 years of service to the citizens of Kirkland.

BACKGROUND DISCUSSION:

Sharon Anderson has been a dedicated and key member of the Parks and Community Services Department since 1982. Originally hired as Director of the Kirkland Senior Center, Sharon developed many of the facility's major programs and services that are still in place today. Upon arrival, Sharon initiated a significant expansion of recreation and lifelong learning classes as well as a variety of health and legal assistance services. An important hot-meal program was expanded to 5 days per week, and the Senior Center's Meals on Wheels program was improved to serve more clients. A volunteer-run gift shop was created to sell senior-created arts and crafts. Popular trips and tours were added to the schedule, and Sharon's talents for event planning were showcased through frequent sold-out celebrations and holiday activities. . During Sharon's 14-year tenure as Senior Center Director, the facility itself was expanded to keep up with the increasing programs, and Sharon served as a strong advocate in space planning meetings with architects and contractors.

In 1987 (while still directing the Senior Center) Sharon was asked to create and manage a brand new service arena for the City – human services. In recognition of an ever-increasing need to meet the basic needs of citizens, and in response to decreasing resources at the federal, state, and county levels, Kirkland became one of the first suburban cities in the area to dedicate on-going grant funding to social service agencies. Sharon was charged with developing grant policies and application materials, and soon a Council-appointed Advisory Committee was formed to provide guidance. Community Development Block Grant (CDBG) activities were included as well. Her knowledge of the issues, her experience working with non-profits and with advisory groups, and her passion for helping those in need made Sharon the perfect City staff member to take on this challenge. She's been overseeing the program ever since.

That first year, the City granted about $40,000 to four non-profit agencies. Twenty years later, the City now grants over $500,000 annually to 46 separate human services programs. With this expansion Sharon began in 1996 to

focus solely on coordinating the City's human services activities, although you can still often find her volunteering at the senior center (what we now call the Peter Kirk Community Center). Twenty five years later, Sharon still knows a thing or two about how to throw a party.

In her role as Human Services Coordinator, she has often represented Kirkland on regional issues. She is a strong voice and advocate for an Eastside system for Human Services. She is active with the Committee to End Homelessness 10 year plan, Eastside Human Services Forum, the North and East Funders group, the North and East CDBG consortium, North and Eastside Healthy Start, just to name a few. In her continual effort and dedication to Human Services, you will find Sharon volunteering to stay up all night for the One Night Count on Homelessness, then making breakfast for everyone. You will also find her work space packed with surplus computers, as she coordinates a surplus computer donation program for our local nonprofits. Every once in awhile, you will see bags stuffed with teddy bears, clothes, knitted hats, toys, all waiting to be given to those less fortunate in our community. Sharon has a heart of gold, and brings a genuine caring and compassion to all who live in Kirkland. She takes her job seriously, and considers it her responsibility to make sure all of our citizens have a safety net if they need help.

Personally, Sharon volunteers her time and expertise to several Guilds in support of Children's Hospital. Sharon not only works in Human Services, but lives it as well. Sharon's co-workers enjoy working with her, and respect the work that she does. She is truly an incredible human being, and we are lucky to have Sharon serve the Kirkland community for 25 years.

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Daryl Grigsby, Public Works Director

Date: May 17, 2007

Subject: Service Awards for Katy Coleman, Jim Simpson and Rob Jammerman

This year marks the twenty years of service for three Public Works employees; Katy Coleman, Jim Simpson and Rob Jammerman. Katy is currently a Development Engineering Analyst in the Development Engineering Division. She has been a valued employee and steady worker for her entire career. Katy assists customers at the Public Works counter and facilitates the permit process for developers and applicants.

Jim Simpson is a Senior Construction Inspector responsible for inspecting the public infrastructure component of critical private developments in the city. He is reliable, calm under pressure, and respected by his peers, developers and citizens.

Rob Jammerman is Division Manager for the Development Engineering Division, He is responsible for development, inspection and surface water engineering. In addition, he is a valued leader in the Development Services team with Planning and Fire and Building. Rob is a creative problem-solver, often working with applicants and developers to find mutually beneficial solutions for the customer, the City, and the citizens of Kirkland..

All three of these employees are valued members of the City of Kirkland team, and are major contributors to the City's work in providing quality customer service to the development community and the citizens.

CITY OF KIRKLAND
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MEMORANDUM

To: Dave Ramsay, City Manager

From: Jeff Blake, Director of Fire and Building Department

Date: 05/17/07

Subject: Special Presentation

RECOMMENDATION:

Recognize the graduates of our Community Emergency Response Team course with a brief explanation of the program and award them Certificates of Completion.

BACKGROUND DISCUSSION:

KIRKLAND GRADUATES SIXTH CERT CLASS

The Community Emergency Response Team (CERT) program trains citizens to prepare for and respond effectively to disasters. The 26-hour CERT course is taught by a trained team of first responders and other professionals. Training covers the Incident Command System, disaster preparedness, fire suppression, basic medical assessment and First Aid, light search & rescue operations, and disaster psychology.

CERT members understand the risks disasters pose to people and property. They have taken steps to reduce hazards and lessen the impact of disasters once they have occurred. When disasters overwhelm local response capability, they are trained to take care of themselves and give critical support to their family members, neighbors, and others in their immediate area until professionals arrive. When first responders arrive, CERTs will be able to provide them with useful information and support. Later, they will be able to help the City reestablish stability to the community. CERTs may also help with non-emergency projects that help improve the safety of their community.

Kirkland's 6th CERT course graduates June 2, 2007. The next two courses will be held in the Fall of 2007. An afternoon course will be held so that additional staff may be trained to join our new City CERT team. An Evening course will also be held for local citizens. Both courses will be open to the public. Residents and people who work in the Kirkland fire response area (Kirkland and Fire District 41) are welcome to participate. Residents outside this area will be accepted on a space-available basis.

CITY OF KIRKLAND
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www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Sheila Cloney, Special Project Coordinator

Date: May 21, 2007

Subject: Kirkland Concours d'Elegance – Special Presentation

RECOMMENDATION:
Receive a report from Jeff Clark on behalf of the Concours d'Elegance organization regarding the event and its impact on the Kirkland community. In addition review and consider a request to refund admissions tax generated by the event to the Concours d'Elegance charity.

BACKGROUND DISCUSSION:
The Kirkland Concours d'Elegance was founded in 2003 by four local business people whose mission was to give back to the community by creating a unique event that could not be duplicated in the Pacific Northwest. The event provides a venue to see some of the finest and most unique cars in the world.

The following summaries how much has been raised over the past four years to help seriously ill children.

2003 – $63,000
2004 - $134,000
2005 - $183,000
2006 - $ 211,00

Council approved $3000 in Tourism funding and $2500 in Community Agency support in 2007 to support the Concours event. The tourism program also includes the Concours d'Elegance in the ongoing marketing of events.

The attached document from Kirkland Concours d'Elegance includes a request for a refund of the admissions tax collected at the 2007 event. Organizers estimate that given good weather they will collect approximately $3000 in admissions tax.

Organizations that charge admission to an event are required to make application for a certificate of registration with the City's Finance Department. The admission tax due is based on the established ticket price at a rate of five percent. Following the event the admissions tax is remitted to the city and by approval of the council the amount collected may be passed on to the charity of the applicant's choice. In this case Concours organizers would like to have the admissions tax go to Evergreen Hospital's Women and Children's program as part of Evergreen Hospital's fifty percent share of the proceeds from the event.

There is precedent for the refunding of admissions tax as the City supports the mission of the Kirkland Performance Center in this way. In 2006 Council approved a request for a refund of admissions tax from Concours d'Elegance in the amount of $2400.

Kirkland Concours d'Elegance
Presentation to Kirkland City Council

June 5, 2007

Purpose

There are three purposes for this document and the June 5, 2007 presentation to the Kirkland City Council:

1. To thank the Council for its support and partnership with the Concours d'Elegance;
2. To inform the Council of new features planned for the 2007 Concours; and
3. To request continued support from the City of Kirkland in the form of an Admissions Tax refund.

History

The Kirkland Concours d'Elegance or, "Contest of Elegance", is patterned after the Pebble Beach Concours d'Elegance which is perhaps the most celebrated classic and vintage collector car event in the world and has enjoyed the participation of some of those in leadership positions at Pebble Beach. Like Pebble Beach, the Kirkland Concours d'Elegance is a celebration of the classic art of automobile design. Invited vehicles are grouped into classes and judged based on their rarity, quality, presence, and most of all their elegance. The most deserving vehicles are celebrated at the conclusion of the event at the "Circle of Champions" award ceremony.

The Kirkland Concours d'Elegance was founded in 2003 by four local business leaders who wanted to give something back to the community by creating a unique event that could not be duplicated in the Pacific Northwest. It provides a venue to see some of the finest and most unique cars in the world while at the same time raising money for to help seriously ill children. All proceeds are contributed to Children's Hospital and Regional Medical Center and Evergreen Hospital Medical Center.

This is the fifth year of the Concours and each year it has expanded its impact and raised more money for the hospitals. Following are the amounts raised each year since the event kicked-off in 2003:

2003	$63,000
2004	$134,000
2005	$183,000
2006	$211,000

Each year the event got better. In 2004 sponsorship became regional with support from AAA of Washington, Phil Smart Mercedes-Benz and Cutter and Buck. That year, the Concours featured the largest gathering of Duesenbergs ever seen on the west coast.

In 2005, support for the Concours expanded nationally with Sports Car Market Magazine, Haggerty Collector Car Insurance and RM Auctions joining the list of sponsors and the event attracting automobiles from some of the nation's most prestigious car collectors including Blackhawk out of Danville, California. In 2005 the Concours added classic wooden boats and vintage motorcycles.

Last year's event was the biggest and most successful yet. The Concours featured the largest gathering of custom Dietrich-bodied cars ever held in the United States. National notoriety

expanded as Glenn Mounger, past co-chair of the Pebble Beach Concours, accepted our invitation to be Head Judge. In addition, two of the world's premier automobile museums, Nethercutt and Peterson sent cars to the event. A 1937 Bugatti T-57, owned by the Peterson Museum and once owned by the Shah of Iran, won best of show. 2006 was also the year that the Kirkland Concours established its Junior Judges Award, judged and presented by young people from Lake Washington School District elementary and middle schools.

The 2007 Concours has added several new features and has established a goal of raising and contributing to the recipient hospitals $225 thousand. This year we have added a new Century of Motoring Classic which will feature cars that are at least 100 years old. Perhaps most exciting for 2007 is that on the Friday and Saturday prior to the Concours, we are working with Woodinville wineries, restaurants and hotels to create the Tour d'Elegance, an opportunity for a select group of people with vintage cars to travel in caravan for around 200 miles of northeast King County, with dinner at the DeLille winery.

Thank You to the City of Kirkland

One hundred percent of the proceeds from the Kirkland Concours d'Elegance go to support Evergreen Hospital's Women and Children's program and Children's Hospital and Regional Medical Center's uncompensated care program. The entire event is planned and carried out by volunteers, with literally hundreds of individuals joining forces to ensure a quality, successful event. Not only does this community largesse literally make the event possible, it also provides an opportunity for local and regional residents to contribute to a very important cause.

The benefits to the City are significant and include:

- Puts the "elegance" of Kirkland on the map. Well known and well respected individuals from the Puget Sound region and the nation now know the beauty of Kirkland;
- Organizers CHOSE Kirkland as the venue for the event in spite of offers from other venues;
- Advertising of the Kirkland Concours is nationwide, drawing attention to the community;
- The event is held on private property with minimal impact on residents;
- Economic advantages include literally thousands of dollars brought into the local economy by people staying at local hotels, eating at local restaurants, shopping in local stores and galleries, etc.
- Link form Kirkland Concours website to Kirkland Prospector website creates the possibility of business development.

While we have always had the general support of the City of Kirkland, last year, that support was 'kicked up a notch'! The City Council agreed to reimburse the Admissions Tax ($1781.65) and the Kirkland Concours also received grant funds from both the Community Grant program and LTAC. The Community Grant dollars are being used to defray operations expenses (specifically police and banners) and the LTAC funds are going to support national advertising in the Pebble Beach Concours program. Taken together that support equals over $7,000, money which will directly impact our ability to support the hospitals' uncompensated care programs.

It is clear that even though the real benefit to the local community is the support of two fine medical facilities and the children they serve, there are many other benefits to Kirkland. Cleary, the Kirkland Concours d'Elegance provides economic benefits and, in general, adds value to the Kirkland "brand", and it does so with minimal cost or disruption to the city or its residents.

A Request

Finally, we would like to request that the City Council again take action to reimburse to the

Kirkland Concours d'Elegance (a bona fide 501 (c) (3)) the amount of the Admissions Tax. We estimate that that amount in 2007 (assuming good weather) will be around $3000. The money saved from this action will go directly to benefit the hospitals and we would greatly appreciate your support.

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

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director

Date: May 18, 2007

Subject: PSRC Presentation on Regional Plan Preparation

RECOMMENDATION

Staff from the Puget Sound Regional Council (PSRC) will present a progress report on the preparation of a new regional plan to guide growth in the four-county metropolitan area through 2040. No Council action is required.

BACKGROUND DISCUSSION

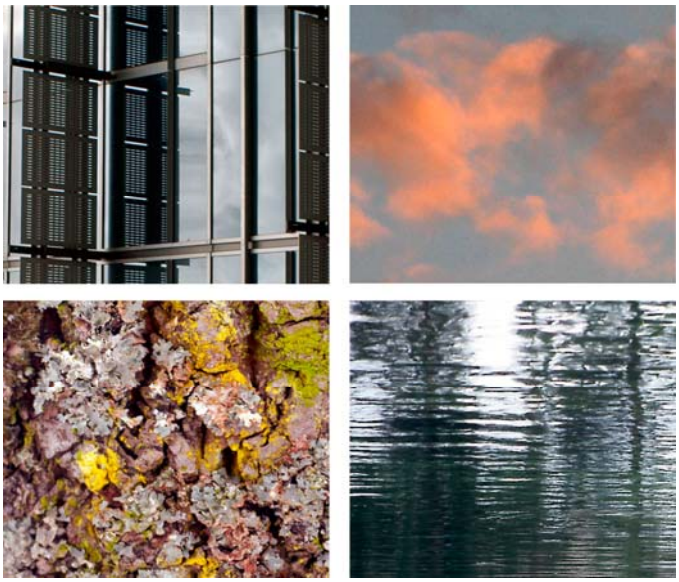
The PSRC has been working on a new metropolitan growth management plan for the past two years. A draft "Vision 2040" plan and EIS will be released in July. Public comments will be accepted until September 7th. Refinement of the plan will occur later this year, with adoption of the final plan scheduled at the PSRC General Assembly meeting in early 2008.

At the June 5 Council meeting, PSRC staff will present a status report on the draft plan and will be available to answer any questions the Council may have.

Attachments:

1. Vision 2020 Update, Recommended Preferred Growth Alternative
2. Vision Update, Draft Revised Multicounty Planning Policies

The VISION 2020 Update Recommended Preferred Alternative for a Regional Growth Strategy



Discussion and Description

Revised 3-9-2007

This document presents a summary of the Preferred Growth Alternative for an updated regional growth strategy, as recommended to the PSRC Executive Board by the Growth Management Policy Board at their meeting of February 8, 2007.

The PSRC Executive Board is scheduled to take action at its March 22, 2007 meeting to release staff to develop a Supplemental Draft Environmental Impact Statement (DEIS) that contains the full analysis of the PGA alongside the other VISION 2020 Update alternatives. The Supplemental Draft Environmental Impact Statement and draft VISION document will be published for additional public review and comment in the summer of 2007.

A STRATEGY FOR ACCOMMODATING GROWTH

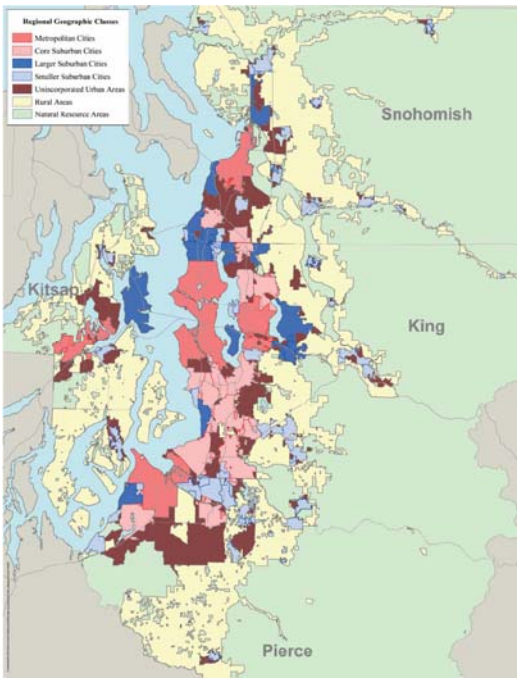
At the heart of the region's growth, economic and transportation strategy is a shared vision of how and where the region should grow. The region's Preferred Growth Alternative for a regional growth strategy provides a description of an overall development pattern that the central Puget Sound Region should assume over time. It also provides guidance for how our counties, cities and towns can contribute to achieving that preferred pattern while minimizing the environmental impacts of growth, and making efficient use of existing infrastructure and investments. The overall strategy for accommodating growth is organized around the state Growth Management Act's concepts of urban, rural, natural resource areas.

Urban Areas

Our existing regional growth vision – described in the 1995 VISION 2020 – was developed to help us preserve and enhance our quality of life. It describes a future where much of the region's projected growth can be contained within defined urban growth areas, creating compact urban communities and vibrant centers of activity. This strategy for urban growth also helps preserve the health and quality of the natural environment that has supported the region's success.

Using this regional growth strategy as a starting point, the Growth Management Policy Board added additional detail and refinements to create a Preferred Growth Alternative (PGA) for a regional growth strategy, as well as guidance for local planning to implement the desired regional growth pattern through the year 2040. A key concept underlying the creation of the PGA is the concept of "regional geographies".

Regional Geographies. Regional geographies are based on the notion that the region's different types of cities will play a variety of roles in the region's future. These roles range from major hubs of activity – as seen in the region's five core metropolitan cities – to less intense regional, city and town centers throughout the region's core suburban, larger suburban, and smaller suburban cities[1]. The recommended Preferred Growth Alternative provides better information about a vision for future growth within designated urban areas by describing the roles of these different types of cities.



[1] See Attachment A for a list of the region's cities by regional geography by county.

The refined growth strategy continues the goal of focusing regional employment and housing growth in the cities that contain approximately 26 regionally-designated growth centers. These regional centers are to be connected and served by a variety of transportation modes, including fast and frequent high capacity transit service. Regional centers are intended to attract residents and businesses because of their proximity to services and jobs, well-designed housing, regional amenities, high quality transit service, and other advantages.

New to the regional discussion through the VISION 2020 Update is the description of the role for some larger suburban cities. Because of their important local and regional transit stations, ferry terminals, park and ride facilities, other transportation connections, and local and regional amenities, they will likely play an important role over time as places that accommodate growth.

Though at a smaller scale, locally-designated town centers will also serve similar roles for smaller cities, providing services and housing that support vital and active communities.

The refined growth strategy also stresses preserving existing manufacturing and industrial centers. These are locations for intensive manufacturing, industrial and related uses. Manufacturing industrial centers, along with more active regional growth centers and city centers, can help the region to achieve a better jobs-housing balance, which can encourage people to live closer to their jobs and minimize long commutes.

Rural and Natural Resource Areas

The strategy supports the use of rural lands for farming and forestry, recreation, cottage industries, and low-density housing maintained by rural services. Small cities and towns surrounded by rural areas should provide services and jobs for rural residents as well as higher density housing than is compatible with rural character. Portions of these rural areas, together with natural resource lands, critical areas and other lands, should contribute to a regional greenspace network to separate urban areas and preserve permanent regional connections of open space.

The updated regional growth strategy aims to provide more guidance about preserving rural and natural resource lands on a long-term basis by limiting inappropriate levels of growth in rural areas, and ensuring that proposed development is consistent with rural character.

Guidance for the Preferred Growth Alternative

The updated growth strategy reflects this region's commitment to plan for the future in a way that preserves and enhances communities, conserves our natural and financial resources, and maintains our quality of life. This approach helps to ensure that existing services are fully utilized, new services can be provided more efficiently, and to minimize the environmental impacts of growth. The complete VISION 2020 Update will reflect our commitment to work together as a region to address regional these issues.

In summary, the Growth Management Policy Board articulated a strategy where:

- Growth is focused within a designated Urban Growth Area (UGA)
- Within the UGA, growth is focused in cities containing regional growth centers
- Rural and natural resource lands are protected
- The environmental impacts of growth are minimized, and
- Existing infrastructure and new investments are used efficiently.

The refined strategy also seeks to provide clearer guidance to:

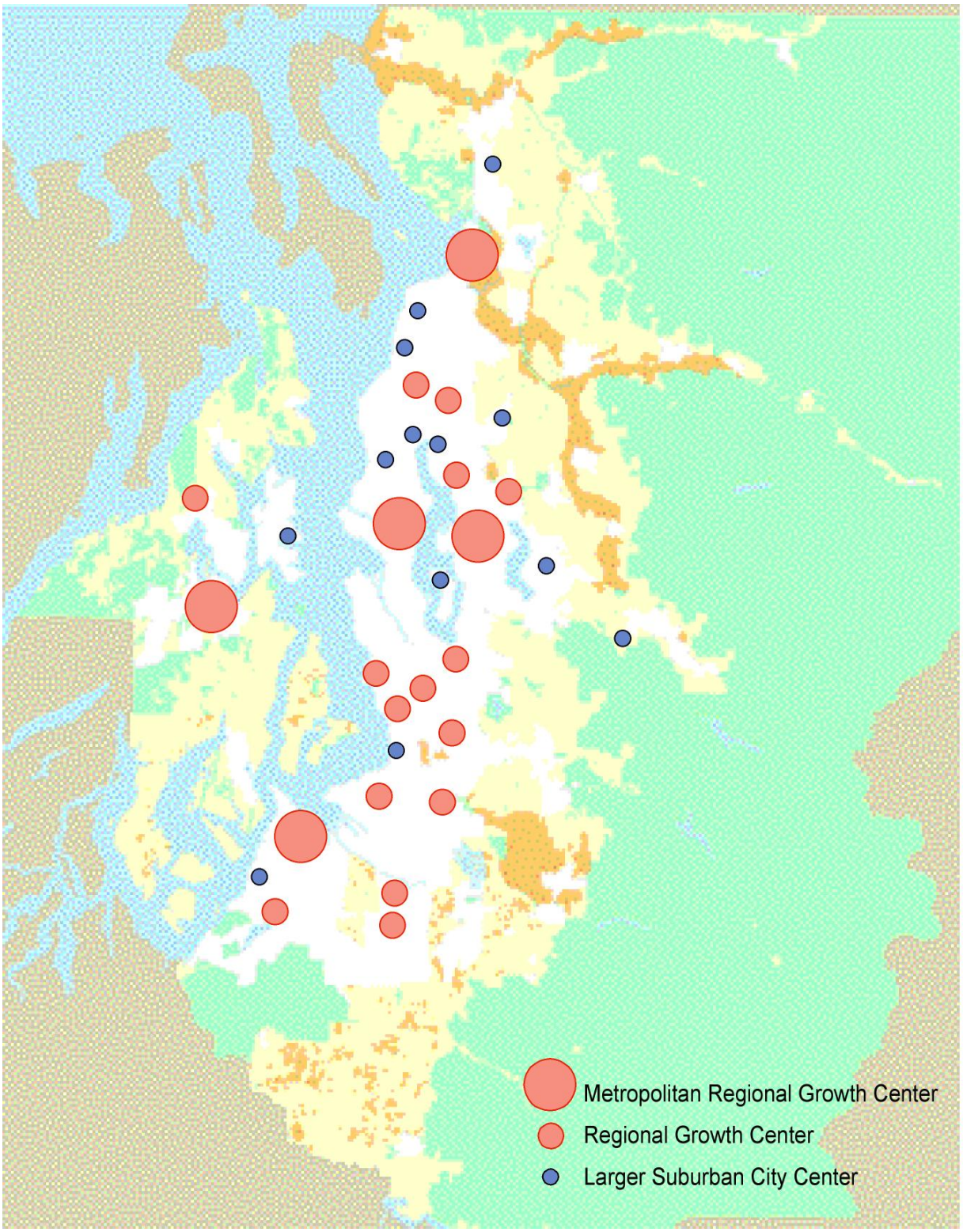
- More effectively direct growth to and within urban growth areas
- Minimize rural development
- Achieve better jobs-housing balance across region
- More clearly articulate the different roles of the region's cities and towns, and other regional geographies, and
- Support growth in subregional city and town centers

How Will the Growth Strategy be Used?

The refined strategy for regional growth that is laid out in the following pages is intended to guide the region's cities and towns as they work within their respective counties to periodically update the local population and employment growth targets that underlie their local comprehensive plans. The Preliminary Preferred Growth Alternative represents a regional perspective about the roles that different types of communities should play in accommodating growth.

The following table summarizes the refined growth strategy for the shares of 2000 – 2040 population and employment growth that should be accommodated by different geographies within the region as a whole, and within each county. While relative amounts differ significantly within each county, the roles of regional geographies are consistent with those described above for the region as a whole. The growth strategy is intended to provide regional guidance for future countywide population and employment target setting.

Recommended Preferred Growth Alternative



VISION 2020 Update
Summary of Recommended PGA Regional and County Shares of 2000 – 2040 Growth

Distribution of 2000-40 Change

		Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
King County	Pop	41%	32%	14%	5%	6%	3%	724,000
		294,000	230,000	98,000	39,000	43,000	20,000	
	Emp	45%	38%	10%	4%	3%	1%	695,000
		311,000	262,000	69,000	25,000	23,000	5,000	
Kitsap County	Pop	20%	12%	11%	8%	30%	19%	149,000
		30,000	18,000	16,000	12,000	45,000	28,000	
	Emp	21%	23%	8%	12%	29%	8%	66,000
		14,000	15,000	5,000	8,000	19,000	5,000	
Pierce County	Pop	32%	19%	6%	15%	22%	6%	393,000
		127,000	75,000	23,000	57,000	87,000	24,000	
	Emp	46%	19%	3%	17%	12%	3%	212,000
		97,000	40,000	6,000	37,000	25,000	7,000	
Snohomish County	Pop	20%	9%	10%	9%	42%	10%	446,000
		89,000	40,000	44,000	40,000	187,000	46,000	
	Emp	36%	14%	13%	12%	19%	6%	246,000
		89,000	35,000	31,000	30,000	47,000	14,000	
Region	Pop	32%	21%	11%	9%	21%	7%	1,712,000
		540,000	363,000	181,000	148,000	362,000	118,000	
	Emp	42%	29%	9%	8%	9%	3%	1,219,000
		511,000	352,000	111,000	100,000	114,000	31,000	

The following tables compare shares of 2000 – 2040 population and employment growth in the recommended Preferred Growth Alternative (PGA) with those that were analyzed in the project Draft Environmental Impact Statement. The recommended PGA represents a hybrid of the more focused patterns of regional growth seen in the Metropolitan Cities, Larger Cities, and Growth Targets Extended alternatives. More detailed data for the region and for each county are available upon request.

VISION 2020 Update
Recommended Preferred Growth Alternative
Comparison to DEIS Alternatives: Region

			Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
	2000 Base	Pop	30%	18%	10%	8%	18%	15%	3,276,000
			996,000	589,000	331,000	264,000	604,000	493,000	
		Emp	50%	28%	7%	6%	6%	3%	1,853,000
			923,000	521,000	121,000	106,000	117,000	64,000	
Distribution of 2000-40 Change	Growth Targets Ext	Pop	26%	17%	9%	10%	24%	13%	1,712,000
		Emp	45%	28%	7%	9%	8%	3%	1,219,000
	Metropolitan Cities	Pop	40%	25%	15%	10%	5%	5%	1,712,000
		Emp	45%	30%	10%	5%	5%	5%	1,219,000
	Larger Cities	Pop	20%	30%	30%	5%	10%	5%	1,712,000
		Emp	20%	30%	30%	5%	10%	5%	1,219,000
	Smaller Cities	Pop	10%	10%	5%	30%	35%	10%	1,712,000
		Emp	10%	10%	5%	30%	35%	10%	1,219,000
	Recommended PGA	Pop	32%	21%	11%	9%	21%	7%	1,712,000
		Emp	42%	29%	9%	8%	9%	3%	1,219,000

Recommended PGA Comparison to DEIS Alternatives: King County

		Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
2000 Base	Pop	39%	25%	10%	6%	12%	8%	1,737,000
		673,000	434,000	178,000	105,000	212,000	135,000	
	Emp	55%	34%	6%	2%	2%	1%	1,280,000
		701,000	432,000	73,000	23,000	32,000	19,000	
Distribution of 2000-40 Change								
Growth Targets Ext	Pop	37%	29%	12%	7%	10%	5%	704,000
	Emp	50%	37%	7%	3%	2%	1%	766,000
Metropolitan Cities	Pop	44%	31%	14%	6%	2%	2%	996,000
	Emp	49%	36%	9%	2%	2%	2%	824,000
Larger Cities	Pop	23%	39%	28%	3%	5%	2%	968,000
	Emp	24%	39%	30%	2%	4%	2%	767,000
Smaller Cities	Pop	17%	19%	7%	27%	25%	6%	669,000
	Emp	21%	23%	9%	19%	23%	6%	439,000
Recommended PGA	Pop	41%	32%	14%	5%	6%	3%	724,000
	Emp	45%	38%	10%	4%	3%	1%	695,000

Recommended PGA Comparison to DEIS Alternatives: Kitsap County

		Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
2000 Base	Pop	16%	7%	9%	6%	20%	42%	232,000
		37,000	15,000	20,000	15,000	46,000	98,000	
	Emp	38%	7%	7%	14%	18%	17%	79,000
		30,000	5,000	6,000	11,000	14,000	13,000	
Distribution of 2000-40 Change								
Growth Targets Ext	Pop	15%	8%	9%	7%	33%	29%	154,000
	Emp	28%	15%	9%	10%	7%	32%	68,000
Metropolitan Cities	Pop	30%	14%	19%	10%	9%	18%	94,000
	Emp	29%	10%	12%	8%	8%	33%	62,000
Larger Cities	Pop	14%	15%	34%	5%	16%	16%	104,000
	Emp	11%	9%	30%	7%	14%	28%	72,000
Smaller Cities	Pop	5%	4%	4%	20%	42%	25%	138,000
	Emp	4%	2%	3%	24%	32%	35%	115,000
Recommended PGA	Pop	20%	12%	11%	8%	30%	19%	149,000
	Emp	21%	23%	8%	12%	29%	8%	66,000

Recommended PGA Comparison to DEIS Alternatives: Pierce County

		Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
2000 Base	Pop	28%	13%	4%	10%	24%	21%	701,000
		194,000	91,000	30,000	72,000	170,000	144,000	
	Emp	43%	18%	2%	15%	14%	8%	263,000
		113,000	47,000	6,000	40,000	37,000	20,000	
Distribution of 2000-40 Change								
Growth Targets Ext	Pop	29%	13%	3%	17%	27%	11%	396,000
	Emp	31%	17%	2%	25%	21%	3%	201,000
Metropolitan Cities	Pop	43%	21%	6%	16%	7%	7%	335,000
	Emp	39%	20%	4%	15%	13%	9%	168,000
Larger Cities	Pop	25%	28%	15%	9%	16%	8%	295,000
	Emp	18%	21%	11%	15%	27%	9%	166,000
Smaller Cities	Pop	8%	6%	2%	36%	37%	10%	438,000
	Emp	4%	3%	1%	41%	43%	8%	365,000
Recommended PGA	Pop	32%	19%	6%	15%	22%	6%	393,000
	Emp	46%	19%	3%	17%	12%	3%	212,000

Recommended PGA Comparison to DEIS Alternatives: Snohomish County

		Metro Cities	Core Suburban Cities	Larger Suburban Cities	Smaller Suburban Cities	Uninc'd UGA	Rural	TOTAL
2000 Base	Pop	15%	8%	17%	12%	29%	19%	606,000
		92,000	48,000	103,000	72,000	176,000	115,000	
	Emp	34%	16%	16%	14%	15%	5%	232,000
		80,000	37,000	36,000	32,000	35,000	13,000	
Distribution of 2000-40 Change								
Growth Targets Ext	Pop	11%	5%	10%	11%	40%	23%	459,000
	Emp	43%	12%	9%	15%	17%	4%	185,000
Metropolitan Cities	Pop	24%	12%	28%	17%	11%	9%	287,000
	Emp	36%	15%	19%	11%	12%	7%	165,000
Larger Cities	Pop	10%	12%	46%	7%	18%	7%	346,000
	Emp	12%	12%	45%	8%	18%	6%	215,000
Smaller Cities	Pop	4%	3%	6%	31%	45%	11%	468,000
	Emp	4%	3%	5%	35%	44%	8%	301,000
Recommended PGA	Pop	20%	9%	10%	9%	42%	10%	446,000
	Emp	36%	14%	13%	12%	19%	6%	246,000

Attachment A: Cities by County by Regional Geography

KING COUNTY

Metropolitan Cities (2)	Core Suburban Cities (10)	Larger Suburban Cities (7)	Smaller Cities And Towns (20)
Bellevue	Auburn (Partial)	Des Moines	Algona
Seattle	Bothell (Partial)	Issaquah	Beaux Arts
	Burien	Kenmore	Black Diamond
	Federal Way	Mercer Island	Carnation
	Kent	Sammamish	Clyde Hill
	Kirkland	Shoreline	Covington
	Redmond	Woodinville	Duvall
	Renton		Enumclaw
	SeaTac		Hunts Point
	Tukwila		Lake Forest Park
			Maple Valley
			Medina
			Milton (Partial)
			Newcastle
			Normandy Park
			North Bend
			Pacific (Partial)
			Skykomish
			Snoqualmie
			Yarrow Point

KITSAP COUNTY

Metropolitan Cities (1)	Core Suburban Cities (1)	Larger Suburban Cities (1)	Smaller Cities And Towns (2)
Bremerton	Silverdale*	Bainbridge Island	Port Orchard
			Poulsbo

*Uninc. UGA

PIERCE COUNTY

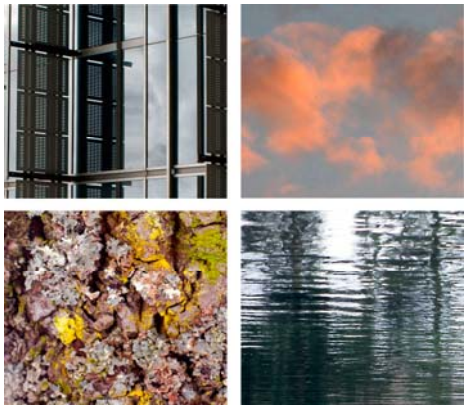
Metropolitan Cities (1)	Core Suburban Cities (3)	Larger Suburban Cities (1)	Smaller Cities And Towns (18)
Tacoma	Auburn (Partial) Lakewood Puyallup	University Place	Buckley Bonney Lake Carbonado DuPont Eatonville Edgewood Fife Fircrest Gig Harbor Milton (Partial) Orting Pacific (Partial) Roy Ruston South Prairie Steilacoom Sumner Wilkeson

SNOHOMISH COUNTY

Metropolitan Cities (1)	Core Suburban Cities (2)	Larger Suburban Cities (4)	Smaller Cities And Towns (13)
Everett	Bothell (Partial) Lynnwood	Edmonds Marysville Mountlake Terrace Mukilteo	Arlington Brier Darrington Gold Bar Granite Falls Index Lake Stevens Mill Creek Monroe Snohomish Stanwood Sultan Woodway

VISION Update

Draft Revised Multicounty Planning Policies



Puget Sound Regional Council
PSRC

As Acted on at the March 22, 2007
Executive Board Meeting

The Environment

Overarching Goal: The region will care for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, reducing greenhouse gas emissions and air pollutants, and preparing for climate change impacts. Planning at all levels should consider the impacts of land use, development patterns and transportation on the regional ecosystem.

Environmental Stewardship

Goal: The region will safeguard the natural environment by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

MPP-En-1 Develop region-wide environmental strategies, coordinating among local jurisdictions and countywide planning groups.

MPP-En-2 Use integrated and interdisciplinary approaches for environmental planning and assessment at regional, countywide and local levels.

MPP-En-3 Maintain and, where possible, improve air and water quality, soils, and natural systems to ensure the health and wellbeing of people, animals, and plants. Reduce the impacts of transportation on air quality and climate change.

MPP-En-4 Ensure that all residents of the region, regardless of social or economic status, live in a healthy environment, with minimum exposure to pollution.

MPP-En-5 Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.

MPP-En-6 Use the best information available at all levels of planning, especially scientific information, when establishing and implementing environmental standards established by any level of government.

MPP-En-7 Mitigate noise caused by traffic, industries, and other sources.

Earth and Habitat

Goal: The region will preserve the beauty and natural ecological processes of the Puget Sound basin through the conservation and enhancement of natural resources and the environment.

MPP-En-8 Identify, preserve, and enhance significant regional open space networks and linkages across jurisdictional boundaries.

MPP-En-9 Designate, protect and enhance significant open spaces, natural resources, and critical areas through the review and comment of countywide planning policies and local plans and provisions.

MPP-En-10 Preserve and enhance habitat to prevent inclusion on the Endangered Species List and to accelerate removal from the list.

MPP-En-11 Identify and protect wildlife corridors inside the urban growth area and outside the urban growth area.

MPP-En-12 Preserve and restore native vegetation to protect habitat, especially where vegetation contributes to the overall ecological function.

MPP-En-13 Identify and address the impacts of climate change on the region's hydrological systems.

Water Quality

Goal: The region should meet or exceed standards for water quality. The quality of the water flowing out of the region - including Puget Sound - should be as good as or better than the water quality entering the region.

MPP-En-14 Maintain natural hydrological functions within the region's ecosystems and watersheds and where feasible, restore them to a more natural state.

MPP-En-15 Restore -where appropriate and possible - the region's freshwater and marine shorelines, watersheds, and estuaries to a natural condition for ecological function and value.

MPP-En-16 Reduce the use of pesticides and chemical fertilizers to the extent feasible.

Air Quality

Goal: The overall quality of the region's air will be better than it is today.

MPP-En-17 Maintain or do better than existing standards for carbon monoxide, ozone and particulates.

MPP-En-18 Maintain or do better than existing air quality standards for air toxics, fine particulates, and greenhouse gases.

MPP-En-19 Continue efforts to reduce pollutants from the transportation sector, including through the use of alternative fuels and vehicles and increasing alternatives to driving alone, as well as design and land use.

Climate Change

Goal: The region will reduce its overall production of harmful elements that contribute to climate change.

MPP-En-20 Reduce the rate of energy consumption use per capita, both in building use and in transportation, even as the region grows.

MPP-En-21 Pursue the development of energy management technology as part of meeting the region's energy needs.

MPP-En-22 Reduce greenhouse gases by expanding the use of conservation and alternative energy sources.

MPP-En-23 Take positive actions to address reductions in carbons, such as increasing the number of trees in urban portions of the region.

MPP-En-24 Anticipate and address the impacts of climate change on regional water sources.

Development Patterns – Land Use, Housing, and Orderly Development

Overarching Goal: The region will have focused growth within already urbanized area to create compact, transit oriented, pedestrian-oriented communities while maintaining unique local character. Centers will continue to be a focus of development. Vital parts of the region will continue to be permanent rural lands and natural resource lands. All citizens of the region will have safe and affordable housing.

Part I: Land Use
(Resource Lands, Urban Lands, and Rural Lands)

MPP-DP-1 Protect and enhance significant open spaces, natural resources, and critical areas.

Resource Lands

Goal: The region will conserve its natural resource land permanently by designating, maintaining and enhancing farm, forest, and mineral lands.

MPP-DP-2 Establish best management practices that protect the long-term integrity of the natural environment, adjacent land uses, and, the long-term productivity of resource lands.

MPP-DP-3 Support the sustainability of designated resource lands.

MPP-DP-4 Ensure that growth in adjacent non-resource lands does not adversely impact designated natural resource lands and any related industries.

MPP-DP-5 Ensure that resource lands do not adversely impact adjacent lands.

Urban Growth Areas

Goal: The region will promote the efficient use of land, prevent urbanization of rural and resource lands, and provide for the efficient delivery of services within designated urban growth areas.

MPP-DP-6 Provide a regional framework for the designations and adjustments of urban growth areas to assure long-term stability and sustainability of the urban growth area consistent with the regional vision.

Growth Targets

Goal: The region, countywide planning bodies, and local jurisdictions will work together to set population and employment growth targets consistent with the regional vision.

MPP-DP-7 Create consistent countywide targeting processes for allocating population and employment growth including establishing: a) local employment targets, b) local housing targets based on population projections, and c) local housing and employment targets for each designated regional growth center.

MPP-DP-8 Accommodate the region's allocation of growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision**.**

Urban Lands

Urban Lands: Regional Growth Centers

Goal: The region will direct growth and development of a limited number of designated regional growth centers.

MPP-DP-9 Focus a significant share of population and employment growth in designated regional growth centers.

MPP-DP-10 Provide a regional framework for designating and evaluating regional growth centers.

MPP-DP-11 Give funding priority – both for transportation infrastructure and for economic development – to designated regional growth centers consistent with the regional vision, including regional county-level and local funding.

Centers Hierarchy – *working version (not adopted)*	
Regional Growth Centers: **designated by PSRC**	Metropolitan Centers
	Regional Urban Centers
Subregional Centers: **designated by countywide planning bodies**	City Centers **in larger suburban cities**
Secondary Centers: **designated by countywide planning bodies or local jurisdictions**	Town Centers **smaller cities**
	Neighborhood Centers **includes urban villages and hubs**
	Activity Areas **includes Transit Station Areas**

Urban Lands: Regional Manufacturing/Industrial Centers

Goal: The region will continue to maintain and support viable regional manufacturing/industrial centers to accommodate manufacturing, industrial, or advanced technology uses.

MPP-DP-12 Focus a significant share of employment growth in designated regional manufacturing/industrial centers.

MPP-DP-13 Provide a regional framework for designating and evaluating regional manufacturing/industrial centers.

MPP-DP-14 Give funding priority – both for transportation infrastructure and for economic development – to designated regional manufacturing/industrial centers consistent with the regional vision, including regional, county-level, and local funding.

Urban Lands: Subregional and Secondary Centers

Goal: Secondary centers, such as locally designated centers established through countywide processes, will also play important roles in accommodating planned growth according to the regional vision. These centers will promote pedestrian connections and support transit-oriented uses.

MPP-DP-15 Support the development of centers within all jurisdictions, including secondary centers such as town centers and activity nodes.

MPP-DP-16 Establish a common framework among the countywide processes for designating secondary centers to ensure compatibility within the region.

MPP-DP-17 Direct funding to centers, including secondary centers and town centers, through countywide, subregional, and local investment processes and funding strategies.

Urban Lands: Compact Urban Communities and Redevelopment Opportunities

MPP-DP-18 Preserve and enhance existing neighborhoods and create vibrant sustainable compact urban communities that provide diverse choices in housing types; a high degree of connectivity in the street network to accommodate encourage walking, bicycling and transit use, and sufficient public spaces.

MPP-DP-19 Support the transformation of key underutilized lands to higher-density mixed-use areas to complement the development of centers and the enhancement of existing neighborhoods**.**

Urban Lands: Cities in Rural Areas

MPP-DP-20 Direct commercial, retail, and community services that serve rural residents into neighboring cities and existing activity areas to prevent the conversion of rural land into commercial uses.

MPP-DP-21 Promote transit service to and from existing cities in rural areas.

Urban Lands: Unincorporated

Goal: All unincorporated lands within the urban growth area will either annex into existing cities or incorporate as new cities.

MPP-DP-22 Affiliate all urban unincorporated lands appropriate for annexation with an adjacent city or identify those that may be feasible for incorporation. To fulfill the growth strategy, annexation is preferred over incorporation.

MPP-DP-23 Support joint planning between cities and counties to work cooperatively in planning for urban unincorporated areas to ensure an orderly transition to city governance, including efforts such as: a) establishing urban development standards, b) addressing service and infrastructure financing, and c) transferring permitting authority.

MPP-DP-24 Support the provision and coordination of urban services to unincorporated urban areas by the adjacent city, or where appropriate, by the county as an interim approach.

Rural Lands

Goal: The region will permanently sustain the ecological functions, resource value, lifestyle, and character of rural lands for future generations by limiting the types and intensities of development in rural areas.

MPP-DP-25 Contribute to improved ecological functions and more appropriate use of rural lands by minimizing impacts through innovative and environmentally sensitive land use management and development practices.

MPP-DP-26 Avoid additional fully contained communities outside of the designated urban growth area because of their potential to create sprawl and undermine state and regional growth management goals.

MPP-DP-27 In the event that a proposal is made for creating a fully contained community, the county shall make the proposal available to other counties and to the Regional Council for advance review and comment on regional impacts.

MPP-DP-28 Use the various tools available to address vested development to ensure that future growth meets existing permitting and development standards and prevents further fragmentation of rural lands.

MPP-DP-29 Maintain the long-term viability of permanent rural land by avoiding the construction of new highways and major roads in rural areas.

MPP-DP-30 Support long-term solutions for the environmental and economic sustainability of agriculture and forestry within rural areas.

Part II: Housing

Goal: The region will preserve, improve and expand its housing stock to provide a range of affordable, healthy and safe housing choices to every resident in the region. The region will continue to promote fair and equal access to housing for all persons.

MPP-DP-31 Provide a range of housing types and choices to meet the housing needs of income levels and demographic groups within the region.

MPP-DP-32 Achieve and sustain - through preservation, rehabilitation, and new development - an adequate supply of low-income, moderate-income and special needs housing that is equitably and rationally distributed through the region.

MPP-DP-33 Promote homeownership opportunities for low-income and moderate-income families and individuals.

MPP-DP-34 Encourage inter-jurisdictional cooperative efforts and public-private partnerships to advance the provision of affordable and special needs housing.

MPP-DP-35 Expand the supply and range of housing, including affordable units, in centers throughout the region.

MPP-DP-36 Recognize, and give priority to, transportation facilities, infrastructure, and services that explicitly advance the development of housing in centers.

MPP-DP-37 Develop and provide a range of housing choices across the region in a manner that promotes accessibility to jobs and provides opportunities to live in proximity to work**.**

Part III: Elements of Orderly Development

Land Use and Health

Goal: The region's communities will be places planned and designed to promote physical, social and mental well-being so that all people can live healthier and more active lives.

MPP-DP-38 Design communities to provide an improved environment for walking and bicycling.

MPP-DP-39 Incorporate provisions addressing health and well being into appropriate regional, countywide and local planning and decision-making processes.

MPP-DP-40 Promote cooperation and coordination between transportation providers, local government and developers to ensure that joint and mixed use developments are designed to promote and improve physical, mental and social health and reduce the impacts of climate change on the natural and built environments.

MPP-DP-41 Develop and implement design guidelines to encourage construction of healthy buildings and facilities to promote healthy people.

MPP-DP-42 Support agricultural, farmland, and aquatic uses that enhance the food system in the central Puget Sound region and its capacity to produce fresh and minimally processed foods.

Innovative Techniques

MPP-DP-43 Encourage the use of innovative techniques, including the transfer of development rights and the purchase of development rights, to provide mechanisms for focusing growth within the urban growth area (especially cities), to lessen pressures to convert rural and resource areas to more intense urban-type development, and to sustain rural and resource-based uses.

MPP-DP-44 Support and provide incentives for increasing percentages of new development and redevelopment –both public and private – to be built at higher performance, energy efficient, and environmentally friendly standards**.**

MPP-DP-45 Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional cost to housing**.**

Incompatible Land Uses

MPP-DP-46 Support the continued operation of general aviation airports by avoiding adjacent incompatible land use and development.

MPP-DP-47 Protect military lands from encroachment by incompatible land uses.

Concurrency

MPP-DP 48 Address non-motorized, pedestrian, and other multi-modal types of transportation options in concurrency programs – both in assessment and mitigation.

MPP-DP-49 Tailor concurrency programs for centers and other subareas to encourage development that can be supported by transit.

Urban Design

Goal: The region will use design to shape the physical environment in order to create more livable communities, better integrate land use and transportation system, and improve efforts to restore the environment.

MPP-DP-50 Identify, protect and enhance those elements and characteristics that give the central Puget Sound region its identity, especially the natural visual resources and positive urban form elements.

MPP-DP-51 Preserve significant regional historic, visual and cultural resources including views, landmarks, archaeological sites, historic and cultural landscapes and areas of special character.

MPP-DP-52 Develop high-quality, compact urban communities throughout the region's urban growth area that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use..

MPP-DP-53 Provide a wide range of building and community types to serve the needs of a diverse population.

MPP-DP-54 Support urban design, historic preservation, and arts to (a) enhance quality of life, (b) improve the natural and human-made environment, (c) promote health and wellbeing, (d) contribute to a prosperous economy and (e) increase the region’s resiliency in adapting to changes or adverse events.

MPP-DP-55 Design public buildings and spaces that contribute to a sense of community and a sense of place.

MPP-DP-56 Identify opportunities to create parks, civic places and public spaces, especially in or adjacent to centers.

MPP-DP-57 Address issues affecting community development – including opportunities to improve communities, as well as impacts on communities – in the design of transportation projects and other infrastructure projects, recognizing that such facilities should also advance community development.

MPP-DP-58 Allow natural boundaries to help determine the routes and placement of infrastructure connections and improvements.

MPP-DP-59 Address design and community development issues related to important linear systems – such as linear land use patterns, natural systems, transportation and infrastructure systems and edges between differing land uses – with special attention to those linear systems that cross jurisdictional boundaries.

The Economy

Overarching Goal: The region will have a prospering and sustainable regional economy by supporting businesses and job creation, investing in all of the region's people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life.

Business

Goal: The region's economy prospers by supporting businesses and job creation.

MPP-EC-1 Support economic development activities that help to retain, expand, or diversify the region's businesses. Target recruitment activities towards businesses that provide family-wage jobs.

MPP-EC-2 Foster a positive business climate by encouraging region-wide and statewide collaboration among business, government, education, labor, economic, military, and workforce development, nonprofit and other organizations to sustain and enhance economic activity and prosperity in the region.

MPP-EC-3 Support established and emerging industry clusters that export goods and services, import capital, and have growth potential.

MPP-EC-4 Leverage the region's position as an international gateway by supporting businesses, ports, and agencies involved in trade-related activities.

MPP-EC-5 Foster a supportive environment for business startups, small businesses, and locally owned businesses to help them continue to prosper.

MPP-EC-6 Ensure the efficient flow of people, goods, services and information in and through the region through infrastructure investments, particularly in and connecting designated centers that meet the distinctive needs of the regional economy.

MPP-EC-7 Encourage all businesses to incorporate environmental and social responsibility into their practices.

People

Goal: The region's economy prospers by investing in all of its people.

MPP-EC-8 Promote economic activity and employment growth that creates widely shared prosperity and sustains a diversity of family-wage jobs for the region’s residents.

MPP-EC-9 Ensure that the region has a high-quality education system that is accessible to all of the region's residents.

MPP-EC-10 Ensure that the region has high-quality and accessible training programs that give people opportunities to learn, maintain and upgrade skills necessary to meet the current and forecasted needs of the regional and global economy.

MPP-EC-11 Address unique obstacles and special needs – as well as recognize the special assets – of disadvantaged populations in improving the region's shared economic future.

MPP-EC-12 Foster appropriate and targeted economic growth in distressed areas to create economic opportunity for residents of these areas.

MPP-EC-13 Support the contributions of the region's culturally and ethnically diverse communities in helping the region continue to expand its international economy.

Places

Goal: The region's economy prospers through the creation of great central places, diverse communities, and high quality of life that integrates transportation, the economy and the environment.

MPP-EC-14 Ensure that economic development sustains and respects the region's environmental quality.

MPP-EC-15 Utilize urban design strategies and approaches to ensure that changes to the built environment preserve and enhance our region's unique attributes and each community's distinctive identity in recognition of the economic value of sense of place.

MPP-EC-16 Concentrate a significant amount of economic growth in designated centers and connect them to each other in order to strengthen the region's economy and communities and to promote economic opportunity.

MPP-EC-17 Maximize the use of existing designated manufacturing and industrial centers by focusing appropriate types and amounts of employment growth in these areas and by protecting them from incompatible adjacent uses.

MPP-EC-18 Provide an adequate supply of housing to support job creation and economic growth.

MPP-EC-19 Recognize the need for employment in cities in the rural areas and promote compatible occupations (such as, but not limited to, tourism, cottage and home-based businesses, and local services) that do not conflict with rural character and resource-based land uses.

MPP-EC-20 Support economic activity in rural and natural resource areas at a size and scale that is compatible with the long-term integrity and productivity of these lands.

Transportation

A. Maintenance and Safety

GOAL: The region will continue to maintain and improve its existing urban and rural transportation systems in a safe and usable state.

MPP-T-1 Maintain and operate transportation systems to provide safe and efficient and reliable movement of people, goods and services.

MPP-T-2 Protect the investment in the existing system and lower overall life-cycle costs through effective maintenance and preservation programs.

MPP-T-3 Reduce the need for new capital improvements through investments in operations, pricing programs, demand management strategies, and system management activities that improve the efficiency of the current system.

MPP-T-4 Improve safety of the transportation system, and in the long term, achieve the state's goal of zero deaths and disabling injuries.

MPP-T-5 Protect the transportation system against disaster, develop prevention and recovery strategies, and plan for coordinated responses.

MPP-T-6 Provide mobility to people with special transportation needs, including persons with disabilities, the elderly, the young, and low-income populations.

B. Supporting the Growth Strategy

GOAL: The future transportation system will support the regional growth strategy, focusing on connecting centers with a highly efficient multimodal transportation network.

MPP-T-7 Coordinate state, regional and local planning efforts for transportation through the Puget Sound Regional Council to develop and operate a highly efficient, multimodal system that supports the adopted regional growth strategy.

MPP-T-8 Promote coordination between transportation providers and local governments to ensure that joint and mixed use developments are designed in a way that improves overall mobility and accessibility to and within such development.

MPP-T-9 Prioritize investments in transportation facilities and services that support compact, pedestrian and transit-oriented land use development.

MPP-T-10 Give funding priority to transportation improvements that serve regional growth centers and manufacturing and industrial centers.

MPP-T-11 Make transportation investments that improve economic and living conditions so that industries and skilled workers continue to be retained and attracted to the region.

MPP-T-12 Improve local street patterns –including their design and how they are used – for walking, bicycling, and transit use to enhance communities, connectivity and physical activity.

MPP-T-13 Promote and accommodate bicycle and pedestrian travel as important modes of transportation by providing facilities and reliable connections.

MPP-T-14 Ensure the freight-system meets the needs of: (1) global "gateways," (2) producer needs within the state and region, and (3) regional and local distribution.

MPP-T-15 Maintain and improve the existing multimodal freight transportation system in the region and prevent degradation of freight mobility.

MPP-T-16 Coordinate regional planning with railroad capacity expansion plans and support capacity expansion that is compatible with state, regional and local plans.

MPP-T-17 Deploy transportation strategies that reduce pollutants, conserve energy, promote safety and wellness, and protect the climate and the natural environment.

MPP-T-18 Design transportation facilities to fit within the context of the built or natural environments in which they are located.

MPP-T-19 Apply urban design principles in transportation programs and projects for regional growth centers and high-capacity transit station areas.

MPP-T-20 Implement transportation programs and projects in ways that prevent or minimize negative impacts to low-income, minority and special-needs populations.

C. Greater Options and Mobility

GOAL: The region will invest in transportation systems that offer greater options, mobility, and access in support of the regional growth strategy.

MPP-T-21 Expand capacity of the transportation system to move goods and people to and within urban growth areas and expand key facilities connecting the region to national and world markets, focusing on investments that produce the greatest net benefits to people and the environment.

MPP-T-22 Do not increase roadway capacity through rural areas, unless (1) commitments to access management have been made, and (2) appropriate zoning is in place to prevent unplanned growth.

MPP-T-23 Emphasize transportation investments that provide and encourage alternatives to single-occupant vehicle travel and increase travel options, especially to and within centers and along corridors connecting centers.

MPP-T-24 Target transportation investments into areas that have or are planning for transit-supportive densities and land uses.

MPP-T-25 Encourage public and private sector partnerships to identify and implement personal and freight mobility improvements.

MPP-T-26 Support effective management of existing air transportation capacity and ensure that future capacity needs are addressed in cooperation with responsible agencies, affected communities, and users.

MPP-T-27 Integrate transportation systems to make it easy for people and freight to move from one mode or technology to another.

MPP-T-28 Promote transportation financing methods that sustain investment and reflect the costs imposed by users.

Public Services

Overarching Goal: Development will be supported by adequate public facilities and services in a coordinated, efficient and cost-effective manner that supports local and regional growth planning objectives.

General Services

MPP-PS-1 Protect and enhance the environment and public health and safety when providing services and facilities.

MPP-PS-2 Time and phase services and facilities to guide growth and development in a manner that supports the regional vision.

MPP-PS-3 Promote demand management and conservation of services and facilities prior to developing new facilities.

MPP-PS-4 Do not provide urban services in rural areas. Design services for limited access when they are needed to solve isolated health and sanitation problems so as not to increase the development potential of the surrounding rural area.

MPP-PS-5 Encourage the design of public facilities and utilities in rural areas to be at a size and scale appropriate to rural locations, so as not to increase development pressure.

Special Service Districts

MPP-PS-6 Obtain urban services from cities and encourage special service districts including sewer, water, and fire districts to consolidate or dissolve as a result.

Solid Waste Collection and Disposal

MPP-PS-7 Develop conservation measures to reduce solid waste and increase recycling.

Sanitary Sewer, Septic and Stormwater Management Systems

MPP-PS-8 Promote improved conservation and the use of reclaimed water to reduce wastewater generation.

MPP-PS-9 Require new subdivisions in the urban growth area to be served by sanitary sewer systems.

MPP-PS-10 Replace septic systems within the urban growth area with sanitary sewers.

MPP-PS-11 Use innovative and state-of-the-art design and techniques when replacing septic tanks to restore and improve environmental quality.

Water Supply

Goal: Residents of the region will have access to high-quality drinking water supplies that meet or exceed federal and state drinking water requirements.

MPP-PS-12 Identify and develop additional water supply sources to meet the region's long term water needs, recognizing the potential impacts on water supply of climate change and fisheries protection.

MPP-PS-13 Promote coordination among water providers and suppliers to meet long-term water needs in the region in a manner that supports the region's growth strategy.

MPP-PS-14 Reduce the per capita rate of water consumption through conservation and reuse.

MPP-PS-15 Protect the source of the water supply to meet the needs for both human consumption and for environmental balance.

Energy Supply

MPP-PS-16 Promote the use of renewable energy resources to meet the region’s energy needs.

MPP-PS-17 Reduce the rate of energy consumption through conservation and alternative energy forms to extend the life of existing facilities and infrastructure.

Telecommunications

MPP-PS-18 Plan for the provision of telecommunication infrastructure to serve growth and development consistent with the regional vision and friendly to the environment.

Public Safety and Emergency Services

MPP-PS-19 Coordinate, design, and plan for public safety services and programs.

MPP-PS-20 Encourage health and human services facilities to locate near centers and transit for efficient accessibility to service delivery.

Schools, Institutions, and Other Community Facilities

MPP-PS-21 Site schools, institutions, and other community facilities that primarily serve urban populations within the urban growth area in locations where they will promote the local desired growth plans.

MPP-PS-22 Locate schools, institutions and other community facilities serving rural residents in neighboring cities and towns and design these facilities in keeping with the size and scale of the local community.

Siting Regional Capital Facilities

MPP-PS-23 Site or expand regional capital facilities in a manner that (1) reduces adverse social, environmental and economic impacts on the host community; (2) equitably balances the location of new facilities; and (3) addresses regional planning objectives.

MPP-PS-24 Do not locate regional capital facilities outside the designated urban growth area unless it is demonstrated that a non-urban site is the most appropriate location for such a facility.

Fiscal

MPP-PS-25 Explore new and existing sources of funding for services and infrastructure recognizing that such funding is vital if local governments are to achieve the regional vision.

MPP-PS-26 Identify and develop changes to regulatory, pricing, taxing and expenditure practices and other fiscal tools within the region to encourage concentrated rather than dispersed development.

Administrative

MPP-A-1 Coordinate planning efforts among jurisdictions, agencies and federally recognized Indian tribes where there are common borders or related regional issues to facilitate a common vision, as well as consistency and effective implementation.

MPP-A-2 Countywide planning policies are to be updated, where necessary, prior to December 31, 2010, to address the revised multicounty planning policies in the VISION Update.

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
May 15, 2007

1. CALL TO ORDER

3. STUDY SESSION

a. Council Technology and Wireless in the Parks

Joining Councilmembers for this discussion in addition to City Manager David Ramsay were Chief Information Officer Brenda Cooper and Information Technology staff members Rob Mullin, Chuck Saunders, Donna Gaw, Janice Perry, Xiaoning Jiang and Karl Johansen.

4. EXECUTIVE SESSION

a. To Discuss Pending Litigation

b. To Discuss Potential Litigation

2. ROLL CALL

ROLL CALL:
Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.
Members Absent: None.

5. SPECIAL PRESENTATIONS

a. Honoring the Youth Council Class of 2007

Members of the Council's graduating senior class were recognized for their participation.

b. 2007 Eileen Trentman Memorial Scholarship Recipients

Scholarship recipients Ryan Cain, Juanita High School, and Adrienne Krefft, Lake Washington High School, were recognized for their volunteer service.

c. May 13-19, 2007 Police Week Proclamation

d. May 20-26, 2007 Public Works Week Proclamation

6. REPORTS

a. City Council

(1) Regional Issues

City Councilmembers shared information regarding the Eastside Transportation Partnership meeting; Suburban Cities Public Issues Committee meeting; Cascadia Community College Foundation fundraising breakfast; Eastside Transportation Choices Coalition House Party fundraiser; Cascade Land Conservancy Breakfast fundraiser; Lodging Tax Advisory Committee meeting; Metropolitan Solid Waste Advisory Committee meeting; Kirkland Peace Officers Memorial Day ceremony; Public Works Week; Letter Carriers Food Drive; National Drinking Water Week; Jail Advisory Group Planning and Development Committee meeting; Greater Kirkland Citizen Corps Committee Board meeting; and the Discovery Institute/Microsoft Jump Start conference.

b. City Manager

(1) Investment Policy Award

Treasurer Michael Olson accepted the award on behalf of the City.

(2) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

None.

b. Petitions

None.

8. CONSENT CALENDAR

a. Approval of Minutes: May 1, 2007

b. Audit of Accounts:
Payroll $1,857,490.07
Bills $1,920,872.07
run #671 check #'s 488247 - 488412
run #672 check #'s 488459 - 488696

c. General Correspondence

None.

d. Claims

(1) Melanie S. Ito

(2) Tiara DeLago Condominium Association

e. Authorization to Call for Bids

None.

f. Award of Bids

(1) The construction contract for the Juanita Creek Maintenance Building Demolition at Juanita Beach Park was awarded to RK Construction, Inc., in the amount of $63,826.29.

g. Acceptance of Public Improvements and Establishing Lien Period

(1) The construction work was accepted for 2006 Sidewalk Maintenance Project as completed by Taffart Construction, Inc. and the 45 day lien period was established.

(2) The construction work was accepted for the 116th Avenue NE Watermain Replacement Project as completed by D & G Backhoe, Inc. and the 45 day lien period was established.

h. Approval of Agreements

(1) Resolution R-4643, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE MEMORANDUM OF AGREEMENT FOR TRANSPORTATION MANAGEMENT PLAN SERVICES BETWEEN THE CITY OF KIRKLAND AND KING COUNTY."

(2) Resolution R-4644, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A STORM FACILITY AGREEMENT WITH TRACY REX AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

i. Other Items of Business

None.

Motion to Approve the Consent Calendar.
Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Jessica Greenway
Vote: Motion carried 7-0
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Ordinance No. 4096, Relating to Land Use, Approval of a Preliminary (and Final) Planned Unit Development as Applied for by Dennis Riebe Representing City Ministries in Department of Planning and Community Development and Setting Forth Conditions of Said Approval

Planner Tony Leavitt reviewed the issues for Council consideration.

Motion to Approve Ordinance No. 4096, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT AS APPLIED FOR BY DENNIS RIEBE REPRESENTING CITY MINISTRIES IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON06-00021 AND SETTING FORTH CONDITIONS OF SAID APPROVAL."
Moved by Councilmember Dave Asher, seconded by Councilmember Tom Hodgson
Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

b. Follow-Up on Impact Fee Update

Director of Finance and Administration Tracey Dunlap provided an overview of the policy direction received from Council at their May 1, 2007 meeting. Capital Projects Manager Ray Steiger reviewed additional information for Council related to cost indices. Council provided further direction regarding the Ordinances to be considered at their June 5, 2007 meeting.

Council recessed for a ten minute break.

11. NEW BUSINESS

a. Authorizing Additional Funds for 2007 Pavement Marking Project and Awarding Bid to Stripe Rite, Inc.

Motion to award the contract for the 2007 Pavement Marking Project to Stripe Rite, Inc. in the amount of $164,743.55 and to authorize the use of an additional $70,000 from the street improvement reserve fund.
Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway
Vote: Motion carried 7-0
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

b. City Hall Space Options

Assistant City Manager Marilynne Beard presented background information on City space needs and planning, discussed current conditions in City facilities and presented staff recommendations. Council provided feedback and direction regarding the City Hall Annex, adjacent rental properties, and a Public Safety Building feasibility study.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of May 15, 2007 was adjourned at 10:30 p.m.

City Clerk Mayor

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager

Date: May 14, 2007

Subject: LETTER OF RESPONSE TO ROB BUTCHER

RECOMMENDATION:

Review the attached draft response letter to Rob Butcher and authorize the mayor to sign the letter.

BACKGROUND DISCUSSION:

Mr. Butcher wrote a letter to the Council requesting that they call for a Kirkland advisory vote on annexation.

----- Original Message -----
From: Rob Butcher <savekirkland@gmail.com>
To: James Lauinger; Joan McBride; Mary-Alyce Burleigh; Jessica Greenway; Bob Sternoff; Dave Asher; Tom Hodgson
Sent: Wed May 02 20:53:03 2007
Subject: Request for an Advisory Vote on Annexation

Dear Kirkland City Council-members,

I would like to ask for you to authorize an advisory election on the subject of annexation to be held this Autumn, open to all citizens of Kirkland. Please inform me as soon as possible as to your position on this request.

Respectfully,

Rob Butcher
savekirkland@Gmail.com

www.SaveKirkland.com is a website run by a group of concerned citizens who are opposed to the Kirkland annexation of the PAA (Proposed Annexation Area of Kingsgate, Finn Hill and Upper Juanita). The purpose of the group is to persuade the city council to stop the annexation process.

This communication is covered by the Electronic Communication Privacy Act. It may contain confidential or privileged information. If it has been sent to you in error, please reply to the sender to advise of the error and immediately delete the message.

DRAFT

June 6, 2007

Rob Butcher
savekirkland@gmail.com

Dear Mr. Butcher;

Thank you for your e-mail suggesting a Kirkland advisory vote on the potential annexation of Juanita, Finn Hill and Kingsgate. As you may know, the Council has not decided whether or not to proceed with annexation but has called for further study of the subject before proceeding to an election. We have been actively soliciting input from Kirkland throughout phase one of the annexation study and will continue to do so during phase two. We have no plans to conduct an advisory vote at this time.

Like you, the City Council is concerned about the impact of annexation on its current and future residents and takes this responsibility very seriously. Much of our public outreach concerning annexation has been focused on understanding the concerns and questions of our residents. We will continue to ask for their input as we continue to study annexation and as we work through the challenges of maintaining financial health and quality services to the public.

Sincerely,

James L. Lauinger, Mayor
For the Kirkland City Council

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: May 3, 2007

Subject: 116TH AVENUE NE (NORTH SECTION) NON-MOTORIZED FACILITIES – AUTHORIZATION BID

RECOMMENDATION:

It is recommended that the City Council authorize staff to advertise for contractor bids on the 116th Avenue NE Non-Motorized Facilities Project.

BACKGROUND DISCUSSION:

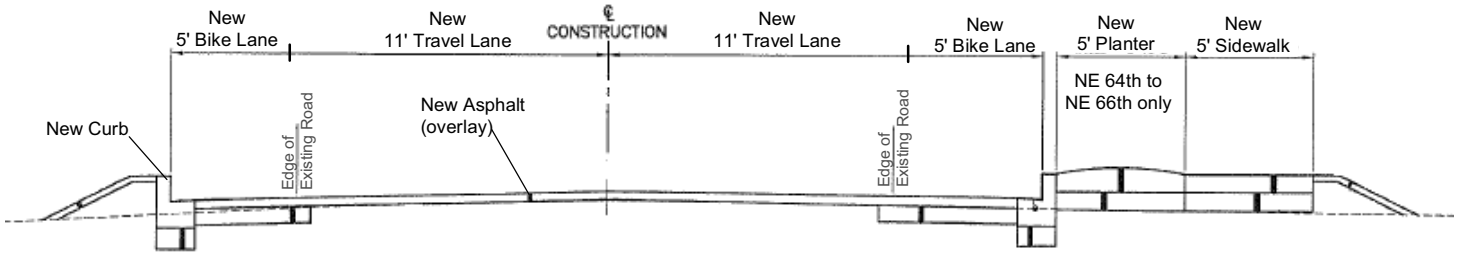
The 116th Avenue NE (North Section) Non-Motorized Facilities project will install non-motorized improvements and surface water improvements between NE 60th Street and NE 67th Street (Attachment A.) The non-motorized improvements are identified as a Priority One pedestrian and bicycle corridor in the City's non-motorized plan and includes improving 116th Avenue NE with 1,880 linear feet of bicycle lanes on both sides of 116th Avenue NE, and installing curb, gutter, concrete sidewalk, ADA curb ramps, and crosswalk markings on the east side of 116th Avenue NE to provide for a protected pedestrian route; the route will complete the 116th Avenue NE pedestrian corridor between the NE 60th Street/I-405 pedestrian bridge and the Houghton Park and Ride at NE 70th Street.

The project is funded in part with $517,000 from the federal Transportation Equity Act for the 21st Century (TEA-21) through a Congestion Mitigation and Air Quality (CMAQ) grant. Additional funding includes: a $197,000 grant from the Washington State Department of Community, Trade & Economic Development (CTED), a $28,566 construction bond collected from the Arbor Court at Bridle Trails development, and City funding of $572,000 resulting in a total available project budget of $1,314,566.

The engineer's estimate for construction is $1,018,000. At this point, including all anticipated costs, there appears to be a total project budget shortfall of approximately $165,000 (Attachment B.) With authorization given by Council at their June 5, 2007 meeting staff will advertise for contractor bids and report back to Council in late fall with the results and a recommendation for award, including a source of additional funding, if needed.

Attachments: (2)

Attachment A



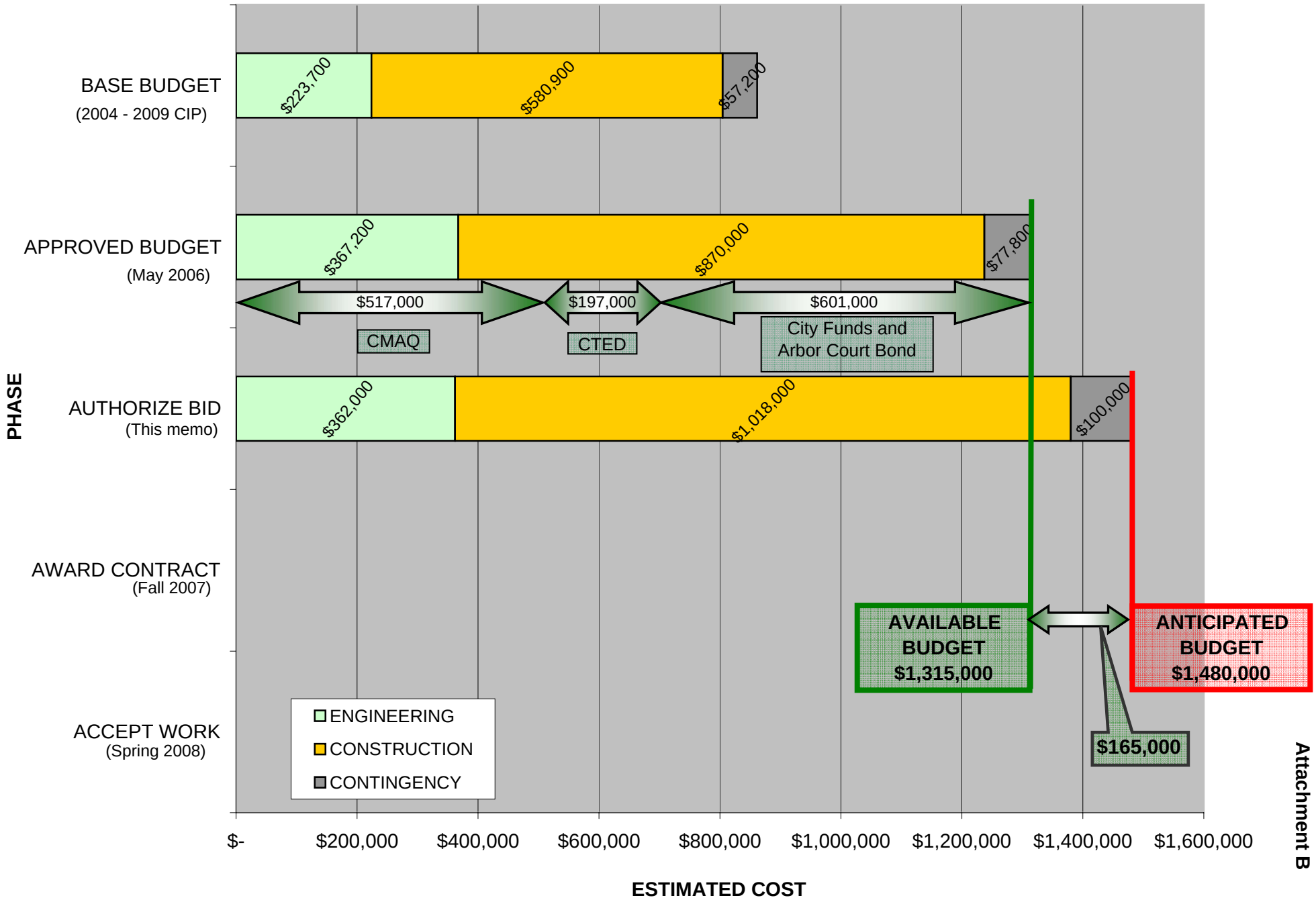
PROPOSED CONFIGURATION
ROADWAY SECTION

-

Vicinity Map
116th Avenue NE Non-Motorized Facilities
(North Section NE 60th Street to NE 67th Street)

116TH AVENUE NE (NORTH SECTION) NON-MOTORIZED FACILITIES

PROJECT BUDGET REPORT



Attachment B

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3809
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: May 20, 2007

Subject: 2007 WATER SYSTEM IMPROVEMENT PROJECT – AUTHORIZATION TO BID

RECOMMENDATION:

It is recommended that City Council authorize staff to advertise for contractor bids on the 2007 Water System Improvement System Improvement Project.

BACKGROUND AND DISCUSSION:

The 2007 Water System Improvement Project includes the replacement of approximately 3,700 lineal feet of old AC water main with new 8-inch ductile iron pipe along a portion of four separate streets (Attachment A). Individually, the projects making up the 2007 Water System Improvement Project include the following three locations as identified in the CIP: 1) NE 85th Street, between 128th Ave NE and 132nd Ave NE, 2) 124th Avenue NE, between NE 80th Street and approximately NE 85th Street, and 3) 108th Avenue NE, between NE 108th Street and NE 112th Street. In addition to these three CIP projects, staff recommends adding one water system replacement project identified in this memo as location 4) 131st Avenue NE, between NE 87th Street and NE 88th Street.

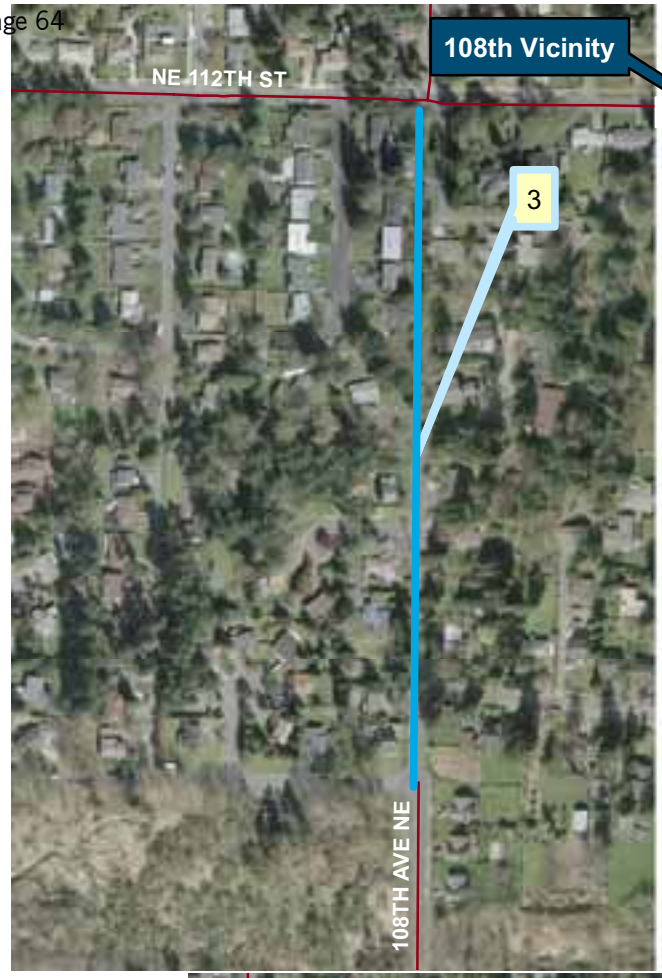
During the wind storm of December, 2007, the root structure of a downed tree caused damage the existing AC water main on 131st Avenue. The City's water maintenance crew performed temporary repairs on the watermain, but the replacement of approximately 310 lineal feet of the remaining portion of the existing pipe should be done by a general contractor, and due to its close proximity to projects 2) and 3) above, it lends itself to being included with the 2007 Water System Improvement Project. The replacement of individual water service lines and fire hydrants along each of the identified alignments will also be included in the project.

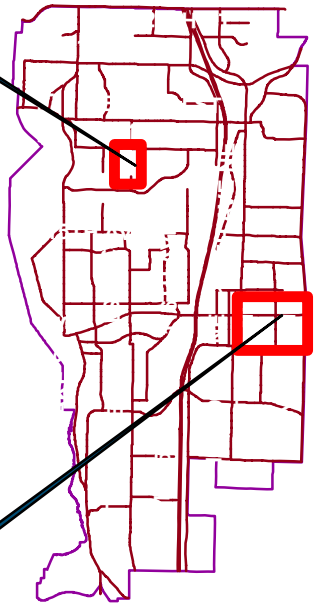
The engineer's estimate for construction of the 2007 Water System Improvement Project is $704,000. Compared to the construction budget of $615,000 for the three approved CIP projects, there is an anticipated budget shortfall of $89,000 (Attachment B), however, based on past water system projects, it has been shown that by combining smaller projects into one large contract, the City can expect to receive better contractor bid prices for the work being performed. For this project, each planned individual water main replacement will be bid as a separate schedule within the overall larger project. By doing so, we can track the costs of each individual water line while benefiting from overall lower unit contract prices. The engineer's estimate is approximately $190 per lineal foot of main replacement (Attachment C).

At this time staff requests Council authorization to advertise for contractor bids. After the bids are opened and contractor pricing is known staff will report back to Council with a recommendation for award and a source for additional funds, if needed.

Attachments (3)

Attachment A





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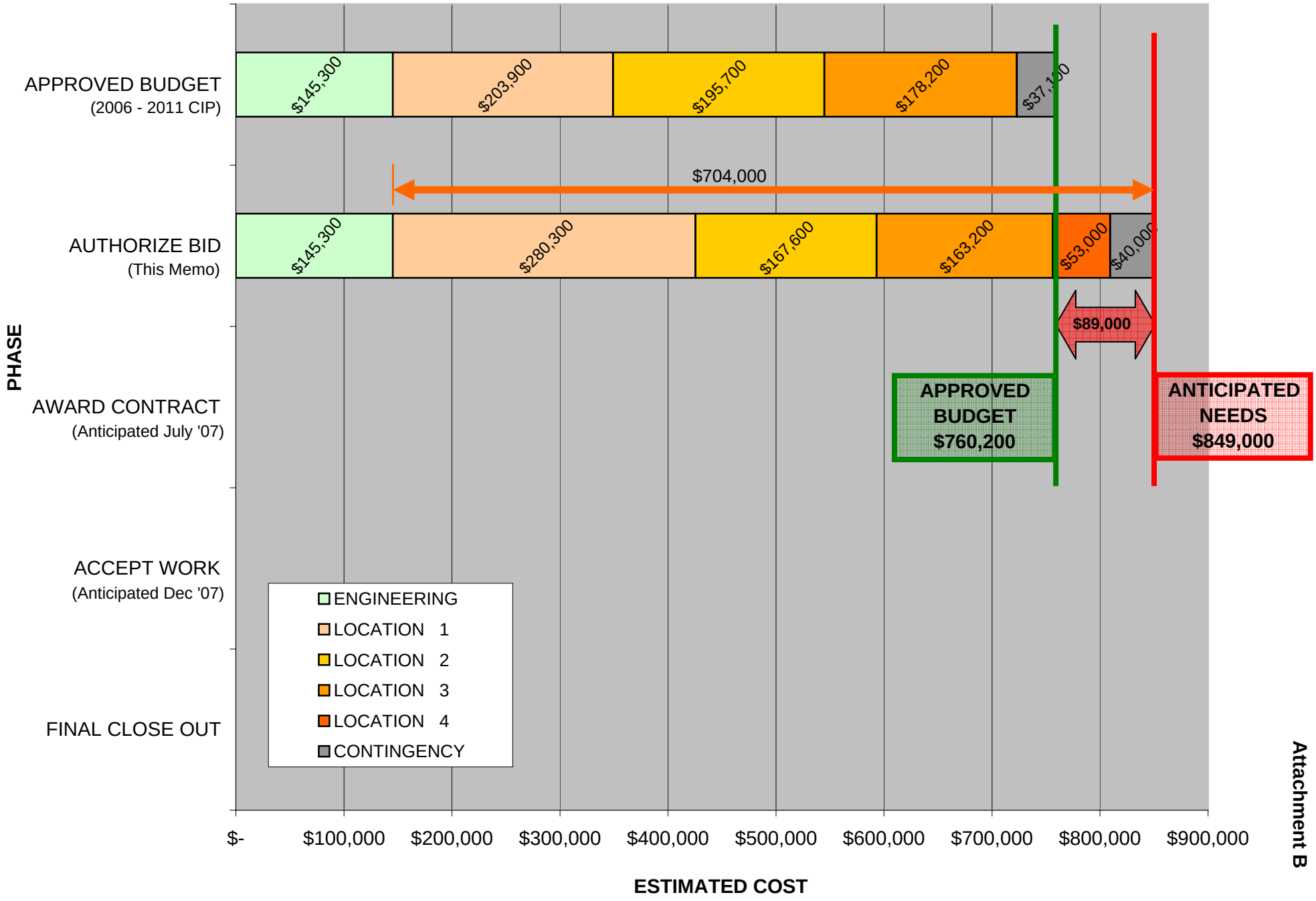
Vicinity Map
2007 Watermain improvement Project

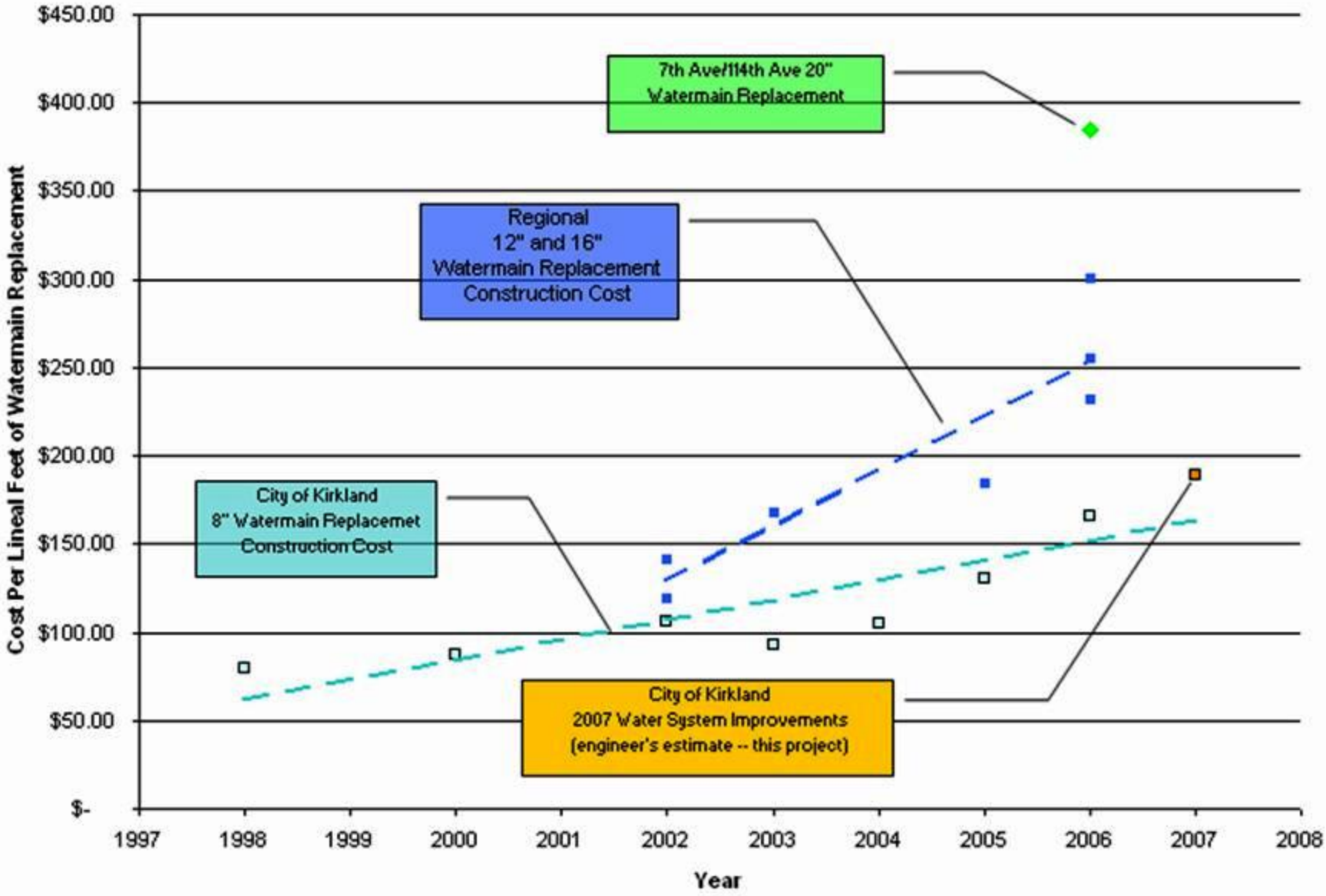
2007 WATERMAIN REPLACEMENT PROGRAM

PROJECT BUDGET REPORT



Attachment B

Watermain Replacement Construction Cost Comparison



ATTACHMENT C

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3809
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: May 24, 2007

Subject: JUANITA CREEK CHANNEL ENHANCMENTS AT JUANITA BEACH PARK
AWARD CONTRACT

RECOMMENDATION:

It is recommended that the City Council award the construction contract for the Juanita Creek Channel Enhancements at Juanita Beach Park to Taggart Construction Inc. of Bothell, WA in the amount of $395,421.35.

BACKGROUND AND DISCUSSION:

As part of the Juanita Beach Park Master Plan and identified in the Surface Water Master Plan, this project will enhance stream habitat, stabilize erosive stream banks and improve water quality to a section of Juanita Creek that flows through the northern portion of Juanita Beach Park (Attachment A). In addition to the stream enhancement work, demolition of a maintenance building located within the stream buffer will be completed as a condition of a $500,000 grant received from the State of Washington.

Due to the difference in scope of work between building demolition and the stream restoration, the projects were bid separately. On April 26, 2007 bids were opened for the building demolition project and at their May 15, 2007 meeting Council authorized award of the contract to RK Construction Inc., for the amount of $63,826.29. On May 17, 2007 bids were opened for the stream enhancement component of the project. Four bids were received with the results as follows:

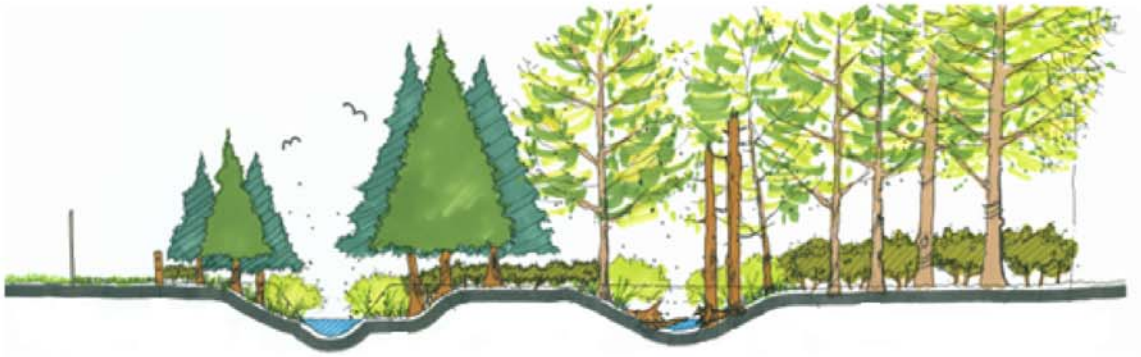
Contractor	**Total Bid**
Taggart Construction Inc.	**$395,421.35**
Engineers Estimate	*$405,000.00*
Oceanside Construction	$463,315.59
Mid Mountain Contractors Inc.	$518,745.15
A-1 Landscaping	$731,769.89

The approved budget for both the stream restoration and building demolition elements is $550,000. Now that all bids have been received, a total budget deficit of $202,000.00 has been identified (Attachment B). Of the total budget deficit $191,000 can be contributed to construction cost and $11,000 can be contributed to additional design expense. The additional design expense is due to permit review comments from Washington State Department of Fish and Wildlife (WDFW). The review comments were received after completion of 90% design and were necessary to meet conditions of the Hydraulic Project Approval (HPA). Due to the timing of the comments, our design consultant (Tetra Tech) has requested a contract modification to cover the additional time associated with the "re-work". Tetra Tech proceeded with design in order to meet schedule requirements and the conditions imposed by WDFW were not expected. At this time the City is not committed to pay the additional $11,000; although staff believes the additional compensation is reasonable.

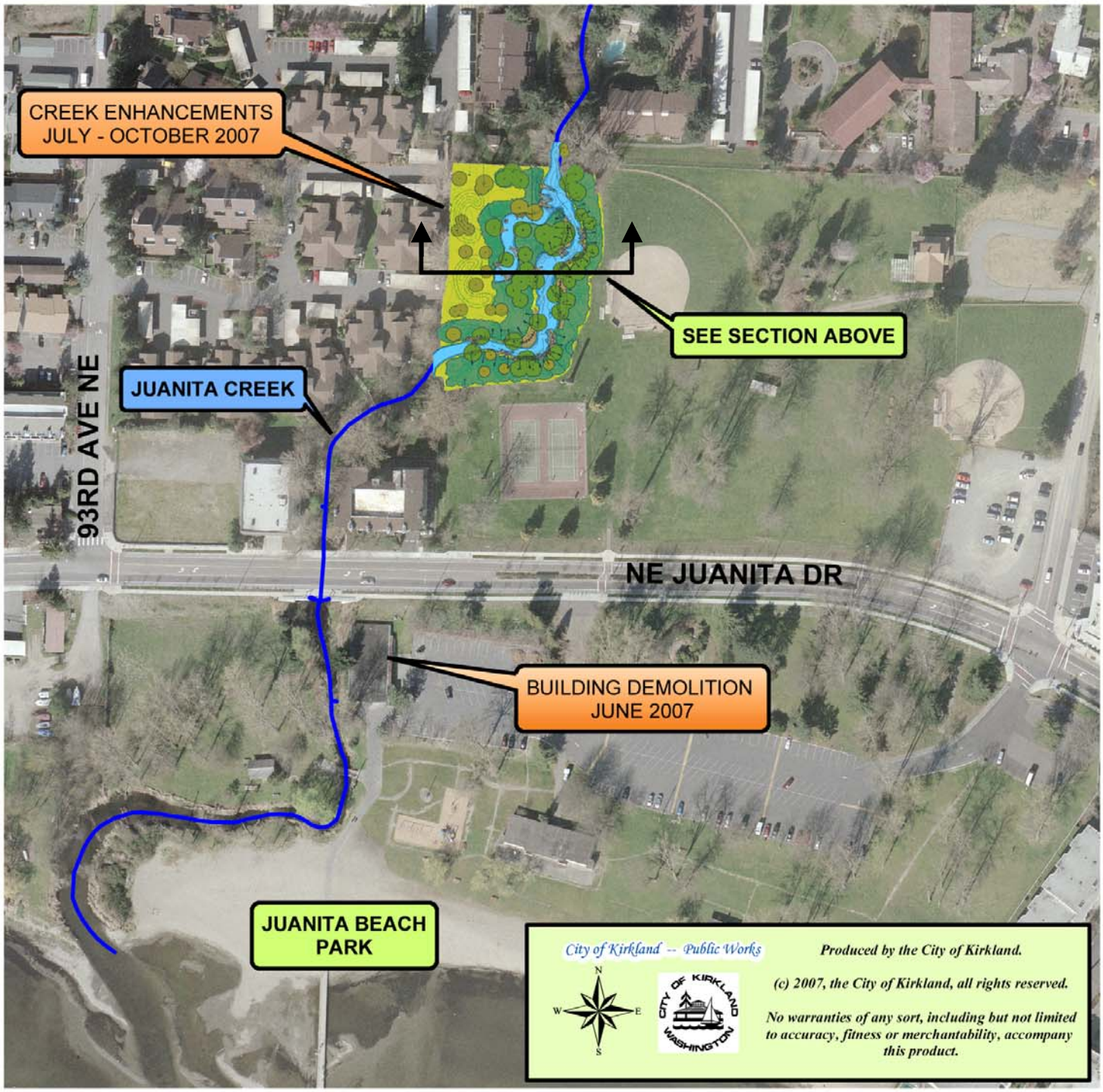
With Council award for the Juanita Creek Channel Enhancements at Juanita Beach Park project, additional funding would come from the Surface Water Reserve Fund (Attachment C). Construction is anticipated to begin in early July with substantial completion expected in October, 2007.

Attachments: (3)

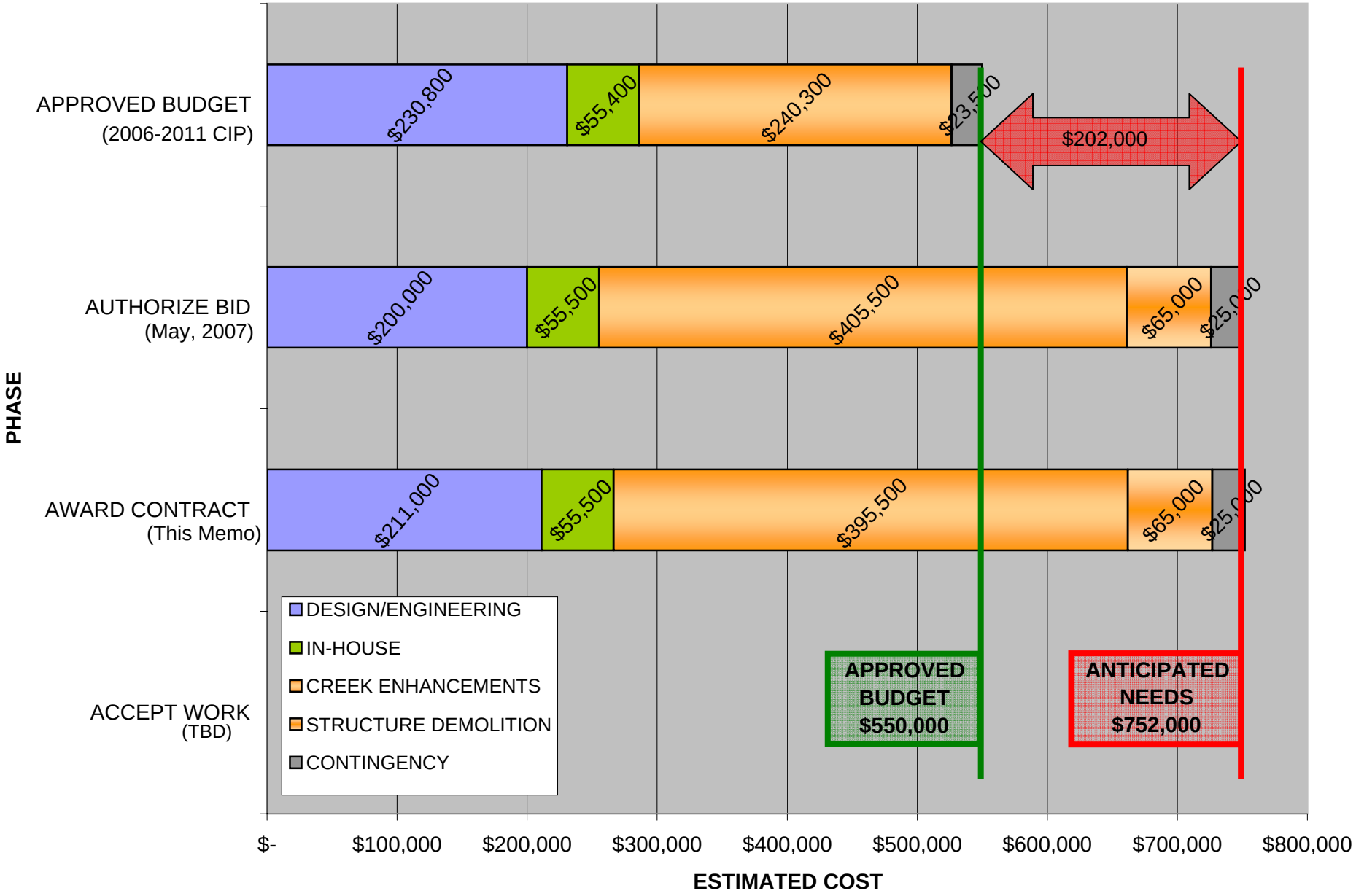
JUANITA CREEK CHANNEL ENHANCEMENTS AT JUANITA BEACH PARK (SD-0057)



TYPICAL SECTION THROUGH CREEK AND SIDE CHANNEL



JUANITA CREEK CHANNEL ENHANCMENTS AT JUANITA BEACH PARK
(SD-0057)
Project Budget Report



Attachment B

ATTACHMENT C

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Daryl Grigsby, Public Works Director

Description of Request

Request for additional funding of $202,000 from the Surface Water Capital Contingency for the Juanita Creek Channel Enhancement project in Juanita Beach Park. This project has 2 components - stream restoration and building demolition of a maintenance building in the stream buffer. The components were bid separately and after both bids have been received a total budget deficit of $202,000 has been identified. The increased cost is due to high construction costs as well as additional design work required by Department of Fish and Wildlife regulations that were unknown at the beginning of the design phase.

Legality/City Policy Basis

Fiscal Impact

One-time use of $202,000 of the Surface Water Capital Contingency designated for surface water capital projects. The reserve is fully able to fund this request.

Recommended Funding Source(s)

	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
Reserve	Surface Water Capital Contingency	876,760	0	0	202,000	674,760	876,760
		0	0	0	0	0	0
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Sandi Hines, Financial Planning Manager SHines	Date	May 23, 2007

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

MEMORANDUM

To: David Ramsay, City Manager

From: Ray Steiger, P.E., Capital Projects Manager
Daryl Grigsby., Public Works Director

Date: May 24, 2007

Subject: 2007 SIDEWALK MAINTENANCE PROGRAM - AWARD CONTRACT

RECOMMENDATION:

It is recommended that the City Council award the construction contract for the 2007 Sidewalk Maintenance Project to Dennis R. Craig Construction, Inc. of Redmond, Washington in the amount of $ 138,245.50.

BACKGROUND DISCUSSION:

The Annual Sidewalk Maintenance Program project consists of removing and replacing broken or damaged segments of cement concrete sidewalk at various locations throughout the City. The 2007 project will repair sidewalk segments in the North Juanita, South Juanita, Totem Lake, Market, Norkirk and Moss Bay neighborhoods. (Attachment A)

The annual budget for the Sidewalk Maintenance Program is $200,000. At their regular meeting of May 15, 2007 Council approved the carry-over of the remaining funds in the 2006 Sidewalk Maintenance Project resulting in an approved budget for the 2007 Project of $227,500. (Attachment B) Approximately $15,000 of the 2007 budget will be used for sidewalk replacement associated with the 2007 Street Preservation Project.

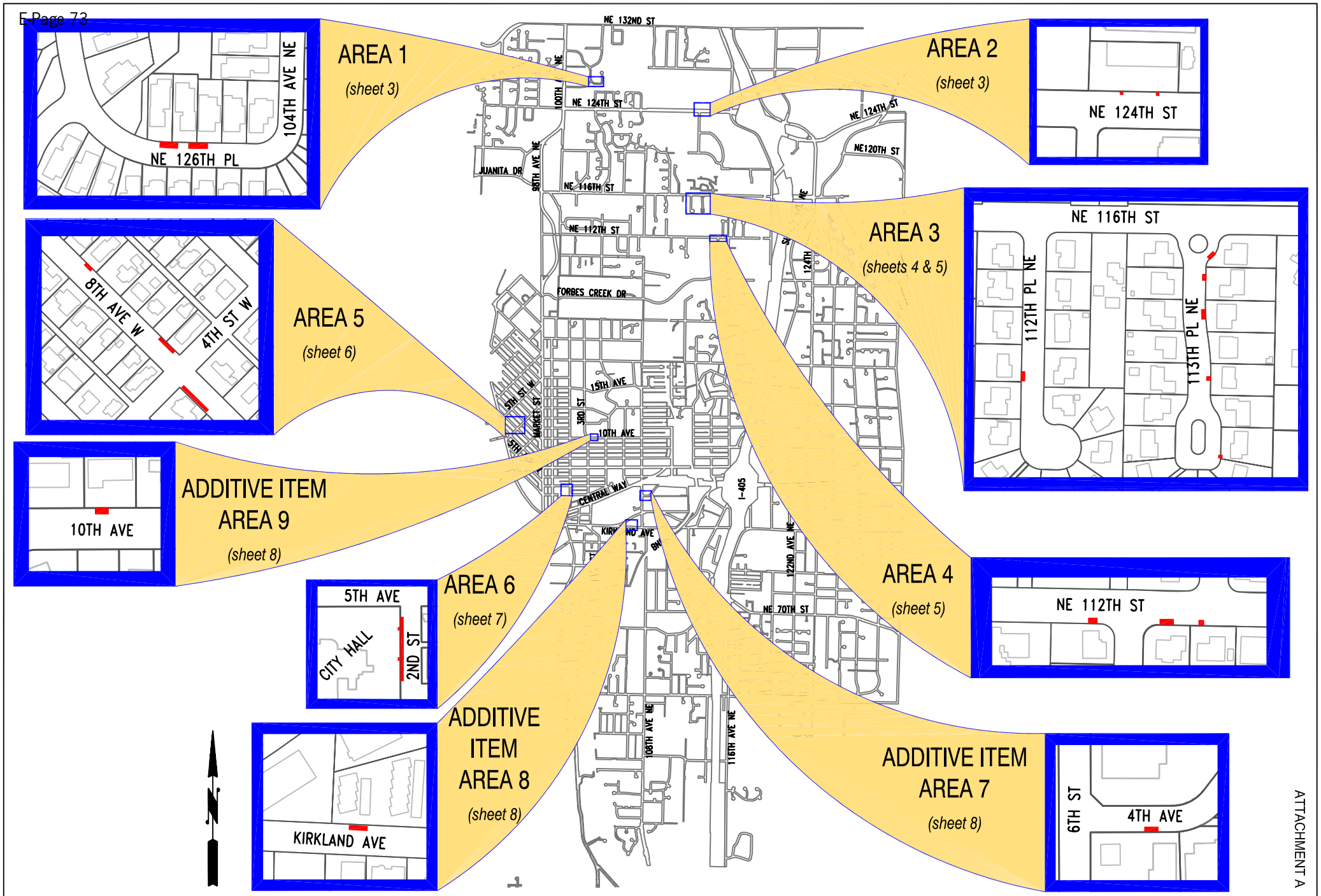
Public Works staff advertised for contractor bids on the project using the Small Works Roster. The first advertisement was published on May 3, 2007 and two bids were opened May 18, 2007.

Contractor	Base Bid	Additive Item	Total Bid
Dennis R. Craig Construction	**$125,754.55**	**$12,490.95**	**$138,245.50**
Taggart Construction, Inc.	$138,847.00	$10,805.00	$149,652.00
Engineer's Estimate	$138,926.20	$11,351.55	$150,277.75

This year's Sidewalk Maintenance Program will repair approximately 400 square yards of sidewalk at a construction cost of approximately $347 a square yard. The cost of repair in 2006 was approximately $345 a square yard, resulting in a 1% increase in construction costs. (Attachment C)

With award of the contract by Council at their June 5 meeting, construction is expected to start in late June followed by total project completion by August 15, 2007. In advance of the work, Public Works will notify adjacent properties with an informational mailing describing the City's Sidewalk Maintenance Program. Portable construction notice signs will be placed on residential streets prior to the start of construction and staff will ensure the contractor maintains safe travel for pedestrians throughout the work areas.

Attachments (3)

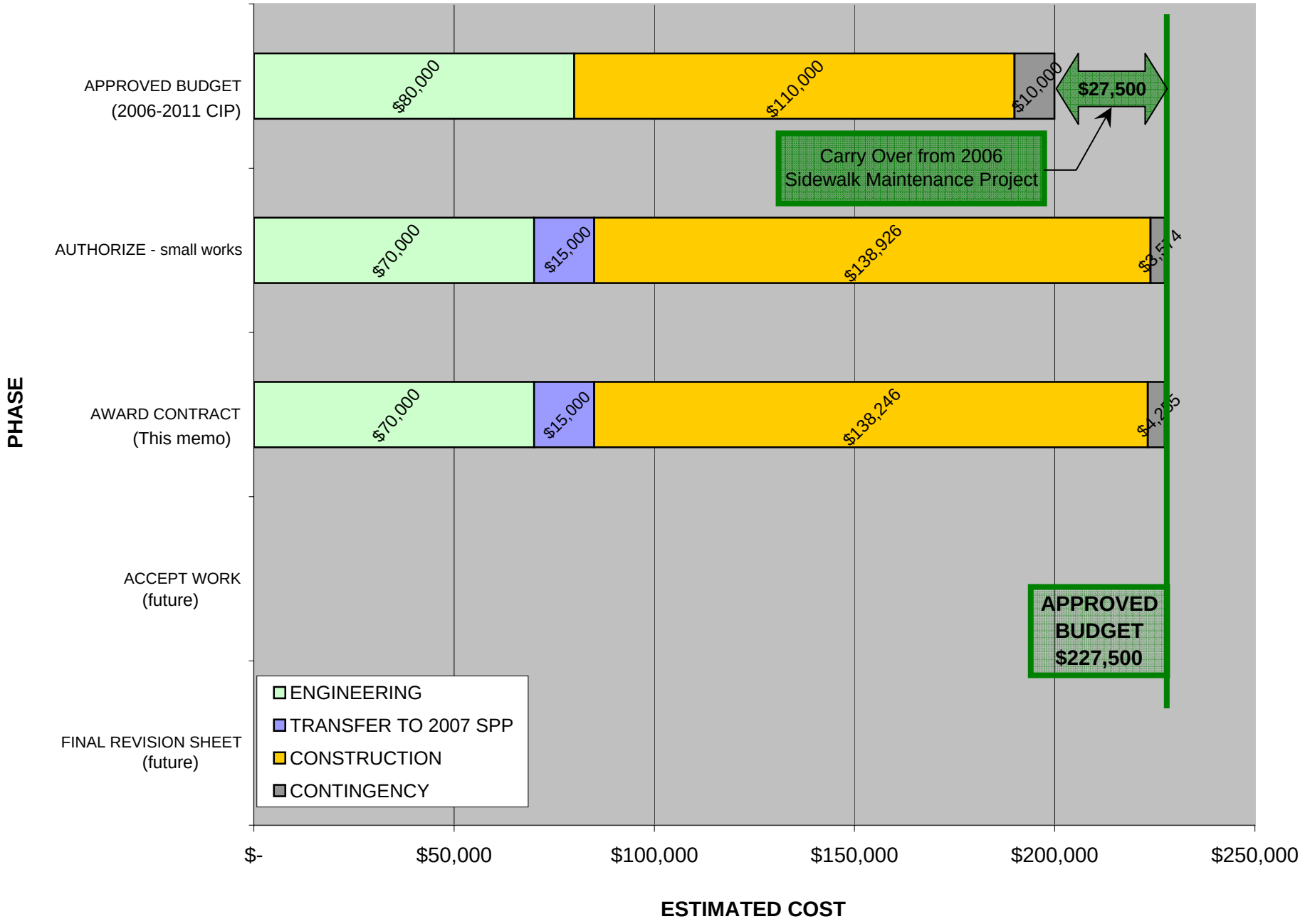


ATTACHMENT A

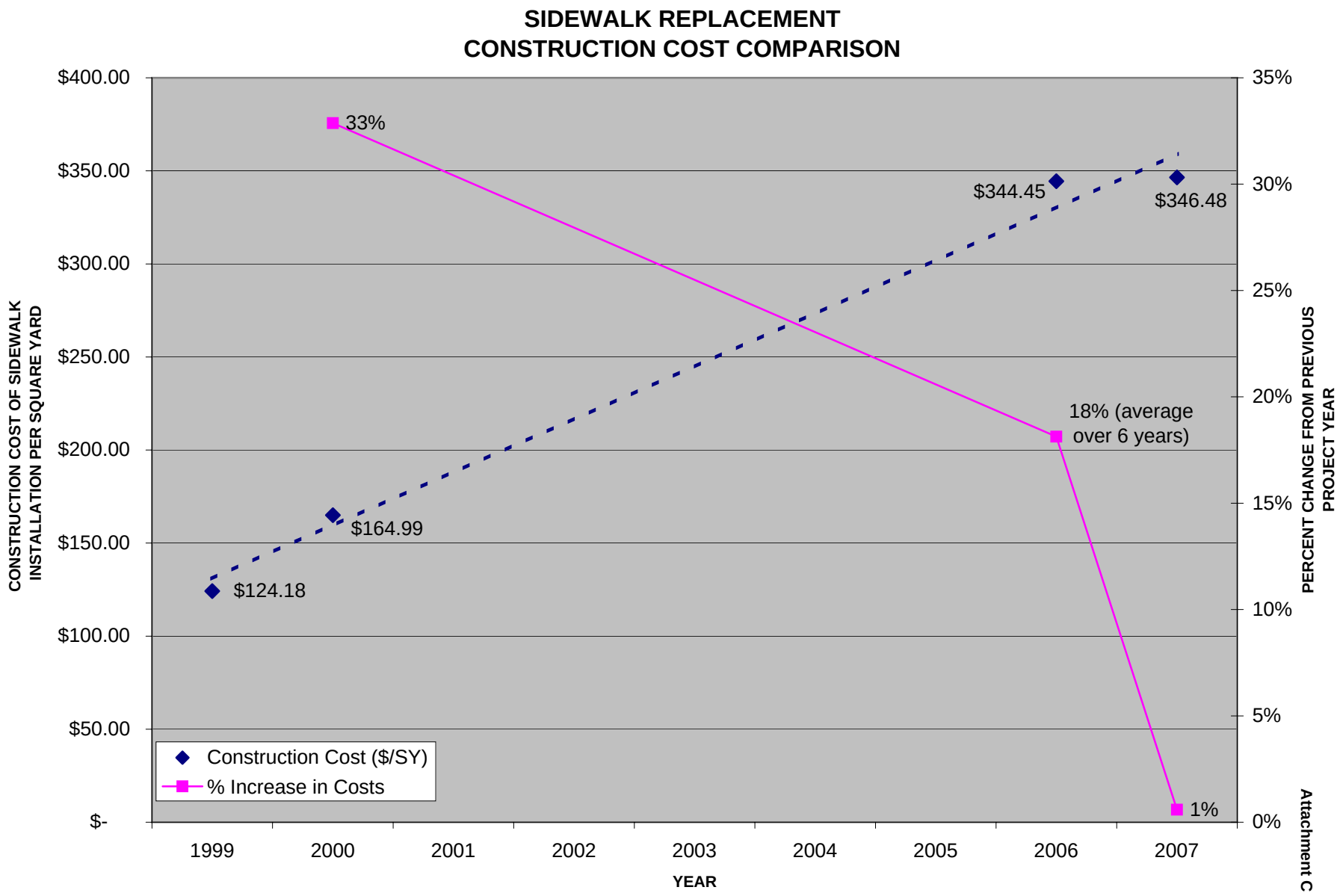
CITY OF KIRKLAND DEPARTMENT OF PUBLIC WORKS 123 FIFTH AVE KIRKLAND, WA 98033 (425) 587-3800 www.ci.kirkland.wa.us	DATE	BY	APPR.	REVISION	AFM 04/23/2007 DRAWN BY: DATE JJ 04/26/2007 REVIEWED BY: DATE DWS 04/27/2007 CHECKED BY: DATE	2007 SIDEWALK MAINTENANCE PROGRAM PROJECT AREAS	SHEET: SCALE: NTS FILENAME: SW07-P-COUNCIL.DWG

2007 SIDEWALK MAINTENANCE PROJECT (CNM 0757)

PROJECT BUDGET REPORT



Attachment B



Attachment C

Council Meeting: June 5, 2007
Agenda: Award of Bids
Item #: 8. f. (3)

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

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: May 24, 2007

Subject: 2007 STREET PRESERVATION PROJECT – AWARD CONTRACT

RECOMMENDATION:

It is recommended that the City Council award the contract for the 2007 Street Preservation Project to Watson Asphalt Paving Co. of Redmond, Washington in the amount of $1,263,064.55.

BACKGROUND DISCUSSION:

The annual Street Preservation Project maintains and rehabilitates the City's street network through subgrade repair, grinding, and the application of a new surface layer of asphalt applied to selected streets. The work also includes installation of new curb ramps, as required by the Americans with Disabilities Act, and replaces adjacent broken curb and sidewalk panels. Beginning in 2006, City Council established an annual sidewalk maintenance program, in part, to address the sidewalk repairs that were being done in conjunction with the Street Preservation Program. A portion of the 2007 sidewalk maintenance funding is being utilized in the 2007 street preservation project to repair sidewalk adjacent to the street work.

The 2007 Street Preservation Project will resurface approximately 6.9 lane miles of roadway in three neighborhoods throughout the City (Attachment A). The Project has a CIP budget of $1.8 million; with the addition of approximately $321,000 in unused funds from the 2006 Street Preservation Program and $15,000 from the annual sidewalk maintenance program, the overall total project budget is $2,136,000 (Attachment B).

This year's project was bid as five separate schedules of work. The table below summarizes the proposed schedules for 2007:

Schedule	Location(s)	From	To	Description
A	NE 70th St.	116th Ave NE	City Limits E	Overlay
(base bid)	132nd Ave NE	City Limits S	NE 70th St.	Overlay
B	120th Ave NE	NE 60th St.	NE 64th St	Overlay
(base bid)	NE 64th St	120th Ave NE	122nd Ave NE	Overlay
D	132nd Ave NE	NE 70th St.	NE 80th St.	Overlay
E	NE 124th St.	113th Ave NE	116th Ave NE	Prelevel
F	124TH Ave NE	NE 75th St	NE 80th St	Overlay
	130th Ave NE	NE 75th St	NE 80th St	Overlay
	NE 78th St.	130th Ave NE	131st Ave NE	Overlay

At their regular meeting of May 1, 2007, Council authorized the Public Works staff to advertise for contractor bids on the 2007 Street Preservation Program. The first advertisement for this project was published on May 8, 2007 and bids were opened and read publicly on May 23, 2007; two sealed bids were received and tabulated as follows:

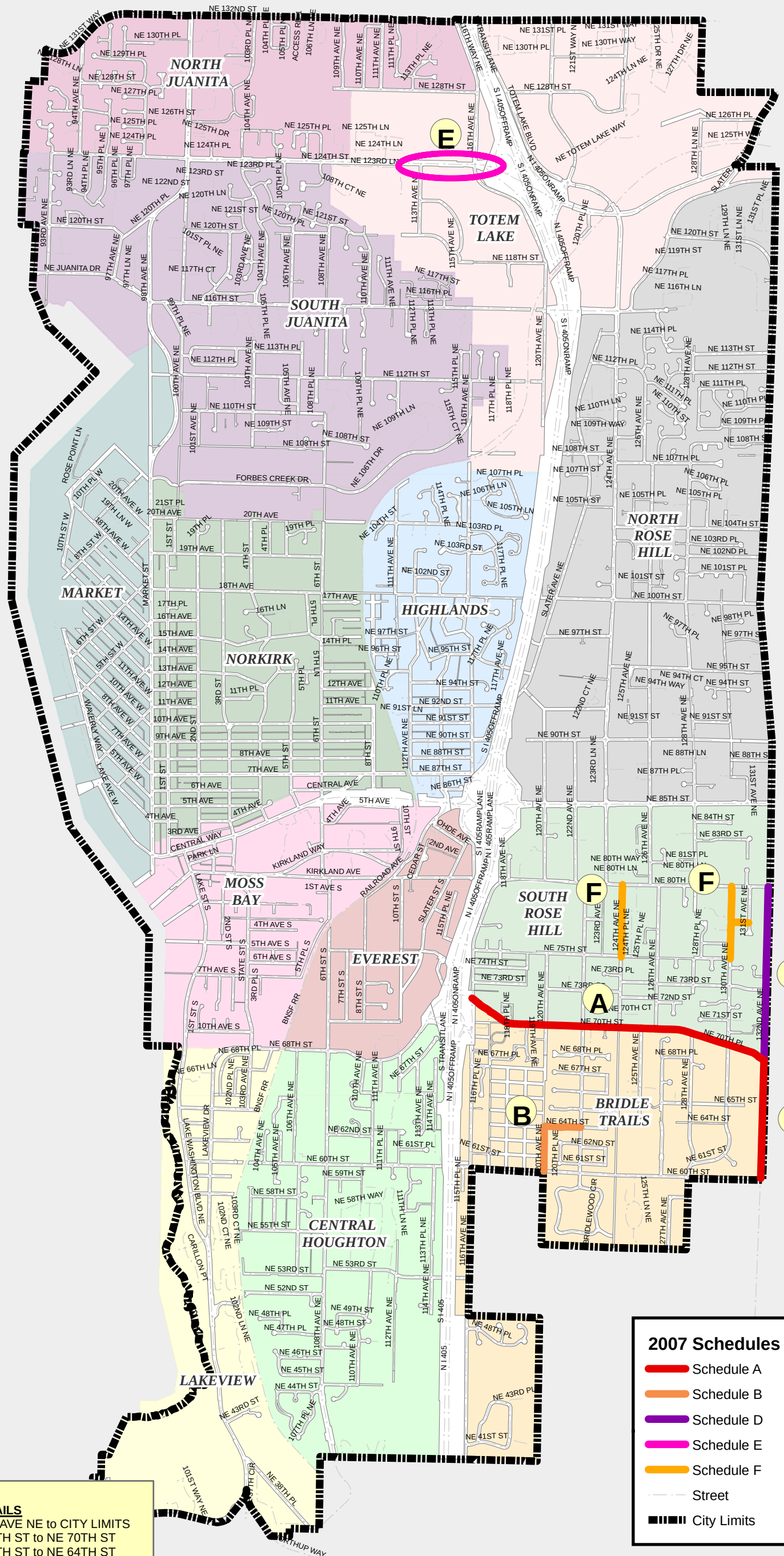
Contractor	Total Bid
Watson Asphalt	**$1,263,064.55**
Lakeside Industries	$1,320,487.19
Engineer's Estimate	$1,582,706.87

The Engineer's Estimate was based on information received from adjacent agencies including Bellevue, Redmond and WSDOT, as well as past year's bid tabs, and staff had estimated the cost for pavement this year would increase to approximately $75 per ton (Attachment C). By comparison, the average cost of asphalt received in the 2006 Street Preservation Program bids was approximately $71.00 per ton. However, the average cost of asphalt received in the 2007 bids was only $67.60 per ton resulting in a lower than anticipated total project cost. As a result, given the available project contingency funds (project budget minus contract amount – Attachment B), staff will continue to evaluate opportunities to increase the overall project scope and will work with the contractor in an effort to increase the overall length of improved lane miles for the 2007 Project through negotiated change order.

Construction of the project is anticipated to start in late June with substantial completion expected by the end of October. In advance of the work, Public Works will notify adjacent properties with an informational mailing describing the City's Street Preservation Program. This information, along with a regularly updated construction schedule, will also be posted on the City's web site. Construction notice signs will be installed in advance of the overlay on higher volume streets and portable construction notice signs will be placed on residential streets a few days prior to construction. Supplemental notices will also be distributed to all adjacent homes and businesses at least 24 hours prior to construction. As the Project also includes a significant amount of sidewalk and ramp reconstruction, staff will ensure the contractor maintains safe travel for pedestrians throughout the work areas at all times.

Attachments: (3)

ATTACHMENT A



Kirkland Neighborhoods

- Bridle Trails
- Central Houghton
- Everest
- Highlands
- Lakeview
- Market
- Moss Bay
- Norkirk
- North Juanita
- North Rose Hill
- South Juanita
- South Rose Hill
- Totem Lake

SCHED.	LENGTH (LANE MI)		
		BRIDLE TRAILS	
A	2.1	NE 70TH ST	- 116TH AVE NE to CITY LIMITS
A	0.9	132ND AVE NE	- NE 60TH ST to NE 70TH ST
B	0.3	120TH AVE NE	- NE 60TH ST to NE 64TH ST
B	0.2	NE 64TH ST	- 120TH AVE NE to 122ND AVE NE
C	1.1	116TH AVE NE	- NE 48TH PL to NE 60TH ST
		SOUTH ROSE HILL	
D	1.1	132ND AVE NE	- NE 70TH ST to NE 80TH ST
F	0.5	124TH AVE NE	- NE 75TH ST to NE 80TH ST
F	0.6	130TH AVE NE	- NE 75TH ST to NE 80TH ST
F	0.1	NE 78TH ST	- 130TH AVE NE to 131ST AVE NE
		TOTEM LAKE	
E	N/A	NE 124TH ST	- PRELEVEL AT 116TH AVE INTX

City of Kirkland - Department of Public Works

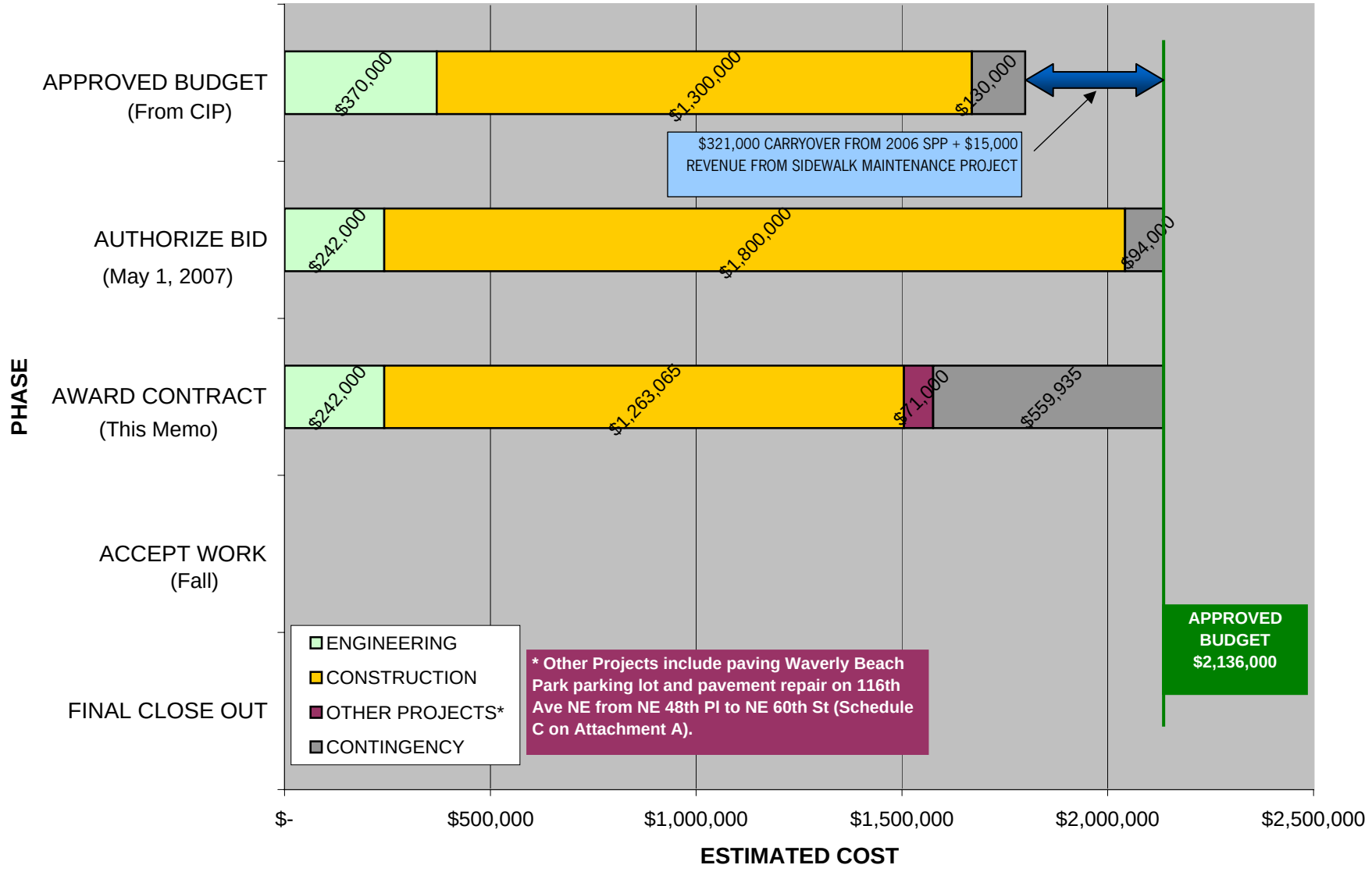
Street Preservation Program

2007 Overlay Plan

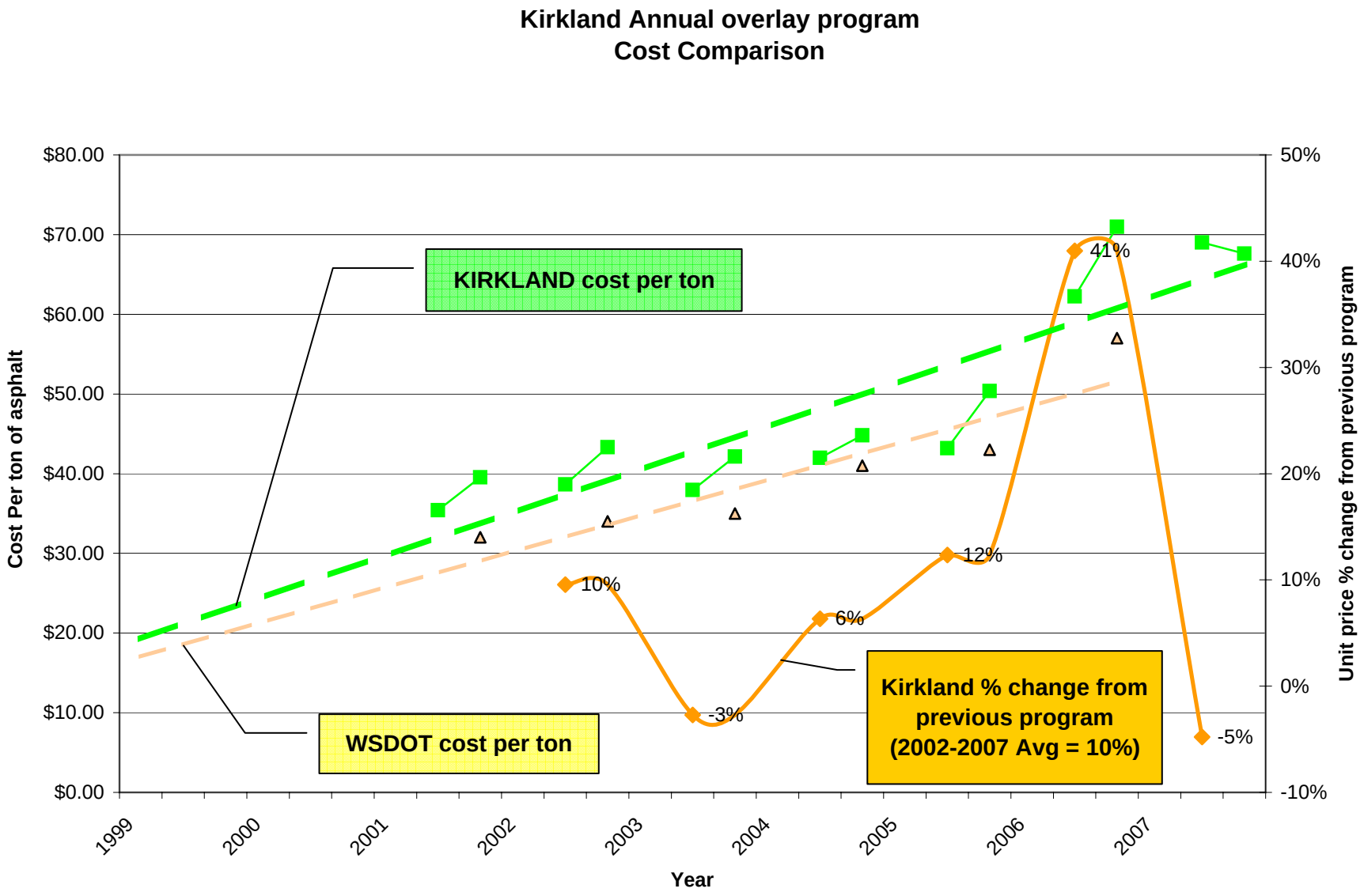
REVISION DATE: April 10, 2007
H:\Pw\CIP group\Project Files\ST\CST0006\CST0706\Overlay\Council\COKSPP-2007_Council.mxd

PROJECT BUDGET REPORT

2007 Street Preservation Project (CST-0706)



Attachment B



ATTACHMENT C

CITY OF KIRKLAND
Administrative Services Department - Human Resources Division
505 Market Street Suite B, Kirkland, WA 98033 425.587.3210
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Bill Kenny, Human Resources Director

Date: May 25, 2007

Subject: Ratification of Commissioned Police Agreement 2007 -2009

RECOMMENDATION

Adopt the 2007-2009 Collective Bargaining Agreement between City of Kirkland and Kirkland Police Guild Commissioned Staff.

BACKGROUND DICUSSION:

On May 15th, the City of Kirkland was advised that the members of the Kirkland Police Guild, representing Commissioned Police Officers, over-whelming voted for ratification of the 2007 – 2009 Collective Bargaining Agreement. This Agreement was the result of a very collaborative process between the City and the Guild.

Some highlights of the agreement are:

- Three year agreement (January 01, 2007 – December 31, 2009)
- While no market adjustments were made in this Agreement, a market analysis assured continuing competitiveness within the market place for these critical positions and our ability to recruit and retain
- 90 % COLA based on CPI (Seattle-Tacoma-Bremerton Index) for 2007
- 100 % COLA based on CPI for 2008 and 2009
- Medical Benefits program, continued consistent with other bargaining units
- Physical Fitness and Health Incentive Program
- Education Premium to continue our emphasis on higher educational standards

It is also noted that in this process, the Guild cooperated with the City in reviewing and revising the Agreement's format, outline and language to make it contemporary and similar to our other collective bargaining agreements.

Members of both Negotiations Teams deserve commendation for the expeditious and collaborative approach to this negotiations and the resultant Agreement.

Staff is pleased to recommend to City Council the ratification and adoption of this Agreement with the Kirkland Police Guild.

Attachment: 2007 – 2009 Agreement By and Between City of Kirkland and Kirkland Police Guild Commissioned Staff.

2007- 2009 Agreement

By and Between

CITY OF KIRKLAND

and

KIRKLAND POLICE GUILD
COMMISSIONED STAFF

2007 - 2009 Agreement
By and Between
City of Kirkland
and
Kirkland Police Officers' Guild
Commissioned Staff

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2007 - 2009 Agreement
By and Between
City of Kirkland
and
Kirkland Police Officers' Guild
Commissioned Staff

PREAMBLE

THIS AGREEMENT is made by and between the CITY OF KIRKLAND, WASHINGTON, (hereinafter referred to as the "Employer"), and the Kirkland Police Officers Guild (hereinafter referred to as the "Guild").

The purpose of the Employer and the Guild in entering into this Agreement is to set forth their entire agreement with regard to wages, hours, and working conditions so as to promote uninterrupted public service, efficient operations, and harmonious relations, giving full recognition to the rights and responsibilities of the Employer and the Employees.

ARTICLE 1 – DEFINITIONS

As used herein, the following terms shall be defined as follows:

"Bargaining Unit" shall include all full-time commissioned Police Officers, Corporals, and Sergeants within the City of Kirkland Police Department.

"Employee" shall mean regular, full-time employees in the bargaining unit (as defined in Article 3 and Article 5) covered by this agreement.

"Employer" shall mean the City of Kirkland, Washington.

"Health Care Provider's Statement" shall mean a written statement from a professional health care provider certifying an illness or injury, the date an Employee is anticipated as able to return to full duty or a recommendation of temporary duty with reasonable accommodation, and the Employee's ability to perform the required duties.

"Immediate family" shall be defined as persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, wife, husband, brother, sister, child, grandchild, domestic partner (as defined by Employer Policy), and other persons with the approval of the City Manager.

"On-Call" status shall mean an employee who is assigned on-call status and has an individual duty to respond to duty.

"Special Assignment" is defined as those specific job assignments, requiring specialized training, knowledge, skill, or expertise, as identified in Article 7.4.

"Standby" shall mean an employee specifically approved by command staff to be ready reserve for a specific period of time and is on compensable time, prepared and available to be assigned for immediate service as needed.

"Temporary Assignment" is defined as any other assignment besides Special Assignment. This includes such services as School Resources Officer, CSU, Training Officer, and NRO.

ARTICLE 2 – RECOGNITION

2.1 RECOGNITION

The employer recognizes the Guild as the sole and exclusive bargaining representative for all commissioned employees below the rank of Lieutenant for the purpose of representation and collective bargaining with regard to matters pertaining to wages, hours, and conditions of employment.

2.2 NEW CLASSIFICATIONS

If new classifications are established by the Employer and added to the bargaining unit, if the duties of existing classifications are substantially changed, or if an employee is appointed to a position substantially different than the employee's classification, a proposed wage scale shall be assigned thereto, and the Employer shall forward the new or changed class and proposed wage to the Guild for review. The contract will then be subject to reopening for the sole purpose of negotiating a wage for the class, and only if so requested by the Guild. If the parties cannot agree to the pay range after negotiations and mediation, the matter shall be submitted to binding arbitration. The interest arbitrator shall establish a fair and equitable pay scale for the new or changed classification using interest arbitration statutory processes.

2.3 CONTRACT PROPOSALS

The Employer recognizes and agrees to discuss contract proposals with the members of the Guild's Executive Board or their designated representative(s) only. The Guild recognizes the City as the representative of the people of the City of Kirkland and agrees to negotiate only with the City through the negotiating agent or agents officially designated by the City Manager to act on its behalf.

The Guild will promptly notify the Human Resource Director and the Chief of Police in writing of their designated representative(s).

ARTICLE 3 – GUILD SECURITY

3.1 MEMBERSHIP

The Employer recognizes that members of the Kirkland Police Department may, at their discretion, become members of the Guild. The Guild accepts its responsibility to fairly represent all employees in the bargaining unit regardless of membership status.

3.1.1 All employees shall become members of the Guild within thirty (30) calendar days of their date of employment under this agreement or pay a service fee as provided below.

3.2 DUES DEDUCTION

The Employer, when authorized and directed by a member of the Guild in writing upon an authorization form provided by the employer to do so, shall deduct Guild dues from the wages of an employee.

3.2.1 Payroll Deduction – Upon written authorization from an employee within the bargaining unit, the Employer shall deduct from the wages of that employee the sum certified as assessments and monthly dues of the Guild and shall forward such sum to the Guild. Should any employee not have any monies due to them, or the amount of such monies is not sufficient to satisfy the assessments, no deduction shall be made for that employee for that month.

3.2.2 An authorization for payroll deduction may be canceled upon written notice to the Employer and the Guild before the 15th day of the month in which the cancellation is to become effective, subject to the provisions of this article.

3.2.3 The Guild shall indemnify, defend, and hold the Employer harmless against claims made and against any suit instituted against the Employer on account of any check-off of dues for the Guild. The Guild shall refund to the employer any amounts paid to it in error on account of the check-off provision upon presentation of proper evidence thereof.

3.2.4 Any regular employee in a classification represented by the bargaining unit, who elects to not join the Guild within 30 calendar days, shall complete an authorization form and have deducted from their pay by the Employer, as a condition of employment, a monthly service fee in the amount of monthly dues to the Guild. This service fee shall be segregated by the Guild and used on a pro-rata basis solely to defray the cost for its services in negotiating and administering this agreement. A service fee deduction for an employee may be made only if the accrued earnings of the employee are sufficient to cover the service fee after all other authorized payroll deductions for the employee have been made. The Guild shall assume the liability for all check-off matters beyond the Employer responsibility to make deductions in accordance with this Article.

3.2.5 An employee who objects to membership in the Guild on the basis of religious tenets or teachings of a church or religious body of which such employee is a member shall inform the Employer and the Guild of the objection. The employee shall establish with the representatives of the Guild an arrangement for contributing to a non-religious charity an amount of money equivalent to regular Guild membership dues.

3.3 BARGAINING UNIT ROSTER

The Employer shall provide the Guild with a roster of employees covered by this Agreement on a monthly basis.

The Guild agrees to supply both the Chief and Human Resources with a current list of officers. The Employer will recognize the officers as soon as the list is received, in writing, by the Department and Human Resources.

3.4 NONDISCRIMINATION – GUILD ACTIVITY

Neither party shall discriminate against any employee or applicant for employment because of membership in or non-membership in or activity on behalf of the Guild.

ARTICLE 4 – GUILD/EMPLOYER RELATIONS

4.1 GUILD ACCESS

The Guild's authorized staff representatives shall have access to the Employer's premises where employees covered by this Agreement are working for the purpose of investigating grievances and contract compliance, after notifying the Employer. Access for other purposes shall not be unreasonably denied by the Employer. Such visits shall not interfere with or disturb employees in the performance of their work during working hours.

4.2 FACILITY USE

Guild meetings may be scheduled and held on City premises. The Chief's approval pursuant to this Section shall not be unreasonably withheld.

4.3 STEWARDS

The Executive Board of the Guild, or other designee, represents the members as stewards.

4.4 ORIENTATION

During the new employee orientation process, the Employer will notify the employee of the requirements of Article 3.1 and Guild contact information.

4.5 BULLETIN BOARDS

The City shall permit the reasonable and lawful use of bulletin boards by the Guild for the posting of notices relating to official Guild business.

4.6 CONTRACT DISTRIBUTION
The Guild will provide access to a copy of this Agreement to each new and current employee in the unit.

4.7 NEGOTIATIONS RELEASE TIME
The Employer shall endeavor to allow a minimum of three (3) members of the Guild's negotiation committee to attend negotiation sessions during on-duty time, provided however, that operational necessities shall remain the priority and not more than two of the on-duty members shall be from any single division or workgroup, without prior authorization of the Chief or designee. Such members shall be designated by the Guild at least one (1) week in advance, where possible, and may include individuals assigned to other than day shift if the Employer determines that staffing on that shift is adequate, without the necessity of overtime (such individuals shall be considered to be transferred to day shift for the day on which the negotiation session is held).

4.8 GRIEVANCE RELEASE TIME
Prior to any proposed investigation of a grievance requiring any substantial use of on-duty time, stewards or officers shall provide notice to the Chief or designee.

4.9 GUILD BUSINESS
The Chief or designee shall endeavor to allow Guild Officials time off while conducting official "duty to represent" guild business on behalf of employees in the bargaining unit, including grievance resolution and arbitration, provided that:

4.9.1 They notify the Employer at least forty-eight (48) hours prior to the time off, unless such notice is not reasonably possible;

4.9.2 The Employer is able to properly staff the employees' job duties during the time off; and

4.9.3 The wage cost to the Employer is no greater than the cost that would have been incurred had the Guild Official not taken time off (i.e., no overtime expenditures).

ARTICLE 5 – EMPLOYMENT

5.1 PROBATIONARY PERIODS
New Employee Probationary Period

5.1.1 Probationary period for new officers will be a total of seventeen (17) months from the date of hire.

5.1.1.1 Typically, the seventeen (17) months from the date of hire is comprised of a new Officer attending the Basic Law Enforcement Academy (BLEA) for five (5) months and, upon completion, the Officer

would remain in probationary status for a twelve (12) month period, in order to allow sufficient time to evaluate the new Officer.

5.1.1.2 Where an unavoidable delay occurs in securing an Academy slot for a newly hired Officer, the probationary period for that Officer shall be extended by the length of that delay, up to 90 calendar days. Should that delay be anticipated to go or in fact goes beyond 90 calendar days from the date of hire, notice to the Guild shall be provided and expeditious bargaining of the matter will occur, upon request.

5.1.2 Lateral Candidates, who do not attend the 720 hour Academy, will serve a probationary period of twelve (12) months from date of hire.

5.2 TYPES OF EMPLOYMENT

The employment positions of this bargaining unit are covered by Civil Service regulations. Regular position appointments are described therein. The establishment and appointment to other types of employment would require agreement by the Employer, Guild and Civil Service Commission.

5.3 CONTRACTORS

Not applicable to this unit.

5.4 STUDENTS/INTERNS/VOLUNTEERS

Student, volunteers and Internship programs may be created by the Employer provided such programs do not involve bargaining unit work. In the event the Employer seeks to have volunteers conduct bargaining unit work, it will provide notice to the Guild and negotiate any such change.

ARTICLE 6 – HOURS OF WORK AND OVERTIME

6.1 WORKDAY/WORKWEEK

Hours of Duty:

6.1.1 Patrol Officers shall work four (4) consecutive twelve (12) hour shifts with four (4) consecutive days off provided that shift start times may be staggered by a maximum of one (1) hour to meet operational needs, subject to one (1) week notice.

6.1.2 For the purpose of accomplishing a transfer, transferring recruits in the FTO program or long-term transfers, Patrol Officers working a regularly scheduled 12 hour shift shall be entitled to one day off for every scheduled day worked. Long-term transfers will be defined as six months or more.

6.1.3 Traffic Officers shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. The Traffic Officer duties may be adjusted to meet

operational needs within their normal shift time. The Traffic Officer start times may be adjusted by four (4) hours (earlier or later) which cannot affect their days off.

6.1.4 Detectives shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. Family Violence Detectives will be assigned to five (5) consecutive eight (8) hour shifts. The Detective Sergeant position will be four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. Corporals or Senior Corporals shall work staggered shifts.

6.1.5 The schedule for the Community Service Unit (CSU) shall be five (5) consecutive days per week, eight (8) hours per day, with not less than two (2) consecutive days off. The total hours worked shall not exceed forty (40) hours unless expressly pre-approved by the Community Service Unit Supervisor or Command Staff. The starting and ending time may be adjusted to meet operational needs subject to the notice provision in Section 6.1.7 or if requested by the employee and approved by the Supervisor. Employees in the Community Service Unit may be scheduled to work with other divisions in the event of operational or staffing needs. Employee Volunteers will be assigned to the CSU unit, provided the employer retains the right to assign employees where no volunteers are forthcoming, provided further that if a non-volunteer is utilized the normal rules from this article concerning schedule changes and overtime shall apply.

The Neighborhood Resource Officer (NRO) and Community Service Unit (CSU) Sergeant shall work either a four (4) days per week, ten (10) hours a day work week, or a five (5) days per week, eight (8) hours per day work week; with the standard work schedule being 4-10's with three consecutive days off.

6.1.6 The working hours for Traffic and Detectives shall be equivalent to 40 hours a week or an annualized basis of 2080 hours. The working hours for Patrol shall be equivalent to 48 hours a work period on an annualized basis of 2190 hours, and all briefing and other preparatory time shall be included in the regular work shift.

6.1.7 Employees shall be provided at least fourteen (14) calendar days notice prior to a change in their regular shift. For purposes of complying with the Article 7(k) of Fair Labor Standards Act, the Patrol Division work period shall be eight (8) days and the Detective Division, Community Services Unit and Traffic Unit seven (7) days (Monday through Sunday).

6.1.8 The Pro Act Officers will work a 4/10 schedule, with ten (10) consecutive hours per workday. The parties agree that the weekly work schedule will be flexible, in order to address crime trend and assignments in a timely manner and not bound by Article 6.1.7. Provided however, there will not be less than two (2) consecutive days off each work week, without resulting in overtime.

The Employer agrees that it is not the intent to use this flexibility to circumvent overtime, but rather to meet the requirement to respond to crime trends as they are identified. Despite this flexibility, daily shift adjustments as to hours between shifts for Pro Act Officers will be consistent with Article 6.1.3 and, if less, it shall be treated as a Call-back, and paid overtime per Article 10.2. The parties agree to meet and confer to resolution any issues regarding this unit.

6.1.9 The schedule for newly created assignments, and other assignments not described above, shall be established by the City, notice provided to the Guild, and bargained upon request.

6.2 POWER SHIFTS

In administering hours of duty, the Employer will maintain existing shift arrangements except as follows:

6.2.1 The City may add a "power shift" or other special shift arrangement to include such hours as the Chief of Police directs; including shifts consisting of 8, 10, or 12 hours.

6.2.2 Such "power shift" or other special shift arrangement shall be staffed initially by (employee) volunteers.

6.2.3 If a sufficient number of qualified (employee) volunteers fail to come forward, shifts will be staffed by the Chief of Police using criteria that meets the reasonable operating needs of the employer, taking into consideration the seniority of affected employees where practical.

Power shift assignments will be for a minimum of twelve (12) months and may be extended with the concurrence of the assigned officer to meet the operational needs of the department. Officers will not be required to complete more than one power shift assignment in any forty-eight (48) month period.

6.2.4 Additionally, the Chief of Police may temporarily adjust the existing shifts if personnel shortages or an unanticipated event is deemed to hamper the effectiveness of the police department. Once the department is re-staffed or the event is over, the department will return to the existing shifts.

6.3 REST/MEAL BREAKS

For employees on eight (8) and ten (10) hour shifts, a workday shall include at least a thirty (30) minute lunch break. For employees on twelve (12) hour shifts, a workday shall include at least two (2) thirty (30) minute lunch breaks.

6.4 OVERTIME

All work, which has been specifically pre-approved by supervisory personnel, performed in excess of the normal work day or on a day off shall constitute overtime and shall be paid for at one and one-half times the employee's straight time hourly rate, unless such

work is caused by change of shift, as set forth in Article 6.1 above. For officers working either eight (8) or ten (10) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate by 2080. For officers working twelve (12) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate, by 2190 hours. To the basic hourly rates, certain additional payments (per the FLSA) are included to calculate an employee's regular rate for overtime purposes. All overtime shall be compensated for in increments of fifteen (15) minutes with the major portion of fifteen (15) minutes being paid as fifteen (15) minutes.

Overtime – Minimum Call-Back, Court Appearances, and Breathalyzer Hearings

In the event that overtime which has been specifically pre-approved by supervisory personnel is not an extension at the beginning or end of a normal shift, the employee shall be paid at the rate of one and one-half times his regular hourly rate commencing at the time work is actually being performed or as is otherwise required by the FLSA, with a minimum of three hours. Court hearings, as well as breathalyzer hearings will be considered, upon notification, as specifically pre-approved by supervisory personnel. It is mandatory for an employee to respond to work if so directed by supervisory personnel.

6.5 COMPENSATORY TIME

6.5.1 Generally, overtime shall be paid rather than compensatory time granted. Overtime shall be compensated or compensatory time awarded at the rate of one and one-half (1½) times the employee's regular rate of pay or in the case of Call-back a minimum of three (3) hours of overtime or compensatory time shall be granted. Compensatory time shall be awarded by mutual agreement between the employee and the supervisor at the time of authorizing the overtime.

Should an employee be ordered / "mandatoried" to work overtime, the employee may make an election within the pay period for either compensatory time to be awarded or for the overtime to be paid.

An employee may only accrue compensatory time up to a maximum balance of 60 hours.

6.5.2 Compensatory time, accrued in lieu of cash compensation for overtime hours worked, shall be paid out on an annual basis, on the first pay day following November 1st, for all hours earned through October 31st..

ARTICLE 7 – EMPLOYMENT PRACTICES

7.1 NONDISCRIMINATION

The Guild and the Employer agree to provide equal opportunity as to the provisions of this Agreement to all their members and employees. Neither the Employer nor the Guild shall discriminate against any person on the basis of such person's race, sex, marital

status, color, creed or religion, national origin, age, veteran status, sexual orientation or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification.

Wherever words denoting a specific gender are used in this Agreement, they are intended and shall be construed so as to apply equally to either gender.

7.2 JOB POSTING

When any position becomes vacant, the Employer will make every reasonable effort to fill it as soon as possible.

7.3 PROMOTIONS

Corporal/Senior Corporal Classification:

The following are the requirements to be eligible for promotions within the bargaining unit:

7.3.1 To be eligible for promotion to Corporal candidate shall have a minimum of three (3) years full time police experience as a commissioned police officer with the City of Kirkland.

7.3.2 To be eligible for a Sr. Corporal classification, the candidate shall have four (4) years of service in grade as a Corporal in Kirkland.

Sergeant:

7.3.3 To be eligible for promotion to Sergeant, candidate shall have a minimum of five (5) years full time experience as a commissioned police officer with four (4) years of service in Kirkland.

7.3.4 Candidates for promotional vacancies within the Guild shall come from an adequately sized pool of eligible candidates from the bargaining unit. An "adequately sized pool" shall be defined as two candidates who meet the qualifications as defined by Section 7.3.1 and 7.3.3

7.3.5 During the term of the agreement management will maintain a combined total of twelve (12) Corporal and Senior Corporals.

7.4 SPECIAL ASSIGNMENTS

7.4.1 Special Assignment is defined as a specific job assignment, requiring specialized training, knowledge, skill, or expertise, performed by employee with the exception of sergeant and corporal other than those who are assigned to designated patrol shifts performing general patrol functions. These include Detective, Canine Officer, Traffic and Field Training Officer.

All other assignments are considered Temporary Assignments. These include assignments such as School Resources Officer, CSU, Training Officer and NRO.

7.4.2 Employees in a Special or Temporary assignment shall remain for three (3) years unless the employee's job performance does not meet requirements or the employee requests a transfer or a Special or Temporary assignment position is eliminated. Employees completing their three (3) year Special or Temporary assignment may be considered for additional one (1) year extensions based on their job performance and the operational needs of the department. A notification of a Special or Temporary assignment opening shall include a minimum time duration for the position. Employees selected for Special or Temporary Assignment positions will be subject to the department rotation policy without additional incentive pay, unless specifically bargained during future contract negotiations. Rotation or removal for non-disciplinary reasons from a Special or Temporary Assignment position is not subject to the grievance procedure.

7.4.3 Appointment to a Special or Temporary Assignment position will be based on a combination of any or all of the following: résumé; written and/or oral examinations; past work performance. Any Special or Temporary Assignment eligibility list shall not exceed six (6) months.

7.4.4 In the event a non-voluntary assignment is made to a Special or Temporary Assignment position in order to meet operational needs, the assignment will be for a maximum of twelve (12) months and may be extended with the concurrence of the assigned officer.

7.4.5 Police management will make the assignments and provide 30 days notice fourteen (14) calendar days notice except in the cases of emergencies and promotions.

7.5 PERSONNEL FILES

Personnel Files – The City Human Resources Division will retain the permanent personnel file. The Police Department shall maintain only one working personnel file for each employee.

Supervisory notes - This does not preclude a supervisor from maintaining notes regarding an employee's performance for purposes of formulating evaluation and performance appraisal or the department from maintaining separate computerized records relating to training, promotion, assignment, or similar data.

Information related to medical, psychological, background check information and grievance records shall be maintained in separate files.

Employees shall have access to their personnel file with reasonable frequency. Upon request, access shall be provided within a maximum of four (4) working days. Conditions of hiring, termination, change in status, shift, evaluations, commendations and

disciplinary actions shall be in writing with a copy to the Employee prior to placement in their personnel file.

Upon receiving a request for all or part of a personnel file from any third party, the affected employee shall be notified of the request, and the information shall not be released for a period of three (3) business days from the time of said notification, except as part of an investigation being conducted by another law enforcement agency, the disclosure of which is necessary for effective law enforcement. Upon service of a court order or subpoena properly recorded and signed by a judge or magistrate demanding immediate release or as otherwise required by law, the employee shall be notified of the request and release will be made as required by law or as above. The City Attorney will advise the department in all matters pertaining to the release of information contained in a personnel file.

Employees shall have the right to provide a written response to any written evaluations or disciplinary actions to be included in the personnel file, which, together with the action, will be retained with the action in the personnel file.

Personnel Records Retention:

Records of disciplinary action may be retained in an employee's personnel file for a period of not more than five (5) years. After five years has elapsed, the employee may request in writing the removal of such records which shall be granted unless the employee's personnel record indicates a pattern of similar types of discipline, in which case, all such records may be retained until an additional period of two (2) years has elapsed, during which there has been no further disciplinary action for the same or similar behavior. After two years has elapsed, the employee may request in writing removal of the record of disciplinary action.

Records retained in an employee's department personnel file longer than provided in this section shall not be admissible in any proceedings concerning disciplinary action, provided that the parties retain the right to introduce evidence regarding prior discipline of other employees for the purpose of establishing the consistency of non-consistency of discipline imposed in a case subject to a disciplinary appeal.

7.6 EVALUATIONS

The purpose of evaluation is to help an employee to be successful in performance and to understand the standards and goals of their position and their department. The evaluation will assess and focus on the employee's accomplishment of their job functions and the goals and standards of the position. Where the employee does not meet the above, a plan for correction, training or support should be developed with the employee.

Evaluation may occur in two forms:

7.6.1 All regular employees should be formally evaluated in writing by their immediate supervisor and/or department head or designee during the probationary or trial service period and at least annually (at date of hire or a common date) thereafter.

7.6.2 Additionally, evaluation of job performance may occur at any time and on an ongoing basis. Evaluation may occur in various ways and may include coaching, counseling or written assessment.

The evaluation process shall also include a review of the current job description.

Evaluation shall not, by itself, constitute disciplinary action – disciplinary action must be specifically identified as such, in writing, consistent with Article 7.8.

Employees will be given a copy of the evaluation. Employees will be required to sign the evaluation, acknowledging its receipt. Evaluations are not grievable, however, employees may elect to provide a written response to the evaluation, which will be retained with the evaluation in the employee's personnel file.

7.7 BILL OF RIGHTS

All employees within the bargaining unit shall be entitled to the protection of what shall hereafter be termed as the "Police Officers Bill of Rights." The wide-ranging powers and duties given to the department and its members involve them in all manner of contacts and relationships with the public. Of these contacts come many questions concerning the actions of members of the force. These questions often require an immediate investigation by superior officers designated by the Chief of Police. In an effort to ensure that these investigations are conducted in a manner, which is conducive to good order and discipline, the following guidelines are promulgated:

7.7.1 Employees shall be informed in writing, of the nature of the investigation, the right to request Guild representation, and whether they are a witness or a suspect, before any interview of the employee commences. In investigations other than criminal, this will include the name, address, and other information necessary to reasonably apprise them of the allegations of such complaint.

An employee who is identified as a suspect, shall be advised in writing a minimum of forty-eight (48) hours prior to the time of the interview, if the interviewer either knows or reasonably should know that the questioning concerns a matter that could lead to criminal charges or misconduct that could be grounds for termination. Employees who are given a forty-eight (48) hour notification may waive that delay by signing a written waiver form, provided that the employee either has Guild representation or waives the right to such representation in writing.

7.7.2 Any interview of an employee shall be at a reasonable hour, preferably when the employee is on duty unless the exigencies of the investigation dictate otherwise. Where practicable, interviews shall be scheduled for the daytime.

7.7.3 The interview, which shall not violate the employee's constitutional rights, shall take place at the Kirkland Police Station facility, except where impractical. The employee shall be afforded the opportunity and facilities to contact and consult privately with an attorney of the employee's own choosing and/or a representative of the Guild. Said attorney and/or representative of the Guild may be present during the interview but shall not participate in the interview except to counsel the employee, provided that the Guild representative or attorney may participate to the extent permitted by law.

7.7.4 The questioning shall not be overly long, and the employee shall be entitled to such reasonable intermissions as they shall request for personal necessities, meals, telephone calls, and rest periods.

7.7.5 The employee shall not be subjected to any offensive language, nor shall he be threatened with dismissal, transfer, or other disciplinary punishment as a guise to attempt to obtain his resignation, nor shall they be intimidated in any other manner. No promises or rewards shall be made as an inducement to answer questions.

7.7.6 It shall be unlawful for the City to require any employee covered by this agreement to take or be subjected to any polygraph or any polygraph type of examination as the condition of continued or continuous employment or to avoid any threatened disciplinary action.

7.7.7 At the employee's request, the interview shall be recorded on tape. One copy shall be provided to the Guild representative or employee. There shall be no "off-the record" questions. Within three (3) calendar days of the completion of the investigation, and no later than three (3) calendar days prior to a pre-disciplinary hearing, the employee shall be advised of the results of the investigation and the recommended disposition and shall be furnished a complete copy of the investigation report, provided that the Employer is not required to release statements made by persons requesting confidentiality where the request was initiated by such persons and provided further that such confidential statements may not be relied upon to form the basis of discipline. All interviews shall be limited in scope to activities, circumstances, events, conduct or actions which pertain to the incident which is the subject of the investigation. Nothing in this section shall prohibit the Employer from questioning the employee about information which is developed during the course of the interview.

7.7.8 Use of Deadly Force Situations: When an employee, whether on or off duty, uses deadly force which results in the injury or death of a person, or discharges a firearm in which no injury occurs, the employee shall not be required

to make a written or recorded statement for twenty-four (24) hours after the incident except that immediately following the incident the employee shall verbally report to a superior a brief summary of the incident and any information necessary to secure evidence, identify witnesses, or apprehend suspects. The affected employee may waive the requirement to wait twenty-four (24) hours. The department and the Guild shall mutually agree on designated peer support counselors.

7.7.9 Medical or Psychological Examinations: When there is probable cause to believe that an employee is medically or psychologically unfit to perform his/her duties, the employer may require the employee to undergo a medical or psychological examination in accordance with current standards established by the Washington Association of Sheriff's and Police Chiefs, the International Association of Chiefs of Police, the Americans with Disabilities Act, and other applicable State or Federal laws. Consultations with the City's Employee Assistance Program are not considered medical or psychological examinations.

7.8 DISCIPLINE/CORRECTIVE ACTION

No employee shall, by reason of his employment, be deprived of any rights or freedoms, which are afforded to other citizens of the United States by the State and Federal Constitutions and Washington law.

No employee shall be compelled by the City to give self-incriminating information, either verbal or written, during any criminal investigation when such investigation involves allegations against the employee nor in any internal investigation which could lead to a criminal charge against the employee. Any refusal by an employee to give self-incriminating information under these conditions will not result in the employee's termination, suspension, reprimand, transfer, or any other form of disciplinary action by the City.

The Employer agrees to act in good faith in the discipline, dismissal or demotion of any regular employee and any such discipline, dismissal or demotion shall be made only for just cause.

The parties recognize that just cause requires progressive discipline. Progressive discipline may include:

- oral reprimands, which will be documented;
- written reprimands;
- disciplinary transfer;
- suspension with or without pay;
- demotion; or
- discharge.

The intent of progressive discipline is to assist the employee with performance improvement or to correct misconduct. Progressive discipline shall not apply where the

offense requires more serious discipline in the first instance. Both the sequencing and the steps of progressive discipline are determined on a case-by-case basis, given the nature of the problem.

All disciplinary actions shall be clearly identified as such in writing. The employee will be requested to sign the disciplinary action. The employee's signature thereon shall not be construed as admission of guilt or concurrence with the discipline. Employees shall have the right to provide a written response to any written disciplinary action to be included in the personnel file, which, together with the action, will be retained in the personnel file, for so long as the disciplinary action is retained.

A copy of all disciplinary notices shall be provided to the employee before such material is placed in their personnel file. Employees disciplined or discharged shall be entitled to utilize the grievance procedure. If, as a result of the grievance procedure utilization, just cause is not shown, personnel records shall be cleared of reference to the incident, which gave rise to the grievance.

The Employer will notify the Guild in writing within three (3) working days after any notice of discharge. The failure to provide such notice shall not affect such discharge but will extend the period within which the affected employee may file a grievance.

The Employer recognizes the right of an employee who reasonably believes that an investigatory interview with a supervisor may result in discipline to request the presence of a Guild representative at such an interview. Upon request, the employee shall be afforded a Guild representative. The Employer will delay the interview for a reasonable period of time in order to allow a Guild representative an opportunity to attend. If a Guild representative is not available or delay is not reasonable, the employee may request the presence of a bargaining unit witness. (Weingarten rights)

Employees shall also have a right to a notice and a determination meeting prior to any disciplinary action (except oral reprimands). The Employer must provide a notice and statement in writing to the employee identifying the performance violations or misconduct alleged, a copy of the investigative file as per Article 7.7.7, and a finding of fact and the reasons for the proposed action. The employee shall be given an opportunity to respond to the charges in a meeting with the Employer, and shall have the right to Guild representation during that meeting, upon request. (Loudermill rights)

The Employer shall endeavor to correct employee errors or misjudgments in private, with appropriate Guild representation if requested by the employee.

Discipline shall be subject to the grievance procedure in this Agreement as to whether or not such action as to any post-probationary employee was for just cause.

ARTICLE 8 – SENIORITY

8.1 DEFINITIONS

Seniority shall be established upon appointment to a regular full-time budgeted position within the bargaining unit.

Bargaining Unit Seniority: the total length of continuous calendar-based service with the Employer and in the bargaining unit.

Employer Seniority: the total length of continuous calendar-based service with the Employer.

Classification Seniority: the total length of continuous calendar-based service within a position and employment type represented by the bargaining unit. Classification seniority shall include all time at a higher ranked classification, for which the employee does not have continuing job rights.

Consistent with Article 14.5, the Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA, L&I or military leave adjusted for periods of up to six (6) months (or as otherwise required by USERRA).

8.2 APPLICATION OF SENIORITY

In the event of reassignment, transfer, layoff, or recall, seniority shall be the determining factor where employees are equally qualified to do the job.

Seniority shall be applied in the following manner:

8.2.1 Postings / promotions

In regard to job postings, promotion and reassignment, "qualifications" and/or "ability" will be the primary consideration, with seniority determinative where employees are equally qualified. Qualifications will include the minimum qualifications of education, training and experience as set forth in the job description, as well as the job performance, ability, employment record and contribution to the needs of the department. Specialty positions shall be filled in accordance with Article 7.4.3.

8.2.2 Layoffs

Total classification seniority shall determine who is to be laid off within the selected classification (affected group). The least senior regular employee(s) within the classification shall be the affected employee(s). In the event of two employees having the same classification seniority, bargaining unit seniority shall be determinative. In the event of two employees having the same bargaining unit seniority, Employer seniority shall be determinative.

8.2.3 Bumping
An employee shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications, in accordance with Article 8.13.2, provided that the employee is "competent" and has the ability to adequately perform the essential functions of the job assignment.

8.2.4 Recall
Seniority shall be determinative in the identification of which employee is to be recalled, when there is more than one on the recall list who is qualified and/or have previously performed a position.

8.3 PROBATIONARY PERIOD
Probationary period for new officers will be a total of seventeen (17) months from the date of hire, consistent with Article 5.1.

Lateral Candidates, who do not attend the 720 hour Academy, will serve a probationary period of twelve (12) months from date of hire.

8.4 LOSS OF SENIORITY
An employee will lose seniority rights by and/or upon:

8.4.1 Resignation.

8.4.2 Discharge.

8.4.3 Retirement.

8.4.4 Layoff / Recall list of more than fourteen (14) consecutive months, consistent with Article 8.15.

8.4.5 Medical Reinstatement / Recall list of more than twenty-four (24) consecutive months, consistent with Article 8.15.

8.4.6 Failure to respond to an offer of recall to former or comparable employment.

Employees who are re-employed following the loss of their seniority, shall be deemed a newly-hired employee for all purposes under this Agreement, except if an employee is recalled consistent with Article 8.15 and the time-lines therein, they shall regain the seniority that they had as of their last date of employment.

8.5 LAYOFFS
A layoff is identified as the anticipated and on-going or prolonged reduction in the number of full-time equivalent (FTE) positions within the department or within a job classification covered by this Agreement. A reduction in force in classification may occur

for reasons of lack of funds, lack of work, efficiency or reorganization. Reductions in force are identified by classification within the department.

8.6 NOTICE

The Guild shall be notified of all proposed layoffs and of positions to which laid off employees may be eligible to bump through the attachment of a current seniority list.

Employees affected / being laid off shall be given written notice of such layoff thirty (30) calendar days prior to the layoff if possible. In no event shall written notice of layoff be less than fourteen (14) calendar days. If the Employer does not provide fourteen (14) calendar days written notice, the employer shall compensate the employee at his or her normal rate of pay for the time between the last day of work and fourteen (14) calendar from the date the employee receives the notice of layoff, in addition to any other compensation due the employee.

The employee shall inform the Employer within five (5) working days of the receipt of the notice of layoff of their intention to exercise bumping rights. When all bumping rights have been acted upon, or when someone has chosen not to act on their bumping right, the employee least senior or the employee choosing not to bump shall be the person laid off. Only one thirty (30) day notice of layoff is required, irrespective of the number of bumps.

An employee desiring to exercise bumping rights must do so by delivering written notice to the Employer within five (5) working days of receipt of notice of layoff. The written notice must state the proposed position to be bumped.

8.7 MEETING WITH GUILD

The Guild shall also be notified in writing of any reduction in hours proposed by the Employer, including the purpose, scope, and duration of the proposed reduction.

Upon the Guild's request, the Employer and the Guild shall meet promptly during the first two (2) weeks of the notice period identified in Article 8.6 to discuss the reasons and the time-lines for the layoff and to review any suggestions concerning possible alternatives to layoff. Guild concerns shall be considered by the Employer prior to implementation of any reduction in hours. This procedure shall not preclude the Employer from providing notice to employees or requesting volunteers to take leaves of absence without pay, provided the Employer notifies the Guild of the proposed request.

8.8 AFFECTED GROUP

The following procedure shall apply to any layoff:

8.8.1 Affected employees

The Employer shall first determine by job classification the number of employees or FTEs to be affected by the layoff. The employee(s) holding such FTEs, which are subject to layoff, shall be the "affected employee(s)."

The least senior employee within the affected job classification shall be selected for layoff, consistent with Article 8.2.2.

In cases where seniority within a job classification is equal, bargaining unit seniority will be the determining factor. In the event this is also equal, Employer seniority will control. If all of the seniorities are equal, then Management shall make the final decision based on performance and job skills.

8.8.2 Volunteers
Simultaneous with implementing the provisions of the layoff procedure, the Employer may first seek, by a five (5) working day posting process, volunteers for layoff or voluntary resignation from among those employees who work within the same job classification as the affected employees. If there are more volunteers than affected employees, volunteers will be chosen by bargaining unit seniority. Employees who volunteer for layoff may opt for recall rights as described in this article at the time of layoff.

If there are no or insufficient volunteers within the affected job classification, the remaining affected employees who have received notice must choose promptly (within five (5) full working days of receipt of the Notice) among the layoff options set forth in Article 8.13.

8.8.3 Probationary Employees
If the number of volunteers is not sufficient to meet the announced number of necessary layoffs, and if the affected employee is an initial probationary employee, then that employee shall be laid off and is ineligible to select among layoff options.

8.9 VACANT POSITIONS
Positions will be filled in accordance with Article 8.2 and other sections of this Article.

Within the bargaining unit and the department, affected employees and employees on the recall list shall be given first opportunity for vacant bargaining unit comparable positions prior to outside hiring by the Employer, consistent with Article 8.13.1.

8.10 SENIORITY LIST
The Employer shall update the seniority list and provide it to the Guild monthly, consistent with Article 3.3. If a layoff is announced, a current ranked seniority list including job classifications, names, job locations, and FTE or hours per week shall be provided to the Guild and posted in the affected department.

8.11 ORDER OF LAYOFF
The least senior employee (by classification seniority) within the affected job classification shall be selected for layoff. No regular employee shall be laid off while another employee in the same classification within the department is employed on a probationary basis.

8.12 COMPARABLE EMPLOYMENT

For purposes of this Article, "comparable employment," "comparable position" or vacancy shall be defined to include a position which has the same salary pay range and the educational and experience qualifications.

8.13 LAYOFF OPTIONS

Affected employees who have completed their probationary period shall have the following options:

8.13.1 Assume a Vacant Position
On a bargaining unit seniority basis, to assume a vacant position of equal or lesser rank, in accordance with Article 7.4.3.

8.13.2 Bump
Consistent with Article 8.2.3, laid off employees, including bumped employees, shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications.

An employee who has bumped shall move to the highest step of the new range that does not exceed their current salary.

If there is no employee in the next lower classification who is less senior than the person scheduled for layoff, that person may look progressively to the next lower classification for such bumping rights.

The employee who is bumped by the affected employee shall have the same rights under this Article.

8.13.3 Recall
If the affected employee elects not to take a vacant position or elects not to bump, then that employee will be placed on the recall list and will be eligible for recall under Article 8.15.

Nothing contained in this layoff section shall be construed to require the Employer to modify its position and classification structure in order to accommodate bumping or other re-employment rights.

Employees bumping to another position shall retain their old anniversary date for purposes of step increases. Persons recalled to the same salary range shall be placed in their former step and time in step.

8.14 REDUCTION HOURS/FTE

An employee will not be subject to an involuntary reduction in their FTE (i.e. less than full-time) absent notice and negotiation of the matter with the Guild. If the reduction results in hours less than their budgeted FTE, it will be considered a layoff and the affected employee shall have either the right to bump or go onto the recall list.

8.15 RECALL

Any reference to recall rights and recall lists pertains to both those employees who are laid off or on medical reinstatement, as below:

An employee who has been laid off shall be entitled to recall rights for a period of fourteen (14) months from the effective date of their layoff.

An employee who is placed on the medical reinstatement list shall be entitled to recall rights for a period of twenty-four (24) months from the employee's last date of employment. Recall under this provision requires that the individual has been certified as fit for duty or fit for duty with reasonable accommodation by a medical health care provider statement. The department may, at its own expense, request a second opinion by another health care provider(s) or panel. Should the employee be certified as fit for duty, that employee shall then be considered as laid-off and the provisions of Article 8.17 shall apply. Should that certification occur during the last six (6) months of the twenty-four (24) month period, that employee shall be entitled to recall for a period of six (6) months from the date of that certification.

Employees recalled after the initial fourteen (14) month period shall be subject to the background check process.

If a vacancy occurs in a position, employees on the recall list shall be notified of such vacancies at the employee's address on file with the Human Resources Department. The vacancy will be filled, in accordance with seniority, among current employees and those on the recall list. If employees on the recall list elect not to accept an offer to return to work in the former or a comparable position or fail to respond within seven (7) consecutive days of the offer of recall, they shall be considered to have terminated or abandoned their right to re-employment and relinquished all recall rights. If employees on the recall list elect not to accept an offer of a non-comparable position, they may retain their recall rights for the balance of their recall period.

As long as any employee remains on the recall list, the Employer shall not newly employ by hiring persons into the affected bargaining unit classification(s), within their department, until all qualified employees holding recall rights to that affected classification have been offered recall.

8.16 VACATION & LEAVE CASH OUTS/PAY

Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, holiday leave and compensatory time, to the extent of established maximums. Sick leave balances at the date of layoff shall be restored upon re-employment with the Employer from the recall list. No sick leave shall accrue during the period of time on the recall list / layoff.

8.17 UNEMPLOYMENT CLAIMS

If laid off employees apply for unemployment compensation benefits, the Employer will not contest the claim and will confirm that the employee was laid off.

ARTICLE 9 – WAGES

9.1 WAGE SCHEDULE

The monthly rates of pay (base wage) for each job title is reflected in the following salary schedule chart. The Specialty and Premium pays are percentage increases that refer back to the salary schedule chart and are additive to the monthly base rate of pay.

9.1.1 COLA Adjustments

9.1.1.1 Effective January 01, 2007, the monthly rates of pay shall be increased by ninety percent (90%) of the percentage increase in the Seattle-Tacoma-Bremerton Area Consumer Price Index – from June 2005 to June 2006 (no minimum and no maximum). The Index used shall be the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). This results in an application to the salary schedule of 4.16 % (four and sixteen one-hundredths percent).

9.1.1.2 Effective January 01, 2008, the monthly rates of pay shall be increased by one-hundred percent (100%) of the percentage increase in the Seattle-Tacoma-Bremerton Area Consumer Price Index from June 2006 to June 2007 (no minimum and no maximum). The Index used shall be CPI-W.

9.1.1.3 Effective January 01, 2009, the monthly rates of pay shall be increased by one-hundred percent (100%) of the percentage increase in the Seattle-Tacoma-Bremerton Area Consumer Price Index from June 2007 to June 2008 (no minimum and no maximum). The Index used shall be CPI-W.

9.1.2 Salary Schedule:

January 1, 2007

Job Title	Monthly	Hourly
Senior Patrol Sergeant	$ 7,000	$ 38.36
Senior Sergeant	$ 6,647	$ 38.36
First Class Patrol Sergeant	$ 6,797	$ 37.24
First Class Sergeant	$ 6,456	$ 37.24
Senior Patrol Corporal	$ 6,536	$ 35.81
Senior Corporal	$ 6,208	$ 35.81
Patrol Corporal	$ 6,348	$ 34.78
Corporal	$ 6,028	$ 34.78
Patrol Police Officer 1	$ 6,048	$ 33.14
Police Officer 1	$ 5,744	$ 33.14
Patrol Police Officer 2	$ 5,679	$ 31.12
Police Officer 2	$ 5,392	$ 31.12
Patrol Police Officer 3	$ 5,305	$ 29.07
Police Officer 3	$ 5,037	$ 29.07
Patrol Police Officer 4	$ 5,021	$ 27.51
Police Officer 4	$ 4,768	$ 27.51
Starting Patrol Police Officer	$ 4,636	$ 25.40
Starting Police Officer (6 -12 mo.)	$ 4,404	$ 25.40
Specialty Pay	**Step 1**	**Step 1**
K-9 Officer	$ 5,608	$ 32.35
Detective	$ 5,608	$ 32.35
Family Violence Detective	$ 5,608	$ 32.35

K-9 Officer: Police Officer Step, Monthly + 4%;
Detective: Police Officer Step, Monthly + 4%.
Traffic: Police Officer Step, Monthly + 3%.
Detective: Corporal Step, Monthly + 4%.
Family Violence Detective: Police Officer Step, Monthly + 4%;

9.1.3 An accreditation premium of 1% (one percent) will be added to the monthly rate of pay of the employee's current classification and shall be paid monthly for the duration of the contract.

9.2 HIRE-IN RATES

Starting Police Officer positions will be broken down into two categories:

9.2.1 Category I: Officers with prior experience. Prior experience is termed two or more complete years of work as a police officer in a police agency and the successful completion of the Washington State Basic Academy or other

acceptable and qualified academy certified by the Washington State Law Enforcement Training Commission. Officers who qualify for this position shall receive starting salary from the wage schedule as follows:

Complete Years Prior Experience	Starting Salary Level
2 years	Police Officer IV
3 years	Police Officer IV
4 or more years	Police Officer III

9.2.2 Category II: Any starting officer who does not have prior experience. Officers in Category II shall receive starting police officer pay for one year before moving into the fourth class police officer position.

9.3 SPECIALTY PAY

9.3.1 K-9 Unit/Dog handler Classification: To compensate for time committed to "at home care" and all other functions related to the care and maintenance of a K-9 unit, the handler shall be compensated as follows:

9.3.1.1 The handler will receive 4% (four percent) premium pay added to the monthly rate of pay of the employee's current classification.

9.3.1.2 In addition, during duty days, one (1) hour of work time each day is dedicated to the care and maintenance of the K-9 dog which has been determined to be reasonable number of hours for the weekly care of the K-9 dog.

9.3.2 Field Training Officers will receive two (2) hours of overtime in addition to regular hours worked for each week in which two (2) or more days are engaged in active training.

9.3.3 Detectives shall receive a 4% (four percent) premium added to the monthly rate of pay of the employee's current classification

9.3.4 Traffic Officers shall receive a 3% (three percent) premium added to the monthly rate of pay of the employee's current classification.

9.4 LONGEVITY

9.4.1 Employees shall receive, in addition to their monthly base wage, the following longevity pay added to the monthly rate of pay of the employee's current classification, based upon their years of service for the Kirkland Police Department:

Years of Service	Monthly Premium
5-10 years	1.5%
11-15 years	3.0%
16-19 years	5.0%
20 years or more	6.0%

9.5 OUT-OF-CLASS PAY

An Officer assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of two or more consecutive shifts. A Corporal assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of eight (8) or more consecutive shifts. If the duration of the assignment is unknown at the onset, a Corporal will receive out-of class-pay after the consecutive shifts have been surpassed retroactive to the first day of the assignment. The Senior Corporal will not be eligible for out-of-class pay for filling in as the acting Sergeant.

9.6 EDUCATION INCENTIVE

Employees with a BA/BS degree and higher from an accredited institution will be eligible for an educational/performance incentive, as set forth below:

Education / Performance Premium

BA/BS Degree	**2.0%**
Graduate Degree	**3.0%**

It is the employee's responsibility to have their diploma or transcripts provided from an accredited institution to the department time-keeper in order to be eligible for the Incentive. The Education Incentive shall be added to the monthly rate of pay of the employee's current classification and paid in the same manner, but on alternate pay periods, as the Longevity pay described in Article 9.4.

9.7 PHYSICAL FITNESS INCENTIVE

Employees shall be eligible for physical fitness incentives as provided in Appendix A.

9.8 SHIFT DIFFERENTIAL

No language

ARTICLE 10 – OTHER COMPENSATION

10.1 STANDBY PAY

Employees specifically pre-approved by command personnel to be ready reserve for a specific period of time shall be paid at the overtime rate for actual time worked. Standby

shall not be subject to a three-hour minimum. Detectives who are assigned on-call status shall be provided a city take-home vehicle for each day so assigned.

10.2 CALL-BACK PAY

All employees will respond to call-outs unless extenuating circumstances such as illness or other incapacitation prevent the employee from responding.

Full-time employees who are called back to work after leaving the job site shall receive a minimum of three (3) hours' pay at the overtime rate. When an employee is called out between shifts, the time worked between shifts shall be paid at the rate of one and one-half (1½) times the regular rate.

10.3 MILEAGE REIMBURSEMENT

All bargaining unit employees who are required to use their own vehicles for Employer business shall be reimbursed at the mileage rate set by the current policy for all miles driven on such business.

10.4 CLOTHING AND EQUIPMENT

10.4.1 The Employer shall continue to provide necessary uniforms and equipment. Detectives shall be provided an annual allowance for clothing of not less than three hundred dollars ($300) every six months. Clothing allowance shall be reflected as taxable income.

10.4.2 The Employer shall provide for the cleaning of uniforms for employees. The provisions for the cleaning of street clothing and/or clothing provided under Article 9 Section 1, excluding uniforms, shall be taxable to the employee in accordance with IRS rules.

10.4.3 In addition, the Employer agrees to replace or repair equipment or clothing belonging to the employee, which is damaged in the line of duty. Equipment or clothing shall be construed to mean items owned by the employee, which are required to perform their duties. To be considered for repair or replacement, equipment or clothing damaged in the line of duty must be submitted to the shift supervisor no later than the end of the Officer's next regular duty day, along with a written report and any documentation to support the cost of the damaged item.

ARTICLE 11 – HOLIDAYS

11.1 HOLIDAYS

Regular employees shall be granted the following holidays and other such days as the City Council may establish, without a reduction in pay; non-regular employees shall receive the following holidays without pay:

Holiday	Observed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
One Floating Holiday	At employee's choice

11.2 HOLIDAY ELIGIBILITY

An employee must be employed for six (6) consecutive months in order to be eligible for their floating holiday. In selecting the Floating Holiday, the employee's choice will be granted, provided that prior approval is given by the immediate supervisor or the Division Commander. The Floating Holiday must be taken during the calendar year, or entitlement to the day will be forfeited.

Personnel assigned to Patrol shall be granted twelve days off in lieu of the above holidays. Such days shall be given at the convenience of the City, but within twelve months of the holiday.

11.3 HOLIDAY OBSERVANCE

Employees will observe the Holiday on the day the City observes the respective Holiday. Provided however, Patrol personnel will follow Article 11.1.2 and the holiday shall be banked and used on a regularly scheduled work day mutually agreeable to the employee and the employer.

11.4 HOLIDAY ON DAY OFF

When the Holiday falls upon the employee's day off, the Holiday shall be banked and used on a regularly scheduled workday mutually agreeable to the employee and the Employer.

11.5 HOLIDAY COMPENSATION

Employees who are assigned to work on Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, shall be eligible for compensatory time-off or overtime compensation at one and one-half (1 ½) times the employee's hourly rate for the number of hours actually worked on the specified holiday.

Terms and conditions of this Article shall apply to New Years Day beginning in 2008 and Presidents Day in 2009.

ARTICLE 12 – VACATION

12.1 VACATION ACCRUAL

Each regular full-time employee shall accrue vacation leave at the rate of 1/12 of annual vacation per month of service, based on the following schedule:

Years of Employment	Annual Vacation (Working Hours)
1st year of employment	104 hours
2 – 3 – 4 years	104 hours
5 – 6 – 7 years	128 hours
8 – 9 – 10 years	136 hours
11 – 12 – 13 years	144 hours
14 – 15 – 16 years	160 hours
17 – 18 – 19 years	176 hours
20th year and beyond	192hours

12.1.1 Vacation leave cannot be accrued during any leave without pay, but such leave shall not be considered an interruption of consecutive years of employment for the purpose of determining entitlement to additional vacation days under the foregoing schedule.

12.1.2 An additional eight (8) hours of vacation will be granted in the event a holiday falls within an employee's vacation period. Employees working ten (10) hour shifts shall be entitled to ten (10) hours of vacation in the event a holiday falls within their vacation period. Employees working twelve (12) hour shifts shall be entitled to twelve (12) hours of vacation in the event a holiday falls within their vacation period.

Vacation leave shall not be accumulated in excess of two hundred eighty - eight (288) hours.

Employees are encouraged to utilize Vacation for appropriate time off and manage vacation requests throughout the year. Any vacation leave accrued in excess of the maximums shall be forfeited and shall not form the basis for any additional compensation. Upon termination of employment for any reason, no payment for vacation accumulation shall exceed two hundred forty (240) hours.

Earned vacation leave may be taken at any time during a period of illness after expiration of sick leave. Taking leave without pay in any month shall result in pro-ration of vacation accruals for that month, calculated upon actual hours worked as a percentage of the total hours of the pay period.

12.2 VACATION UPON TERMINATION
Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, up to established maximums.

In no case will an employee be paid for accrued vacation upon separation if he/she has been employed by the City for less than twelve consecutive months.

ARTICLE 13 – SICK LEAVE

13.1 SICK LEAVE ACCRUAL

For LEOFF II Members of the Bargaining Unit:

13.1.1 After completion of the one-year period, employee's sick leave with pay shall accrue at the rate of eight (8) hours of leave for each full calendar month of the employee's service, and any such leave accrued in any year shall be accumulative for succeeding years to a maximum of 960 hours.

13.1.2 After completion of the one year period, Patrol Officers sick leave pay shall accrue at the rate of twelve (12) hours of leave for each full calendar month of the employee's service in that classification. Any such leave accrued in any year shall be accumulative for succeeding years to a maximum of 1010 hours.

13.2 SICK LEAVE USAGE
Sick leave shall be available to employees after they have worked for a minimum of thirty (30) consecutive calendar days after the most recent date of hire.

13.2.1 Consistent with the confidentiality provisions of the Americans with Disabilities Act, and upon good cause, a health care provider's statement may be required.

13.2.2 Upon appointment as a police officer, an employee shall be credited with 96 hours of sick leave. If an employee terminates before the unearned sick leave hours used are repaid, the unearned sick leave time taken will be deducted from the final paycheck.

13.2.3 Conversion of Accrued Sick Leave cash out to Retiree Medical Account: Upon retirement from City service, or as a result of a medical condition disqualifying from service, or after reaching age 50 and leaving City service, or upon death of an employee, the employer shall make contributions into a qualifying trust or Retiree Medical Account, in an amount equal to fifty percent (50%) of the cash value of employee's accrued sick leave balance at the time of retirement (accrued sick leave hours x regular rate of pay x 50%) and shall not exceed Ninety-five hundred ($9,500) in 2007, Ten Thousand Dollars ($10,000) in 2008 and Ten Thousand and Five Hundred Dollars ($10,500) in 2009. The trust

fund will be established in accordance with applicable federal and state laws, and the City shall contribute the monies on a pre-tax basis. The monies contributed to the trust fund shall only be used for retiree insurance premiums or as otherwise provided by law. The City will also contribute $50 per month for each individual member to the Retiree Medical Account.

For the purpose of this Article, retirement shall be defined as either normal service retirement or voluntary termination in good standing after twenty (20) years of continuous service with the Kirkland Police Department.

13.3 SHARED LEAVE

The Employer may permit an employee to receive vacation consistent with the current Shared Leave policy.

13.4 COORDINATION – WORKERS' COMPENSATION

Workers' Compensation Supplement (LEOFF II). The City will provide a disability leave supplement for LEOFF II employees injured in the line of duty when such injury is directly related to the inherent dangers associated with employment in law enforcement. The supplement shall go into effect when an employee becomes eligible for State workers' compensation benefits and shall equal the difference between the State workers' compensation monthly payment and the employee's base monthly salary. This pay supplement shall continue as long as the employee is off work and receiving workers' compensation benefits.

In no event, shall the combination of Workers' Compensation, long term disability benefit, and this Workers' Compensation supplement exceed one hundred percent (100%) of the employee's regular salary.

While the Workers' Comp Supplement is governed by rules established and administered by DRS, employees are advised of the following current DRS practices, which are subject to change by DRS:

During the first 48 hours of disability leave, the wages are reported as L & I (60%) and Sick Leave (40%). The remainder of the disability time is reported as L & I (60%), Sick Leave (20%) and Supplementary Disability (20%) as per RCW 41.04.510.

Time-loss payment from L & I are not subject to federal income or Social Security taxes. The Department of Retirement Systems considers 80% (L & I payment and supplemental disability) of your time not reportable hours for service credits. Employees have the option to request the reestablishment of these service credits by submitting a written request to DRS.

13.5 FAMILY MEMBER

Sick leave may be utilized as above for illness in the immediate family requiring the employee's attendance.

Immediate Family shall mean persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, wife, husband, brother, sister, child, grandchild, or domestic partner (as defined by Employer Policy) and other persons with the approval of the City Manager or designee.

ARTICLE 14 – LEAVES OF ABSENCE

14.1 IN GENERAL

Leave of absence requests shall not be unreasonably denied. All leaves are to be requested in writing as far in advance as possible.

As appropriate for the type of leave requested, paid leave accruals will be utilized prior to unpaid leave, unless otherwise provided for in this Agreement.

Leave does not accrue nor may it be used until the first day of the pay period in which it is earned (no "negative" leave use during the period in which it is earned).

14.2 JURY DUTY/COURT

An employee who is required to serve on Jury duty shall be authorized leave with pay, less any amount received from the court for such service, up to two (2) weeks.

14.3 MILITARY LEAVE

All regular employees shall be allowed military leave as required by RCW 38.40.060 and as interpreted by the Court. This provides for fifteen (15) working days of military leave per year (October 1 through September 30).

14.4 BEREAVEMENT

Employees shall be entitled to three (3) days Bereavement Leave without loss of compensation upon the death of a member of the Employee's immediate family. For the purposes of this contract, immediate family shall be defined as stipulated in Article 13.5 Additional time off as may be required for travel or other circumstances may be granted if approved in advance by the employer. Such additional time shall be deducted from an accrued leave of the employee's choice.

14.5 MAINTENANCE OF SENIORITY

The Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA or military leave.

14.6 LEAVE WITHOUT PAY

Unpaid Leave of Absence shall be governed by existing City policies.

14.7 FAMILY LEAVE FMLA

Family Medical leave will be allowed consistent with State and Federal law and with existing City policies.

Under the terms of the Family and Medical Leave Act of 1993 (FMLA) and the state law, upon the completion of one (1) year of employment, any employee who has worked at least 1250 hours during the prior twelve (12) months shall be entitled to up to twelve (12) weeks of leave per rolling year for the birth, adoption or placement of a foster child; to care for a spouse or immediate family member with a serious health condition; or when the employee is unable to work due to a serious health condition. For purposes of this Article, the definition of "immediate family" will be found in Article 13.5.

The Employer shall maintain the employee's health benefits during this leave. If the employee fails to return from leave for any reason other than the medical condition initially qualifying for the FMLA absence, the Employer may recover from the employee the insurance premiums paid during any period of unpaid leave.

If a leave qualifies under both federal and state law, the leave shall run concurrently. Ordinarily, the employee must provide thirty (30) days written advance notice to the Employer when the leave is foreseeable. The employee should report qualifying events as soon as known and practicable.

The combination of FMLA and other types of leave(s) is not precluded and, in fact, leave utilizations are to be concurrent, with the intent that appropriate paid accruals are to be utilized first, consistent with other Articles of this Agreement. The Employee may elect to retain up to forty (40) hours of sick leave and up to forty (40) hours of vacation (prorated by their FTE) for use upon return to work, consistent with the process identified in the personnel policy. Upon the employee's election, any accrued comp time may be utilized prior to any period of unpaid leave.

14.8 MATERNITY LEAVE

Consistent with WAC 162-30-020, the Employer will grant a leave of absence for a period of temporary disability because of pregnancy or childbirth. This may be in addition to the leave entitlements of FMLA.

This leave provides female employees with the right to a leave of absence equivalent to the disability phase of pregnancy and childbirth. There is no eligibility requirement, however the Employer has no obligation to pay for health insurance benefits while on this leave (unless utilized concurrent with FMLA).

Leave for temporary disability due to pregnancy or childbirth will be medically verifiable. There is no limit to the length of the disability phase, except for the right for medical verification and the right of second opinion at the employer's expense. At the end of the disability leave, the employee is entitled to return to the same job or a similar job of at least the same pay. Employees must use their accrued vacation and sick leave, if any, during the leave period and, at their election, any accrued comp time, consistent with

the retention provision as provided in Article 14.7. Once this paid leave is exhausted, the employee's leave may be switched over to unpaid leave.

14.9 INCLEMENT WEATHER

Employee rights and responsibilities during severe weather and emergency or disaster conditions are covered by the current Inclement Weather Policy of the Employer. The goal shall be to continue to provide essential Employer services, consistent with public and employee safety and emergency operations priorities. Law enforcement is critical to these essential services and the expectation is that employees will report to duty as scheduled.

ARTICLE 15 – HEALTH & WELFARE

15.1 MAINTENANCE OF BENEFITS

Medical and Dental Insurance - The Employer may self-insure medical and/or dental insurance coverage or select a new medical and/or dental insurance plan and shall make every possible effort to maintain substantially equivalent benefits. The Employer and the Guild shall meet to explore alternative insurance coverage prior to selecting any new medical and/or dental insurance plan in order to maintain substantially equivalent benefits at a reasonable cost. The Employer recognizes its responsibility to bargain with the Guild the impact of those decisions.

The Guild shall take part in and have an appointed representative on the Health and Welfare Benefits Committee. The purpose of the Committee is to monitor and evaluate the benefits costs and the plan designs. Among the items to be considered would be identification of options for retiree medical participation. The Benefit Committee representative shall have no authority to negotiate on behalf of the Guild any changes to be scheduled or content of benefit plans, any such changes shall be governed in accordance with Article 15.1 of this Agreement.

Participation in benefits shall be consistent with Article 5.2 of this Agreement and the trusts and Plans described below.

15.2 HEALTH AND LIFE INSURANCE

Medical Insurance - Effective January 1, 2007 the Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under the Association of Washington Cities Regence Medical Plan B or Group Health Plan 2 for each employee of the bargaining unit.

Dental and Vision - Effective January 1, 2007, the Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under the Association of Washington Cities.

Life Insurance - the Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of employee term life insurance coverage that has a policy value of two (2) times the annual base rate of pay of the employee. The employee is responsible for any taxes associated with this benefit.

15.2.1 The City agrees to continue payment of the City portion of the premium for the spouse and eligible dependents medical and dental premiums for a period of twelve (12) calendar months following the death of an active Police Officer whose death is the direct result of injuries incurred in the line of duty. In the event the surviving spouse remarries within that twelve (12) month period, the City payment of premiums shall cease with payment of the premium for the month in which the marriage occurs. The parties agree this provision shall specifically not apply to presumptive illnesses, which cause the death of the officer.

15.3 FLEXIBLE SPENDING ACOUNT – FSA

The Employer participates in a special program under the provisions of IRS Section 125. Employees may voluntarily elect to participate in the reimbursement program to pay medical or dependent care expenses with pre-tax dollars. The Employer makes no contribution, other than as identified in Article 9.8, makes no assurance of ongoing participation and assumes no liability for claims or benefits.

For the 2007 plan year, the employer shall make a contribution in the amount of two hundred dollars ($200) for qualifying health care expenses. Additional contributions to the flexible spending account can be made by the employee as a payroll deduction subject to the rules and limitations contained within the Internal Revenue Code.

For purpose of encouraging employee health and early identification of health issues and opportunities, upon presentation of an affirmation by the employee of an annual physical by a health care provider to the department time-keeper by November 1st of the year, the employee's FSA account shall be funded for the following year (establishing 2008 and 2009 eligibility) in the amount of three hundred dollars ($300).

15.4 RETIREMENT

Pensions for employees and contributions to pension funds will be governed by applicable Washington State Statutes in relation thereto in existence during the contract period.

ARTICLE 16 – TRAINING

16.1 TRAINING

Upon fourteen (14) days advance notice by the employer, an employee's shift may be modified for one or more weeks to four (4) ten (10) hour days or four (4) twelve (12) hour days for in-service training, with a preference for a 4-10 training schedule. Overtime

shall be compensated for in-service training when hours exceed the employee's regular scheduled workweek.

An employee attending full day or longer training courses shall be paid for their normal shift. Attendance at optional special training classes outside scheduled training hours shall not be compensated for unless specifically pre-approved by command staff. Probationary employees who are in training may be transferred to their next duty assignment in accordance with Section 6.1.

16.2 TRAINING REIMBURSEMENT

Compensation associated with training or representation of the Employer on official business shall be consistent with the current policy and the Fair Labor Standards Act (FLSA) and WAC 296-128-500. Reimbursement of associated costs shall be consistent with City Policy.

ARTICLE 17 – LABOR/MANAGEMENT COMMITTEES

17.1 PURPOSE AND COMPOSITION OF COMMITTEES

The Executive Employee Relations Committee shall meet as needed at the request of either party, provided that five (5) working days notice of the meeting is given to discuss and resolve issues of continuing importance to the Guild and/or Employer.

17.2 COMPENSATION

All meeting time spent by members of the joint Labor-Management Committee will be considered time worked if during duty hours and will be paid at the appropriate regular rate of pay.

ARTICLE 18 – HEALTH & SAFETY

18.1 SAFE WORKPLACE

The Employer is responsible for maintaining a safe and healthful workplace. The Employer shall comply with all federal, state, and local laws applicable to the safety and health of its employees.

Recognizing that danger is an inherent aspect of law enforcement work, Employees who have a reasonable basis for believing the assignment would constitute a danger to their health and safety, should report the concern. The employee shall immediately contact a supervisor who shall make a final determination with regard to safety. No directive shall be delayed pending such determination.

All on-the-job injuries, no matter how slight, must be reported. Employees must immediately notify their supervisor if they are unable to work because of a work-related injury or illness.

FIREARMS
No police officer shall be required to work without a firearm unless mutually agreed to the contrary.

18.2 HEALTH & SAFETY PLAN
The Employer shall develop and follow written policies and procedures to deal with on-the-job safety and shall have effective safety and accident prevention plans in conformance with state (WAC 296-800) and federal laws.

18.3 DRUG FREE WORKPLACE
The City and the Guild agree to abide by the City of Kirkland Police Department Substance Abuse Policy that is attached as Appendix B.

18.4 WORKPLACE VIOLENCE
The employer is committed to employee health and safety. Workplace violence, including threats of violence by or against a City employee, will not be tolerated and should be immediately reported whether or not physical injury occurs, except those in the course and performance of law enforcement duties.

ARTICLE 19 – GRIEVANCE PROCEDURE

19.1 GRIEVANCE DEFINED
A grievance means a claim or dispute by a grieved employee, group of grieved employees, or the Guild Executive Board with respect to the interpretation or application of the provisions of this agreement.

19.1.1 Reference to days in this Article shall refer to calendar days.

19.2 GRIEVANCE PROCEDURE
Notification: In the event that an employee believes that the City is operating in violation of this agreement, the employee may notify his immediate supervisor.

19.2.1 Filing Formal Grievance: Within fourteen (14) days after the employee first becomes aware or reasonably should have become aware of the violation, a written grievance shall be submitted to the Lieutenant. This notification must be signed by the employee and must state the issue, section of the agreement violated, facts giving rise to the grievance, and the remedy sought. This notification will be forwarded through the chain of command and will be designated as receipted, based on the date stamp of the authority designated at the appropriate step of the grievance.

19.2.2 It is agreed that taking a matter to a hearing before the Civil Service Commission constitutes an election of remedies and a waiver of any duty arising under this agreement to enter into binding arbitration. Similarly, upon the

subsequent filing of an action as described above, a grievance, previously filed, shall be deemed withdrawn.

19.2.3 Step 1: The Lieutenant shall respond in writing within fourteen (14) days. If the action taken by the Lieutenant corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) do not feel the alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 2 within seven (7) days.

19.2.4 Step 2: The Captain shall respond in writing within fourteen (14) days of receipt and date stamp of the grievance. If the action taken by the Captain corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 3 within seven (7) days.

19.2.5 Step 3: Upon receiving a written grievance from an employee or the Guild, the Chief of Police shall attempt to resolve the grievance within fourteen (14) days. If the Chief of Police is unable to resolve the grievance to the satisfaction of the presenting party(s), the grievance, together with all other pertinent materials, shall be presented to the City Manager, and the presenting party shall be notified in writing. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, notice may be given and the grievance shall proceed to Step 4 within seven (7) days.

19.2.6 Step 4: Upon receiving a written grievance, the City Manager or designee shall attempt to resolve it within thirty (30) days. If the grievance is not resolved by the City Manager or designee, the presenting party(s) will be notified in writing. In the event the Guild does not feel the alleged violation has been corrected to their satisfaction the grievance may, within thirty (30) calendar days, be referred to arbitration by the Guild.

19.2.7 Binding Arbitration: If agreement cannot be reached as to the arbitrator within fourteen (14) days of notice of the desire to proceed, the parties shall jointly request the American Arbitration Association to provide a panel of eleven (11) arbitrators from which the parties may select one. The representatives of the Employer and the Guild shall alternately eliminate the name of one person from the list until only one name remains. The person whose name was not eliminated shall be the arbitrator. It shall be the function of the arbitrator to hold a hearing at which the parties may submit their cases concerning the grievance. The arbitrator shall render their decision based on the interpretation and application of the provisions of this agreement within thirty (30) days after such hearing. The decision shall not add to, modify, or delete any provision of the agreement; and it shall be final and binding upon both parties to the grievance provided the decision does not involve action by the Employer, which is beyond its jurisdiction. The

expenses of the arbitration hearing shall be borne equally by the Employer and the Kirkland Police Officers Guild. Each party shall be completely responsible for all costs of preparing and presenting its own case, including compensating its own representatives and witnesses. If either party desires a record of the proceedings, it shall solely bear the cost of producing such a record.

19.3 GUILD/EMPLOYER GRIEVANCE

Either the Guild or the Employer may initiate a grievance.

The Employer may not grieve the acts of individual employees, but rather, only orchestrated acts or actions of authorized representatives believed to be in conflict with this Agreement. An Employer grievance will not be subject to Arbitration and may only go to mediation upon mutual agreement.

The Guild may initiate a Grievance at Step 2 anytime that it involves a group of employees from different workgroups. Such grievances may be referred to mediation services by mutual agreement prior to Arbitration.

19.4 SCHEDULE OF MEETINGS

Consistent with Article 4.8, grievance investigations and meetings on duty time shall be subject to prior notice and approval. If authorization cannot be immediately granted, the Employer will arrange to allow investigation of the grievance at the earliest possible time.

ARTICLE 20 – NO STRIKE / NO LOCKOUT

20.1 NO STRIKE / NO LOCKOUT

It is understood and agreed that the services performed by City employees included in this Agreement are essential to the public health, safety, and welfare. Therefore, the employees agree that there shall be no strikes, slowdowns, or stoppage of work, or any interference with the efficient operation of the Police Department. Violation of this article shall subject the employee to disciplinary action or discharge.

The Employer shall not lockout any employee during the life of this Agreement.

ARTICLE 21 – MANAGEMENT RIGHTS AND RESPONSIBILITIES

21.1 MANAGEMENT RIGHTS AND RESPONSIBILITIES

Any and all rights concerned with management and operation of the Department are exclusively that of the Employer unless otherwise provided by the terms of this agreement. The Employer has the authority to adopt rules for the operation of the department, provided such rules are not in conflict with the provisions of this Agreement or with applicable law. The Employer has the right, among other actions, to discipline or discharge for cause, to assign duties customarily performed by police officers, to determine the required number of personnel, to determine new work methods, to contract

for goods and services, and to perform all of the functions not otherwise expressly limited by this Agreement or other applicable law.

Nothing in this agreement is intended to, nor shall be deemed to be in conflict with RCW 41.12 (Civil Service for City Police), and the Kirkland Civil Service Commission Rules and Regulations. Nothing herein shall be construed to be a waiver of the Guild's right to engage in collective bargaining or to affect the enforceability of any provisions of this contract.

21.2 INSURANCE

Consistent with existing Kirkland Municipal Code provisions, the City shall secure and maintain with responsible insurers such false arrest, malicious prosecution and liability insurance as is customarily maintained by public bodies with respect to the operation of police departments, all to the extent that such insurance can be secured and maintained at reasonable costs. The coverage to be so provided shall, to the extent available, be substantially equal to such coverage provided by the City immediately prior to the effective date of this agreement.

Such insurance shall include coverage for punitive damage awards made against an officer resulting from conduct found to be within his or her scope of duty or, the City may self-insure. Should a damage award result from conduct found to be outside the officer's scope of duty, including but not limited to punitive damages, the City and its insurer will not be responsible for payment of that award. Each allegation or cause of action for conduct complained of will be analyzed separately in determining whether the conduct was within or outside the officer's scope of duty for the purposes of this Article. A determination by the City Manager that conduct was outside of the officer's scope of duties is final but may be reviewed only by an action in King County Superior Court.

ARTICLE 22 – GENERAL PROVISIONS

22.1 SAVINGS CLAUSE

If any provision of this agreement shall be held invalid by operation of law, or any tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such tribunal pending final determination as to its validity, the remainder of this agreement shall not be invalid and will remain in full force and effect. Provided that should either party so request, the parties shall enter into immediate collective bargaining negotiations for the purpose of arriving at a mutually satisfactory replacement of such invalid provision.

ARTICLE 23 – ENTIRE AGREEMENT

23.1 DURATION CLAUSE

Except as otherwise stated herein, this agreement shall become effective on

signature by both parties but not earlier than January 1, 2007 will carry through December 31, 2009. In the event negotiations for a new agreement have not been completed by the termination date of this agreement, the provisions contained in this agreement shall remain in effect until the conclusion of the negotiations for a new agreement.

23.2 ENTIRE AGREEMENT

This agreement expressed herein in writing constitutes the entire agreement between the parties, and there shall be no amendments, except in writing and with the agreement of both parties.

SIGNATURES

Dated this _____ day of _____, 2007

CITY OF KIRKLAND;

By _____
David Ramsay, City Manager

KIRKLAND POLICE OFFICER'S GUILD;

By _____
Don Carroll, President

By _____
Amy Crawford, Secretary

APPROVED AS TO FORM:

_____
William Evans, Assistant City Attorney

Date _____

Appendix "A"
to the
AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

PHYSICAL FITNESS INCENTIVE PROGRAM

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild - Commissioned, hereinafter referred to as "Guild."

A.1 A mutual goal of the Employer and the Guild is to encourage good physical fitness. The parties agree that an acceptable level of physical fitness is an essential function of the job of a Police Officer. The purpose of this program is to promote the physical capability of the commissioned members of the Kirkland Police Department and to enhance the members' general physical fitness level.

A.2 Pursuant to Article 9.8 of the Collective Bargaining Agreement between the parties, the information contained in this appendix shall serve as the rules and regulations of a physical fitness program and the procedures by which the program shall be administered.

A.3 Both parties agree that participation in the physical fitness program is voluntary. The Employer and the Guild encourage participation in the fitness program by members. Training, exercising, and general conditioning in preparation to take the physical fitness test shall be on an individual and voluntary basis without compensation. The Employer agrees to offer the fitness test once in 2007 and twice per year in 2008 and 2009. The test will be conducted during work hours in conjunction with the spring and fall KPD in-service training block. This on-duty status during the testing process shall protect members against loss of pay for time off work due to any injury sustained while participating in the fitness test. Members who wish to participate in the fitness test shall be required to sign the general liability waiver set forth in A.8.

A.4 The fitness test shall be comprised of three core components—push-ups, sit-ups, and 1.5 mile run. This "Cooper" test is modified for age/gender and is set forth in Section A.7 of this Appendix. The components are generally designed to measure aerobic/cardiovascular endurance, and upper/lower body muscular strength. A member

must satisfy the standards of each test component in order to qualify for the monetary incentive; i.e., failing one component of the test constitutes overall failure. A member shall be allowed one opportunity to pass the various fitness test components during the test.

A.5 The cycle year for the physical fitness incentive program is November 1st – October 31st.

A.6 In 2007, the fitness test shall be offered once in the fall. Members who successfully pass the fitness test shall receive an incentive pay of $550 as a lump-sum payment on the November 23rd paycheck. In January, 2008, the $550 converts to a physical fitness incentive equal to one (1) percent of the monthly rate of base pay for remainder of the cycle year. After that time, the test will be offered twice each cycle year and it is the individual employee's responsibility to be trained and available for one of the scheduled opportunities. Individual tests will not be arranged. In this manner, a commissioned employee would have two opportunities (spring and fall) to successfully pass the test, which would ensure the 1% fitness incentive for the following cycle year. For 2009, the same criteria and process as used in 2008 shall apply for employees who pass the test. An employee who fails to pass either test offered in 2008 shall be eligible to receive the 1% up until October 31, 2008. He/she may take the test in 2009, but upon passing, the 1% incentive pay shall be effective at the commencement of the next cycle year, November 1, 2009.

A.7 **Physical Fitness Test Description** The physical fitness test shall be comprised of the following components. The results of these tests shall be made available to the Employer.

Employee Age:	**20 – 29**	**30 – 39**	**40 – 49**	**50 – 59**
1.5 mile run				
Male	12:51	13:36	14:29	15:26
Female	15:26	15:57	16:58	17:54
Push-ups (1 minute)				
Male	29	24	18	13
Female	15	11	9	5
Female (modified)	23	19	13	12

- The body should be straight and the hands about shoulder width apart
- The body should remain rigid throughout the down phase; with the chest coming to within 3 inches of the floor. (The tester can place a foam block on the floor beneath the participant's chest)
- From the down phase, the participant must return to the up position with the arms straight
- The participant is only permitted to rest in the up position

- The total number of push-ups which the participant performs in 1 minute are counted
- Females may choose to use the modified push-up (knees on ground with feet up in the air)

Sit-ups (1 minute)				
Male	38	35	29	24
Female	32	25	20	14

- The participant lies on the back with the knees flexed at a right angle. The hands, with fingers interlocked, are placed at the back of the neck.
- A partner sits on the participant's insteps with his/her hands placed behind the subject's calf muscles to keep the heels in contact with the floor
- The participant sits up to touch the knees with the elbows
- Without pause, the participant returns to the starting position just long enough for his/her head (not just shoulder blades) to touch the mat and immediately sits up again

A.8 Physical Fitness Test General Liability Waiver Form

City of Kirkland

Kirkland Police Department—Fitness Ability Test

I hereby acknowledge that the format of the City of Kirkland Fitness Ability Test has been explained to me and I understand that the purpose of this test is to measure my fitness ability in my current position as a commissioned Police Officer for the City of Kirkland.

I also acknowledge that participation in the Fitness Ability Test is totally voluntary and, while I may be permitted to participate in the test on compensable duty time, I am under no compulsion or directive to do so.

I certify that to the best of my knowledge, I am fit to undertake the activities involved in the test and have no physical impairment or medical condition which would preclude my completion of the test. I have had the opportunity to consult my personal physician and have done so or chosen not to. I understand that the tests are strenuous and hold the potential for serious injury or death. I understand that I may stop the test at any time and that the persons administering the test may discontinue it at any time they have a reasonable basis for belief that continuation of the test could be detrimental to my health. Discontinuance may prevent successfully passing the test, consistent with Section A.4.

I assume full and complete responsibility for undertaking the test and I hereby release the City of Kirkland, its officers, employees, and agents from any responsibility or liability for any loss or damage arising from the bodily injury relating to my participation in the test, except for any loss or damage arising solely from the negligence of the City of Kirkland, its officers, employees, or agents.

_____

Name (print)

_____

Signature

_____

Date

Appendix "B"
to the
AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

SUBSTANCE ABUSE POLICY

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POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT

These policies and procedures have been agreed to by the parties and shall become a part of the current labor agreement between the City of Kirkland and the Police Guild. All applicable articles of the contract shall apply to these policies and procedures.

A. PURPOSE

The City of Kirkland recognizes that employees are our most valued resource. The goal of this policy is to ensure a substance abuse free workplace providing prevention, training and rehabilitation for employees. In order to protect the health, welfare, and safety of its employees, and the citizens whom they serve, the following policy regarding substance abuse in the work place is adopted.

B. POLICY

1. It is the policy of the City of Kirkland to provide an alcohol and drug-free workplace for its employees.

2. The City's philosophy on substance abuse is to emphasize prevention, training, rehabilitation, and recovery from substance abuse. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.

3. It is the responsibility of the City and the Guild to preserve and protect public trust, public safety, and fitness for duty.

4. It is the responsibility of all employees to report for duty and be able to perform their jobs safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

5. The possession, manufacture, use, distribution, or sale of alcohol, unlawful drugs or drug paraphernalia on City premises or while on duty is prohibited.

C. APPLICABILITY

This policy applies to all bargaining unit employees through the rank of Sergeant.

D. DEFINITIONS

For purposes of this policy, the following terms have the meanings indicated:

1. <u>Alcohol use</u> means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal, State, or City drug laws.

3. Counseling means participation in a substance abuse treatment or rehabilitation program provided through the City of Kirkland's Employee Assistance Program (EAP).

4. Criminal drug statute means a criminal law involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

5. Medical Review Officer (MRO) is a licensed physician selected by joint agreement between the parties to receive positive drug test results from the laboratory, analyze and interpret the results, and report to the employer those results as outlined in Section I of this policy.

6. Prohibited Substances are those substances, whose dissemination is regulated by law, including, but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. For the purpose of this policy, substances that require a prescription or other written approval from a licensed health care provider or dentist for their use shall also be included when used other than as prescribed. The drugs and/or their metabolites that are included in these categories are as follows:

   a) marijuana
   b) cocaine
   c) opium or opiates
   d) phencyclidine (PCP)
   e) amphetamines
   f) or methamphetamines

7. Reasonable suspicion means facts and circumstances sufficiently strong to lead a reasonable person to suspect that the employee is under the influence of drugs and/or alcohol which is corroborated by a second individual other than the designated Guild representative.

8. Representation mean Employee's right to Guild or legal representation at testing sites and at any subsequent disciplinary action related to implementation of substance abuse procedures.

9. Substance abuse means the use of a substance, including medically authorized drugs other than as prescribed for the user, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees.

10. Substance Abuse Professional (SAP) is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

11. Unreasonable delay means a delay of the testing procedure for a period of time, as defined by the collection site or laboratory personnel, which would render the test useless or inaccurate.

E. EDUCATION

Pursuant to the provisions of the Drug-Free Workplace Act of 1988, the City will establish an education and training program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's program will inform employees about:

a) The dangers of drug and alcohol abuse in the workplace;
b) The City's policy of maintaining a drug- and alcohol-free workplace;
c) The availability of drug and alcohol treatment, counseling and rehabilitation programs; and
d) The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of its program, the City shall provide educational materials that explain the City's philosophy regarding drug and alcohol use, requirements of applicable regulations, and the City's Substance Abuse policy and procedures. Employees shall be provided with information concerning:

a) The effects of alcohol and drug use on an individual's health, work and personal life;
b) Signs and symptoms of an alcohol or drug problem; and
c) Available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

In addition to the training above, the City shall provide training to supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing. The supervisory training shall include training on alcohol abuse and drug use. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol abuse and drug use. Supervisors who have not received the initial training described above will not be asked to determine whether reasonable suspicion exists to initiate drug/alcohol testing. However, these supervisors

may request another supervisor who has undergone this training to make the determination

F. EMPLOYEE RIGHTS AND RESPONSIBILITIES

1. The City shall not require an employee to undergo a drug and/or alcohol test unless there is reasonable suspicion to indicate the employee is under the influence of a substance which causes the employee to pose a hazard to the safety of the employee, the public, or other employees. However, an employee may be required to undergo a re-examination drug and/or alcohol test as provided in Section J.2. of this policy.

2. It is the employee's responsibility to report for duty, able to perform his/her job safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

3. Employees are responsible for:
   a) Obtaining from their health care provider adequate information about the effects of prescription medication on job performance; and
   b) Promptly notifying his/her supervisor of same; OR
   c) Promptly notifying his/her supervisor of the effects on job performance of over-the-counter medication being taken.

4. Employees are prohibited from possessing, manufacturing, using, distributing, or selling alcohol, controlled substances or drug paraphernalia on City premises or while on duty. For purposes of this policy, "on duty" time includes meal and break periods during the work day.

5. Employees are encouraged to request assistance with drug use and/or alcohol abuse problem(s), with the understanding that a voluntary request for assistance will not be used as the basis for disciplinary action. However, a request for assistance shall not be used to exempt employees from job performance requirements.

6. In accordance with the Drug-Free Workplace Act of 1988, an employee who is convicted of a violation of a criminal drug statute shall notify the City's Human Resources Director no later than 5 days after such conviction. For purposes of this policy, a criminal drug statute means a criminal law involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

7. Employees have the right to challenge the results of any tests and any discipline imposed in accordance with the Grievance procedure of their labor contract. Employees who dispute the results of a drug test may have their split sample tested at their cost at another DHHS-certified laboratory. This request must be made within 72 hours of notification of a positive drug test result by the MRO.

8. Employees having knowledge of another employee's condition/behavior that poses a potential threat to the safety of employees and/or the public are to notify their immediate supervisor.

9. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative. If suspected of being impaired, the employee will be advised against driving him/herself home or otherwise operating a motor vehicle.

10. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not cause unreasonable delays in the collection process.

11. Employees shall fully cooperate in the collection process.

G. DETECTION

1. Reasonable Suspicion. Once the steps outlined in the attached "Supervisor's Guidelines" are followed, an employee may be required to undergo a drug and/or alcohol test when reasonable suspicion exists to indicate that the employee is under the influence of a prohibited substance.

2. The decision to conduct a drug and/or alcohol test shall be made by the reporting supervisor and the highest-ranking supervisor on duty. For purposes of this policy, acting officers are considered supervisors. The higher of the two supervisors will make timely notification of the situation to the department head or the department head's management level designee, and the Human Resources Director his/her designee. Refusal to submit to a drug and/or alcohol test authorized by this policy shall be grounds for discipline, up to and including discharge.

3. Searches

   a) The Department has the right to search, without employee consent, City-owned property to which the employee has no reasonable expectation of privacy. These areas may include office space, desks, file cabinets and the like, that several different individuals may use or access. A reasonable expectation of privacy shall exist in personal containers marked and locked inside an Officer's desk drawer.

   b) If the employee's consent to search is first obtained, the Department shall have the right to search (1) City-owned property to which the employee has a reasonable expectation of privacy, and (2) private property belonging to the employee, such as a personal equipment bag, brief case, or private vehicle. If such consent is given, the

employee shall have the right to Guild representation during the search. City-owned areas where the employee has a reasonable expectation of privacy are the employee's personal lockers.

c) If the Department requests the employee's consent to search, the Department shall first inform the employee that:

(1) The Department has reasonable suspicion to suspect that evidence exists within the area or item to be searched which could be used in disciplinary and/or legal proceedings against the employee; and

(2) The employee has the right to Guild representation during the search if consent is given; and

(3) Refusal to give consent to search will not be considered by the Department to be an admission of guilt or cause for disciplinary or retaliatory action.

d) An employee's refusal to give consent to search shall not preclude the Department from contacting the police authority having jurisdiction to conduct a search according to and in the manner authorized by law.

4. Possession, manufacture, distribution or sale of alcohol, drugs, or drug paraphernalia on City property or during work time is expressly prohibited and may provide a basis for discipline under department rules and regulations, but shall not in and of itself constitute cause for drug and/or alcohol testing under this policy. For purposes of this policy, work time includes meal and break periods or any other time when the employee is on paid status. Alcoholic beverages that are properly stored, unopened, in the trunk of an employee's vehicle will not be considered a violation of this policy. Any illegal drugs and/or drug paraphernalia coming into the City's possession will be turned over to the police authority having jurisdiction.

H. TESTING PROCEDURES

1. Drug and alcohol testing shall be conducted in a manner designed to protect employees, protect the integrity of the testing process, safeguard the validity of test results, and ensure that those results are attributed to the correct employee. The City and Guild agree that if the security of the urine or blood sample is compromised in any way, any positive test shall be invalid and may not be used for any purpose.

2. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative.

3. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not unreasonably delay the collection process.

4. Employees required to undergo a drug and/or alcohol test shall cooperate fully in the collection process and complete all required forms and documents. These forms may include a Consent/Release form and an Interview form.

5. Urine samples for drug testing shall be collected at a collection site designated by the City and Guild using the split sample collection method. The split sample is made available if re-testing becomes necessary. Any specimen that tests positive for drugs shall be retained in long-term frozen storage by the laboratory conducting the analysis for a minimum of one year.

6. If medical personnel at the collection site have reason to believe that an adulterated or substituted sample has been provided (or that the employee may alter or substitute the sample), the employee will be required to submit a second sample (or the original sample). This collection shall be under the direct observation of a same gender collection site staff person. The employee will be required to provide the additional or original sample during an observed collection prior to leaving the collection site.

7. An approved chain of custody procedure shall be followed in the administration of all drug tests. Urine samples shall be sealed and initialed by the employee and a witness.

8. Urine samples shall be promptly sent to and tested by a laboratory that is certified to perform drug tests by the Department of Health and Human Services (DHHS). Initial drug screening shall be conducted using an accepted immunoassay method. All positive tests shall be confirmed using the gas chromatography/mass spectrometry (GC/MS) drug testing method. The laboratory shall test for only the substances and within the limits as follows for the initial and confirmation tests, as provided within NIDA standards, unless this section is modified by amended agreements provided for in Section L.3.:

a) Initial Tests

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	50 ng/ml
(3) Cocaine metabolites	300 ng/ml
(4) Opiate metabolites (1)	300 ng/ml
(5) Phencyclidine	25 ng/ml
(6) Amphetamines	1000 ng/ml

(7) If immunoassay is specific for free morphine the initial test level is 25 ng/ml.

b) Confirmatory Test

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	15 ng/ml
(3) Cocaine metabolites	150 ng/ml
(4) Opiates	
(a) Morphine	300 ng/ml
(b) Codiene	300 ng/ml
(c) Phencyclidine	25 ng/ml
(d) Amphetamine	500 ng/ml
(e) Methamphetamine	500 ng/ml

9. Alcohol shall be tested by means of Breathalyzer machine currently in use (B.A.C.) or future equipment which may supersede the B.A.C. machine (but excludes the P.B.T. device). Breathalyzer alcohol tests shall be conducted in private at the collection site designated by the City and the Guild. The testing shall follow the protocols established for criminal investigations, including the requirement of two breath samples within the proper variance. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test shall be performed to confirm the results of the initial test at the election of the employee. The confirmatory test shall also use a 0.02 blood alcohol concentration level to measure a positive test. If the Employee refuses to take the second confirmatory test, the first test will be used to determine alcohol concentration.

10. Upon written request by the employee, the City shall make one legible copy of the results of his/her drug and/or alcohol tests available to the employee.

11. All information collected in the process of conducting a drug and/or alcohol test shall be treated as confidential information. These files shall be separate from the personnel file and sealed and maintained in a secure medical file.

12. Employees who refuse or fail to fully cooperate in the collection process may be subject to discipline up to and including discharge. Examples of a failure to fully cooperate include such actions as, refusing to sign the necessary consent/release forms; delaying and/or obstructing the collection process; failing to provide the specimen for testing; and attempting to substitute or adulterate a specimen. The foregoing list is not intended to be an all-inclusive list. City management shall, in all circumstances, have the final right to determine the appropriate level of discipline depending on the specific circumstances, the employee's performance record, and any other pertinent facts.

I. REPORTING OF RESULTS

1. The City shall have a designated Medical Review Officer (MRO) who must be a licensed physician with knowledge of substance abuse disorders and familiar with the characteristics of the laboratory tests (sensitivity, specificity, and predictive value). The role of the MRO will be to review and interpret the positive drug test results.

2. Alcohol Test Results. Laboratory or collection site personnel will report the test results to the City's Human Resources Manager, or his/her designee. The Human Resources Director will promptly advise the appropriate Department Head of these test results. If the confirmation test meets or exceeds 0.02 g/210 ml expired air, the laboratory or collection site personnel shall report to the Human Resources that the employee tested positive for alcohol. If the test result is below 0.02 g/210 ml expired air, the laboratory or collection site personnel will report to the Human Resources Director that the employee tested negative for alcohol.

3. Drug Test Results. Laboratory personnel will advise the Human Resources Director, or his/her designee directly of all negative drug test results. The Human Resources Director will promptly advise the appropriate Department Head of these test results.

   The laboratory will advise only the MRO of any positive drug test results. The MRO must examine alternate medical explanations for any positive test results. This process shall include an interview with the affected employee and a review of the incident file, employee's medical history and any other relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Employees involved in this step of the examination shall make themselves and any relevant records they wish to present available to the MRO within 48 hours after request.

   After reviewing the incident file and interviewing the employee, the MRO shall report to the City's Human Resources Director or his/her designee the name of the employee, and whether a positive test of a prohibited substance has been verified. The Human Resources Director shall promptly notify the appropriate Department Head of the test result.

4. Rehabilitation Program. If the tested employee is referred on to rehabilitation or treatment, the MRO is authorized to communicate specific results to the Substance Abuse Professional (SAP) or counselor overseeing the employee's treatment program.

5. Grievance. The laboratory and/or the MRO will be authorized to release specific test results to the City and the Guild in cases of a grievance and/or a legal challenge.

J. REHABILITATION AND RETURN TO DUTY

1. The City recognizes that substance abuse can be successfully treated, enabling an employee to return to satisfactory job performance. Employees who are concerned about their own drug use and/or alcohol abuse are encouraged to voluntarily seek assistance through the City's EAP. All such voluntary requests for assistance will remain confidential.

2. Any employee who tests positive for a prohibited substance or is otherwise required to submit to a drug and/or alcohol test by this policy shall be medically evaluated, counseled, and treated for rehabilitation as recommended by the SAP. If the employee is required to participate in such a program, his/her reinstatement or continued employment shall be contingent upon:

   a) Successful completion of the program and remaining drug- and/or alcohol-free for its duration; and
   b) Passing a return to duty drug and/or alcohol test as recommended by the SAP; and
   c) Obtaining a final release for duty by the SAP (the final release for duty may be preceded by a temporary release for duty).

3. Employees who successfully complete a rehabilitation program and are released for duty, in addition to being subject to reasonable suspicion testing at any time, will be subject to follow up testing, which involves unannounced drug and/or alcohol testing at least 6 times during the following 24 months. The SAP will determine the dates for these drug and/or alcohol tests. These test dates will be communicated to the Human Resources Director who will inform the employee of those dates. The appointment for the collection will be made in advance and maintained in a confidential manner by the Human Resources Director until the day of the collection. The Human Resources Director shall provide the supervisor with adequate notice of the test dates. The employee will not be notified until just prior to the testing. The employee may request a Guild representative to accompany him/her to the collection site, provided the sample is collected within two (2) hours following notification.

4. Upon notification of selection for the follow up tests, the employee must proceed directly to the collection site for testing. At this time, the employee will receive an Employee Notification of Scheduled Drug/Alcohol Test letter from the designated contact. The employee will be required to sign this letter and a Consent/Release form. The employee

must present photo identification to collection site personnel. The Human Resources Director or his/her designee will retain a copy of all the forms.

5. Refusing to submit to a return to duty or a follow up test will be considered grounds for discharge. If the selected employee fails to report to the collection site within 2 hours of notification of testing, this will also be considered grounds for disciplinary action up to and including discharge.

6. If an employee voluntarily enters a drug/alcohol rehabilitation program, it shall not be considered an offense under this policy. Such employees are, however, still subject to this policy and may be required to undergo a drug and/or alcohol test if reasonable suspicion exists.

7. All appointments with the SAP may be scheduled as vacation, or leave without pay with prior approval of the supervisor, Department Head, or management designee. The SAP will contact the Department Head or his/her designee to make a recommendation as to the need for further treatment. Once vacation leave is exhausted, the employee will be placed on leave without pay. The Department Head or his/her management level designee shall maintain confidentiality regarding the reason for the leave.

8. The employee will be responsible for all costs, not covered by insurance, which arise from such treatment.

9. Once an employee has tested positive for substance abuse and the MRO has notified the City, the employee will be placed on leave status (vacation, holiday leave bank, compensatory time or leave without pay). The employee will remain on leave until s/he has a release for duty from the SAP <u>and</u> has passed a return to duty drug and/or alcohol test as recommended by the SAP. The release for duty may be a temporary or final release as described below depending on the circumstances.

10. <u>Temporary Release for Duty</u>. The SAP shall sign a temporary release for duty indicating that the employee can satisfactorily return to regular work assignment and continue treatment on an outpatient basis. The temporary release for duty shall indicate the length of time such release is valid not to exceed 4 months. The employee must present a final release for duty on or before the expiration date of the temporary release. A temporary release shall include follow up testing. The employee must present both the temporary and final release for duty to his/her supervisor.

11. <u>Final Release for Duty</u>. A final release for duty shall be signed by the SAP indicating that the employee has:
    a) Satisfactorily completed treatment and follow up testing; or

b) Does not require treatment at this time, and the employee may return to regular work assignment without restrictions. Failure to provide a final release for duty to the supervisor may result in disciplinary action up to and including discharge.

12. Once an employee provides the supervisor with the final release for duty the employee shall be returned to his/her regular duty assignment. After three years of no further violation of this policy, the employee's personnel file shall be purged of any reference to the incident, including any disciplinary actions taken, provided, however, records may be retained beyond 3 years when retention is required by applicable law. Should applicable law require retention of records past 3 years, and if allowed by such law, such records shall be sealed and may not be opened without consent of the employee.

13. If an employee tests positive during the 24-month period following rehabilitation on a reasonable suspicion drug or alcohol test, the employee will be subject to discipline, up to and including discharge.

14. If an employee tests positive during the 24-month period following rehabilitation on a random drug or alcohol test, the employee will be placed on leave without pay during the period the SAP makes a decision on the need for further treatment. The employee will remain on leave without pay during any treatment period and until they have provided the employer with a return to duty form signed by the SAP. If such an employee completes the return to duty process and again tests positive on either a reasonable suspicion or random drug or alcohol test, they shall be subject to discharge.

K. RANGE OF CONSEQUENCES

1. Employees who violate this policy will be subject to a range of disciplinary consequences depending upon the severity of the infraction and/or the employee's past performance record. In all cases, the City reserves the right to determine the appropriate disciplinary measures, which may be more or less severe than those included in this guideline. The following list of actions and the related consequences is intended as a guideline only, and further, is not intended to be an all-inclusive list of possible disciplinary consequences.

2. If an employee has an alcohol concentration of 0.02 or greater in any authorized alcohol test, and/or tests positive for drugs and/or their metabolites in any authorized drug test and it is the employee's *first offense*, then s/he shall be referred to the EAP for counseling and/or completion of a substance abuse treatment or rehabilitation program. However, if an employee violates a work rule in conjunction with failing a drug and/or alcohol test, then s/he may be subject to disciplinary action.

The City shall have the right to take disciplinary action, up to and including discharge, based on the severity of the incident and/or the employee's past record.

3. Employees will be subject to disciplinary action, up to and including discharge, for any of the following infractions:
   a) Refusal to submit to an authorized drug and/or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after s/he has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, refusal or failure to provide necessary documentation to the MRO when requested, and/or submission or attempted submission of an adulterated or substituted urine sample.

   b) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

   c) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any controlled substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

   d) Any criminal drug statute conviction and/or failure to notify the City of such conviction within 5 days.

   e) Failure to complete a counseling, treatment, or rehabilitation program as prescribed by the SAP.

   f) Testing positive on a return to duty.

   g) Any two failures on follow up drug and/or alcohol testing during the 24 month following rehabilitation.

   h) Failure to report to a collection site within two (2) hours of notification for return to duty or follow up testing.

   i) Second offense – alcohol concentration of 0.02 or greater in any reasonable suspicion authorized alcohol test, and/or testing positive for drugs and/or their metabolites in any authorized reasonable suspicion drug test.

j) Employee's failure to participate in the temporary and/or final releases for duty testing in a timely manner.

4. Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and to impose lesser discipline when such action is deemed appropriate.

L. OTHER

1. The City shall pay for initial costs of the substance abuse examination including the expenses of the Medical Review Officer.

2. This policy was initiated at the request of the City and the Employer shall assume sole responsibility for the administration of this policy. The City agrees to indemnify and hold the Guild and its officers harmless from any and all claims of any nature (except those arising from the negligence of the Guild and/or its officers) arising from the Employer's, laboratories', or Medical Review Officer's implementation of this policy.

3. The parties recognize that during the life of this agreement there may be improvements in the technology of testing procedures which provide more accurate testing for on-the-job impairment or which constitute less invasive procedures for the employees. In that event, the parties will bargain in good faith whether to amend this procedure to include such improvements. If the parties are unable to agree, the issue will be submitted to impasse procedures under RCW 41.56.

4. If any provision of this Agreement shall be held invalid by operation of law, or any Tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such Tribunal pending final determination as to its validity, the remainder of this Agreement shall not be held to be invalid, and will remain in full force and effect, and the parties, upon request of one to the other shall initiate immediate negotiations for the purpose of arriving at a mutually satisfactory replacement of such provision.

5. The following attachments shall be a part of this Policy: Supervisor's Guidelines, Report Form, Interview Form, Consent/Release Form.

M. SUPPORTIVE DOCUMENTS:

POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT SUPERVISOR'S GUIDELINES

The primary goal of the Substance Abuse Policy is to provide a working and service delivery environment free from the effects of alcohol/drug abuse. The supervisor's role is to identify employees who may be a threat to the safety and welfare of the employee, other employees, and the public by being under the influence of drugs and/or alcohol while on-duty. Such employees *must* be removed from the workplace.

Follow the steps below to ensure that you are proceeding correctly. It is important that proper procedures are followed to preserve the privacy of the individual and to comply with legal and contractual requirements.

1. Contact your appropriate command staff and explain the situation.

2. Your supervisor will:
   a) Advise you of what appropriate action to take regarding your status as the shift supervisor.
   b) Notify the Chief of Police and the Human Resources Director (or their designees) in a timely manner, then join you at your location to assist you and corroborate your observations during the interview.

3. Prepare yourself for an interview with the employee by completing the Report Form. Refer to Attachment 1 for descriptions of physical and behavioral signs which may indicate substance abuse.

4. After your supervisor has arrived, advise the employee you wish to interview him/her and provide a private location to conduct the interview.
   a) Be sure to advise the employee that you suspect him/her of being under the influence of a prohibited substance (defined in the policy) and that s/he may have a Guild representative present during the interview.
   b) Do not argue with a belligerent or threatening employee. Advise him/her that his/her cooperation during the interview and testing procedure (if warranted) are direct orders and that continued disruptive behavior, preventing completion of the interview, shall be the same as refusal to submit to testing and shall be cause for discipline (cooperation *does not* mean that any employee must give facts or evidence which may incriminate himself/herself).
   c) Complete the <u>Interview Form</u> with your supervisor.

5. Review the relevant information with your supervisor. If your supervisor decides that the test is required, relieve the employee of duty, with pay, during the course of the exam and MRO review.

6. Have the employee sign a Consent/Release Form.
   a) Read the form to the employee and direct him/her to sign it. Do not alter the form in any way.
   b) Be sure, if the employee has declined Guild representation, that s/he understands that s/he may choose to have a Guild representative accompany him/her to the testing facility.
   c) If the employee refuses to sign the form, advise him/her that this is a direct order and that failure to comply shall be cause for discipline.
   d) Issue a second order for the employee to sign the consent form. If s/he still refuses, relieve the employee of duty, with pay, explain that disciplinary action may follow. You or your supervisor will transport the employee home. (No employee suspected of impairment from alcohol/drug abuse shall be allowed to drive.)

7. Your supervisor shall transport the employee to the testing facility, and wait at the testing facility until the testing is completed.

8. When the exam is completed, your supervisor will:
   a) Reconfirm with the employee that s/he has been relieved of duty, with pay, and
   b) Advise the employee that s/he will be contacted by the MRO to review the results (if positive), and
   c) Advise the employee that s/he will be contacted by the department advising him/her how to return to duty, and
   d) Drive or arrange transportation for the employee home. Do not return the employee to a City facility.

9. Once the employee has been sent home, your supervisor will:
   a) Gather copies or originals of the Report Form, Interview Form, Consent/Release Form, and any other written notes or reports and forward them to the Police Chief and Human Resources Manager.

City of Kirkland police Department
Substance abuse Policy
CONSENT/RELEASE FORM

I consent to the collection of urine, a blood and/or expired air sample by _____ and its analysis by _____ for those drugs, alcohol, and or controlled substances specified in the Collective Bargaining Agreement pursuant to the Substance Abuse Policy agreed to between the City of Kirkland and the Kirkland Police Guild.

The laboratory administering the tests may release the results to the Medical Review Officer (MRO), who shall release his/her conclusions to the employer after review and interpretation. If I test positive, I agree to make any requested records and myself available to the MRO within 48 hours of such request. The information provided to the employer from the MRO shall be limited to whether the tests were confirmed positive or negative, and no other test results will be released, except as provided herein, without my written consent. The laboratory will advise the employer's representative whether the initial alcohol screen is positive or negative.

I understand that I have the right to my complete test results and that the laboratory will preserve the sample for at least one year. If I test positive, I have the right to have the split sample tested at my expense at a second DHHS-certified laboratory of my choice. I understand that I must request such test of the split sample within 72 hours of notification of a positive test result by the MRO.

I understand that the Employer is requiring me to submit to this testing as a condition of my employment and that if I tamper with, alter, substitute, or otherwise obstruct or fail to cooperate with the testing process, I will be subject to disciplinary action up to and including termination.

I further understand that a confirmed positive test will result in actions taken by the employer and for the employee which are consistent with the City's policies and procedures for substance abuse testing and treatment.

I understand that the employer will administer the Policy consistent with federal and state constitutional and statutory requirements. Also, by signing this consent form, I am not waiving the right to challenge any confirmed positive test result and any Employer action based thereon. In order to pursue any challenge related to this test, I will, however, be required to authorize the laboratory and MRO to release to my Employer and the Guild any information relating to the test or test results. Further, I understand that my employer may require that I participate in a treatment or rehabilitation program. If required to do so, I authorize the laboratory and MRO to release any information relating to the test or test results to the Substance Abuse Professional (SAP) or treatment counselor. My signature below indicates my consent for release of this information.

Employee Signature_____Date_____

City of Kirkland police Department
Substance abuse Policy
REPORT FORM

This form must be filled out prior to any drug/alcohol testing. Review Supervisor's Guidelines before completing this form. The information contained on this form is confidential and shall be viewed only by necessary supervisory/managerial employees, the testing facility, MRO, and the employee being interviewed/tested. When this form is completed and signed, make one copy of the form and distribute as follows: Original to Police Chief, Copy attached to consent form.

Employee Name:_____

Speech: _____

Dexterity: _____

Standing:_____

Walking: _____

Judgment: _____

Decision-making: _____

Appearance (eyes, clothing, etc.):_____

Odor: _____

Other: _____

Location where these were observed:_____

Time of observation:_____

Witnesses:_____

Supervisor's Signature_____ Date / Time: _____

City of Kirkland police Department
Substance abuse Policy
INTERVIEW FORM

Name of Employee _____

I understand that I am entitled to Guild representation during this meeting and during any subsequent meetings or at testing facilities. I understand that I am being ordered to answer these questions and that if I refuse to answer these questions I am subject to discipline up to and including termination. I do or do not (please circle one) want a representative at this time. I understand that I am entitled to Guild representation at any time whether I choose to have one now or not.

Employee signature: _____

1. I (we) have noticed (describe behavior/evidence)_____
   _____
   _____
2. Do you have any explanation?_____
   _____
   _____
   _____
3. Are you using any type of illicit drug or alcohol?_____
   If yes, what?_____
   When did you take it? _____
   Where did you take it?_____
   How much did you take?_____
   Do you have any drugs/alcohol in your possession at work? ____
   (if yes, get agreement to confiscate)

Based on the interview and the completed Report Form, I believe the employee should be tested for drugs and/or alcohol.

Dated _____
Supervisor (position)_____ Agree ___ Don't Agree
Witness* (position)_____ Agree ___ Don't Agree

*Witness is an individual other than the designated Guild representative

City of Kirkland police Department
Substance abuse Policy
Exhibit 1

Listed below are some behavioral descriptions which may guide the supervisor in determining whether an employee is "under the influence" of a prohibited substance. There is no one behavior which is unique to drugs/alcohol. Almost every behavior/sign can also be associated with medical or emotional problems such as high blood pressure, diabetes, thyroid disease, psychiatric disorders, epilepsy, head injury, emotional problems, stress, etc. Even so, a supervisor usually knows the employees "normal" behavior and must try and distinguish alcohol and/or drug abuse from other problems.

Supervisors should be aware that the following physical, behavioral, or performance symptoms may indicate drug/alcohol abuse:

a) Either very dilated or constricted pupils

b) Hyperactivity

c) Unsteady gait

d) Irritability

e) Slurred speech

f) Anxiousness

g) Wide mood swings

h) Odor of alcohol

i) Overreaction to criticism

j) Staggering

k) Listlessness

l) Illogical speech and thought process

m) Unusual/abnormal behavior

n) Poor judgment

o) Avoiding others/withdrawal

p) Sudden increase in absenteeism

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: May 10, 2007

Subject: Resolution for Approval of Settlement of Claims Against Yakima County

RECOMMENDATION:

Council pass the attached Resolution.

POLICY IMPLICATION:

Kirkland will be able to continue to house its misdemeanor inmates at the Yakima County Jail with commitments from Yakima County to address earlier concerns about the opening of the new jail facility and other operational issues.

BACKGROUND DISCUSSION:

Kirkland is one of 35 King County cities which entered an Interlocal Agreement with Yakima County for jail services in 2002. In September 2006, Kirkland joined 11 other cities in filing a claim for damages against Yakima County. The basic elements were that Yakima County had failed to open a new jail facility as it was required to do under the Interlocal Agreement and other operational concerns. The other cities participating in the claim were: Auburn; Bellevue; Des Moines; Federal Way; Lake Forest Park; Mercer Island; Redmond; Seattle; Shoreline; Snoqualmie; and Tukwila.

The claimant cities and Yakima County have met since January 2007, in an attempt to resolve their dispute. The outcome of those discussions is embodied in the Agreement to Settle and Release Claims and Withdraw Terminations Related to Agreement to House Inmates. The elements of the proposed settlement are as follows:

- Yakima County will do everything reasonably within its control to open the third and fourth pods of the new jail by December 31, 2007. (Yakima County opened two of the four pods of the new jail on February 27, 2007.)

- Circumstances beyond Yakima County's control include the availability of good candidates to be hired as corrections officers and support staff as well as retirement, resignations, and/or termination of existing corrections officers and staff.

- If all four pods of the new jail are not open by December 31, 2007, Yakima County remains obligated to open them as soon as possible after December 31, 2007.

- The minimum bed commitment of the cities remaining as parties to the Interlocal Agreement shall be reduced by the average daily population attributable to any city that terminates the Agreement.

- Yakima County will not look to the remaining cities to pay any amounts, under the Interlocal Agreement, that are the responsibility of cities that decide to terminate the Agreement.

- The cities release Yakima County from known claims arising from the failure to timely open the new jail.

- Yakima County releases from claims resulting from the cities filing the claim for damages.

- Yakima County further agrees to provide additional operational reporting and to maintain an inmate classification system which it will assist the cities in understanding.

Please let me know if you have any questions.

RESOLUTION R-4646

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SETTLEMENT OF CLAIMS AGAINST YAKIMA COUNTY ARISING FROM THE YAKIMA JAIL AGREEMENT AND AUTHORIZING THE CITY MANAGER TO SETTLE AND RELEASE CLAIMS.

WHEREAS, the City of Kirkland entered an interlocal agreement along with 34 other King County cities for the Yakima County Department of Corrections to house the cities' misdemeanor inmates; and

WHEREAS, the interlocal agreement called for the construction, completion, and operation of a new jail facility; and

WHEREAS, a dispute arose between a number of the cities and Yakima County regarding the opening of the new jail facility and other operational concerns; and

WHEREAS, on September 27, 2006, the cities of Auburn, Bellevue, Des Moines, Federal Way, Kirkland, Lake Forest Park, Mercer Island, Redmond, Seattle, Shoreline, Snoqualmie, and Tukwila filed a claim under chapter 4.96 RCW against Yakima County related to the dispute; and

WHEREAS, Kirkland, other participating cities, and Yakima County wish to resolve their differences and continue to be parties to the interlocal agreement with the commitments contained in an Agreement to Settle and Release Claims and Withdraw Terminations Related to Agreement to House Inmates;

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

Section 1. The City Council hereby approves and the City Manager is hereby authorized to sign on behalf of the City of Kirkland the Agreement to Settle and Release Claims and Withdraw Terminations Related to Agreement to House Inmates as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

AGREEMENT TO SETTLE AND RELEASE CLAIMS AND WITHDRAW TERMINATIONS RELATED TO AGREEMENT TO HOUSE INMATES

This Agreement to Settle and Release Claims and Withdraw Terminations Related to Agreement to House Inmates ("Settlement Agreement") is between Yakima County and the Cities that execute this Settlement Agreement ("Settling Cities").

RECITALS

A. WHEREAS, Yakima County and 35 King County cities (the "Cities") have entered into an Interlocal Agreement and addenda and amendments thereto (collectively, the "Agreement"), for the Yakima County Department of Corrections (YCDOC) to house the Cities' misdemeanor inmates; and

B. WHEREAS, the Cities have formed a Jail Advisory Group (JAG) and a Jail Operations Group (JOG) to facilitate the Cities' administration of the Agreement; and

C. WHEREAS, the Cities of Seattle and Renton (Terminating Cities) are also parties to the Agreement, the JAG and the JOG; and

D. WHEREAS, the Agreement calls for the construction, completion and operation of a New Jail Facility; and

E. WHEREAS, a dispute arose between Settling Cities and Terminating Cities and Yakima County regarding the opening of the New Jail Facility and other operational concerns raised in a 2005 report by consultant William C. Collins (Consultant) to the Cities; and

F. WHEREAS, on September 27, 2006, the Cities of Auburn, Bellevue, Des Moines, Federal Way, Kirkland, Lake Forest Park, Mercer Island, Redmond, Seattle, Shoreline, Snoqualmie, Tukwila, ("Claimants") filed a claim under chapter 4.96 RCW ("Claim") against Yakima County related to the dispute; and

G. WHEREAS, Renton on August 22, 2006, and, Seattle on December 8, 2006, gave Yakima County notice of their intent to terminate their Interlocal Agreements with Yakima County, and these two cities represent 182 of the 440 bed commitment under the Agreement; and

H. WHEREAS, the Cities of Auburn, Des Moines, and Snoqualmie ("Settling Terminating Cities") also gave Yakima County notice of their intent to terminate their Interlocal Agreements with Yakima County, and

I. WHEREAS, in January 2007, subsequent to the various cities' claims and notices of intent to terminate the Agreement, Consultant William Collins issued a report that documents significant improvements in inmate safety and medical care made by YCDOC during 2005 and 2006, and that YCDOC is committed to continued improvement in jail operations, including direct and modified direct inmate supervision; and

J. WHEREAS, Yakima County irrevocably intends to open and operate the New Jail Facility for the term of the Agreement; and

K. WHEREAS, Yakima County opened 2 of the 4 pods of the New Jail Facility, also known as the Justice Center, on February 27, 2007, and is doing all things necessary and appropriate to fully open and operate the Justice Center by December 31, 2007, and

L. WHEREAS, the Settling Cities recognize that full opening and safe operation of the New Jail Facility involve unpredictable factors that are beyond Yakima County's control including availability of good candidates to be hired to serve as corrections officers and support staff as well as retirement, resignation, and/or termination of existing corrections officers and staff; and

M. WHEREAS, under the Section 4 of the Agreement, the Minimum Bed Commitment of the Settling Cities is reduced by the ADP attributable to any city that terminates the Agreement; and

N. WHEREAS, Yakima does not seek to require Settling Cities to pay any amounts that, under the Agreement, are the responsibility of any terminating city, and

O. WHEREAS, Yakima County and the Settling Cities wish to resolve their differences and continue to be parties to the Agreement with the following commitments; and

P. WHEREAS, this Settlement Agreement is intended to clarify but not to change terms of the Agreement,

NOW, THEREFORE, in consideration of the mutual benefits to be derived, Yakima and the Settling Cities agree as follows:

AGREEMENT

1. Opening and Operation of New Jail Facility.

A. Yakima County irrevocably intends to open and operate the New Jail Facility for the term of the Agreement. Therefore, Yakima County shall do everything reasonably within its control to open the 3rd and 4th pods of the New Jail Facility on or before December 31, 2007, and to fully operate the New Jail Facility for the term of the Agreement.

B. Circumstances reasonably beyond the control of Yakima County that prevent safe opening and/or operation of the New Jail Facility shall excuse Yakima County from opening all 4 pods of the New Jail Facility on or before December 31, 2007, and/or from subsequently operating the New Jail Facility for the term of the Agreement. Such circumstances include, without limitation, availability of good candidates to be hired as corrections officers and support staff as well as retirement, resignation, and/or termination of existing corrections officers and staff. Provided however, "circumstances" shall not include decisions, acts or omissions arising or resulting in whole or in part from budgetary or financial considerations or circumstances, or termination by any King County city of its Inmate Housing Agreement with Yakima County.

C. If, due to circumstances reasonably beyond the control of Yakima County, all 4 pods of the New Jail Facility are not open and operating by December 31, 2007, and/or for the term of the Agreement, Yakima County shall remain obligated to continue to do all things necessary and appropriate to fully open and operate the New Jail Facility as soon as possible after December 31, 2007, and to fully operate the New Jail Facility for the term of the Agreement.

2. Financial Responsibility of Settling Cities.

A. The Minimum Bed Commitment of the Settling Cities and Settling Terminating Cities shall, pursuant to Section 4 of the Agreement, be reduced by the ADP attributable to any city that terminates the Agreement.

B. At no time shall Settling Cities be responsible to pay for another city's alleged or actual minimum bed commitment.

3. Release of Settling Cities' Claims and Withdrawal of Notice of Termination.

A. Settling Cities release and forever discharge Yakima, its elected officials, officers, employees and agents from the Claims they filed against Yakima County on September 27, 2006, and from any known claims, damages, and/or causes of action for failing to open the New Jail Facility.

B. Notwithstanding anything to the contrary, this release does not extend to:

1. Settling Cities' rights under Paragraph 16(b) of the Agreement, as amended, except as specifically released herein.
2. Claims by Settling Cities arising out of or resulting from Yakima's promises and/or obligations contained in this Settlement Agreement which are to be fulfilled in the future.

C. The notices of termination of each of the Settling Terminating Cities are withdrawn with prejudice with respect to events prior to the date of the execution of this Settlement Agreement that are known to said Cities, except in the event Yakima County breaches Section 1 of this Settlement Agreement, such notices shall have the same effect they had on the day before the date of the execution of this Settlement Agreement.

4. Release of Yakima County Claims.

Yakima County releases and forever discharges the Settling Cities, their elected officials, officers, employees and agents from any claims, damages and/or causes of action, including but not limited to defamation, slander, false light, negligent or intentional interference with business expectations, attorney's fees and cost, arising out of or resulting from Cities' September 27, 2006, Claim against Yakima County.

5. Operational Reporting:

As further consideration for the promises and commitments made by the Settling Cities herein, Yakima County shall report the following information to the JAG:

A. Total daily population per jail facility, on a weekly basis (i.e. custody report);

B. Number of city inmates housed in special housing, by category of special housing, on a weekly basis;

C. Inmate assaults broken down by jail facility and floor area, on a monthly basis (i.e. report titled Assaults by Month, Location);

D. Next business day reporting to affected city of Transport Referral Form with supporting documentation; and

E. Inmate grievances, providing number of grievances by category, for total population, on a monthly basis.

The JAG shall be responsible for forwarding all information provided under this section to the Cities. The frequency and nature of the requested reports may be changed by mutual agreement.

6. Inmate Housing Classification.

A. Yakima County will maintain an inmate housing classification system, and will assist the JAG to understand classification issues that affect Cities' inmates' housing assignments.

B. Yakima County will, consistent with Yakima County's operational necessity, provide Settling Cities reasonable advance notice of changes to the classification system to permit comment.

7. JAG Meetings.

The YCDOC Director, or his/her designee, shall attend JAG meetings and report on any issues as requested.

8. Agreements with Other Cities

If Yakima County enters into an agreement with, or otherwise permits, a non-settling city that is a current party to the Agreement to house its inmates at Yakima County on terms more favorable than those contained in the Agreement or in this Settlement Agreement, such more favorable terms shall apply to all Settling Cities. For purposes of this section, "terms more favorable " shall include any term or condition applicable to housing inmates, such as minimum bed commitment, bed rates or other financial obligations, termination, or commitments or conditions for opening and operating the New Jail Facility, that, compared to the Agreement or this Settlement Agreement, provides some benefit or reduces some burden to the non-settling city.

9. Effect on Interlocal Agreement.

This Settlement Agreement is not intended to reduce the rights or obligations of Settling Cities and Yakima County contained in the Agreement except as it relates to the impacts of Terminating Cities as described above. The provisions of this Settlement

Agreement related to operational protocols are clarifications of the rights and obligations under the Agreement.

10. Advice of Counsel.

The Settling Cities and Yakima County warrant that they are each represented by counsel or have the opportunity for said representation and that counsel, if any, have fully explained the provisions of this Settlement Agreement and that all parties have had an opportunity to participate in its drafting.

11. Non-admission.

This Settlement is solely for the purpose of settling disputed claims and shall not be construed as an admission by Yakima or Settling Cities as an admission of any liability or wrongdoing.

12. Headings

The Section headings in this Settlement Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Sections they introduce.

13. Severability.

If any of the provisions of this Settlement Agreement are held to be invalid or unenforceable, the remaining provisions shall nevertheless continue to be valid and enforceable.

14. Binding Effect on Signatories

This Settlement Agreement shall be binding on Yakima County only after nine of the following cities: Auburn, Bellevue, Des Moines, Federal Way, Kirkland, Lake Forest Park, Mercer Island, Redmond, Shoreline, Snoqualmie, Tukwila, have executed this Settlement Agreement, and its effective date shall be the date the ninth of these cities executes this Settlement Agreement. Yakima County shall not delay executing the Settlement Agreement pending Settling Cities obtaining authorization from their legislative bodies to execute this Agreement.

15. Attorney's Fees and Costs.

Any attorney's fees and/or costs incurred by Settling Cities and/or Yakima related to the disputes resolved by this Settlement Agreement shall be borne by the respective party who incurred said fees or costs.

16. Breach of Settlement Agreement.

The prevailing party in any litigation brought to enforce this Settlement Agreement is entitled to reimbursement for its reasonable attorney's fees and all reasonable costs and expenses incurred in addition to any damages and equitable relief.

17. Governing Law

This Settlement Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

18. Counterpart Copies

This Settlement Agreement may be signed in counterpart or duplicate copies, and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

YAKIMA COUNTY

Date:

Attest:

Michael D. Leita, Chairman

Christina S. Steiner,
Clerk of the Board

Ronald F. Gamache, Commissioner

J. Rand Elliott, Commissioner
CONSTITUTING
THE BOARD OF COUNTY COMMISSIONERS
FOR YAKIMA COUNTY, WASHINGTON

Approved as to form:

Deputy Prosecuting Attorney

City of Auburn

Date:

Approved as to form:

By:

City Attorney

City of Bellevue

Date:

Approved as to form:

By:

City Attorney

City of Des Moines

Date: Approved as to form:

By:_____ _____

City Attorney

City of Federal Way

Date: Approved as to form:

By:_____ _____

City Attorney

City of Kirkland

Date: Approved as to form:

By:_____ _____

City Attorney

City of Lake Forest Park

Date: Approved as to form:

By:_____ _____

City Attorney

City of Mercer Island

Date: Approved as to form:

By:_____ _____

City Attorney

City of Redmond

Date: Approved as to form:

By:_____ _____

City Attorney

City of Shoreline

Date: Approved as to form:

By:_____ _____

City Attorney

City of Snoqualmie

Date: Approved as to form:

By:_____ _____

City Attorney

City of Tukwila

Date: Approved as to form:

By:_____ _____

City Attorney

City of Algona

Date: Approved as to form:

By:_____ _____

City Attorney

Town of Beaux Arts Village

Date: Approved as to form:

By:_____ _____

City Attorney

City of Black Diamond

Date: Approved as to form:

By:_____ _____

City Attorney

City of Bothell

Date: Approved as to form:

By:_____ _____

City Attorney

City of Burien

Date: Approved as to form:

By:_____ _____

City Attorney

City of Carnation

Date: Approved as to form:

By:_____ _____

City Attorney

City of Clyde Hill

Date: Approved as to form:

By:_____ _____

City Attorney

City of Covington

Date: Approved as to form:

By:_____ _____

City Attorney

City of Duvall

Date: Approved as to form:

By:_____ _____

City Attorney

City of Issaquah

Date: Approved as to form:

By:_____ _____

City Attorney

City of Kenmore

Date: Approved as to form:

By:_____ _____

City Attorney

City of Maple Valley

Date: Approved as to form:

By:_____ _____

City Attorney

City of Medina

Date: Approved as to form:

By:_____ _____

City Attorney

City of Newcastle

Date: Approved as to form:

By:_____ _____

City Attorney

City of Normandy Park

Date: Approved as to form:

By:_____ _____

City Attorney

City of North Bend

Date: Approved as to form:

By:_____ _____

City Attorney

City of Pacific

Date: Approved as to form:

By:_____ _____

City Attorney

City of Renton

Date: Approved as to form:

By:_____ _____

City Attorney

City of Sammamish

Date: Approved as to form:

By:_____ _____

City Attorney

City of SeaTac

Date: Approved as to form:

By:_____ _____

City Attorney

City of Seattle

Date: Approved as to form

By:_____ _____

City Attorney

City of Skykomish

Date: Approved as to form:

By:_____ _____

City Attorney

City of Woodinville

Date: Approved as to form:

By:_____ _____

City Attorney

Town of Yarrow Point

Date: Approved as to form:

By:_____ _____

City Attorney

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director

Date: May 18, 2007

Subject: Ratification of Countywide Planning Policies

RECOMMENDATION

Adopt the proposed resolution ratifying amendments to the King County Countywide Planning Policies.

BACKGROUND DISCUSSION

On April 9, 2007, the King County Council adopted Ordinance 15709 approving amendments to the King County Countywide Planning Policies (CPPs). The amendments were recommended for approval by the Growth Management Planning Council (GMPC) during the prior year.

Pursuant to the amendment procedures established in the CCPs, the amendments will become effective when ratified by ordinance or resolution, within 90 days of adoption, by 30 percent of city and county governments representing 70 percent of the county population. The deadline for ratification is July 8, 2007.

The amendments:

- Amend the boundary of the potential annexation area for Renton, adding to the PAA the West Hill area (see GMPC motion 06-1, attached);
- Amend policy LU25b to address municipal incorporations in addition to annexations in the redistribution of growth targets from unincorporated King County to applicable cities (see GMPC motion 06-2, attached);
- Add Overlake to the list of King County Urban Centers (see GMPC Motion 06-03 attached).

Attachments:

- Letter and supporting materials from King County

King County

April 27, 2007

The Honorable James Lauinger
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Dear Mayor Lauinger:

We are pleased to forward for your consideration and ratification the enclosed amendments to the King County Countywide Planning Policies (CPP).

On April 9, 2007, the Metropolitan King County Council approved and ratified amendments on behalf of unincorporated King County. Copies of the King County Council staff report, ordinance and Growth Management Planning Council motions are enclosed to assist you in your review of these amendments.

- Ordinance No. 15709, GMPC Motion Nos. 06-1, 06-2 and 06-3 amending the Countywide Planning Policies by amending the interim Potential Annexation Area map in the Countywide Planning Policies; revising existing policy LU-25b to allow adjustment of household and employment targets if a new municipal incorporation occurs within a designated Potential Annexation Area; and designating the Overlake area of Redmond as an Urban Center, Overlake is added to the list of Urban Centers following Countywide Planning Policy LU-39.

In accordance with the Countywide Planning Policies, FW-1, Step 9, amendments become effective when ratified by ordinance or resolution by at least 30 percent of the city and county governments representing 70 percent of the population of King County according to the interlocal agreement. A city will be deemed to have ratified the amendments to the Countywide Planning Policies unless, within 90 days of adoption by King County, the city takes legislative action to disapprove the amendments. **Please note that the 90-day deadline for this amendment is July 8, 2007.**

RECYCLED PAPER

If you adopt any legislation relative to this action, please send a copy of the legislation by the close of business, July 9, 2007, to Anne Noris, Clerk of the Council, W1039 King County Courthouse, 516 Third Avenue, Seattle, WA 98104.

If you have any questions about the amendments or ratification process, please contact Paul Reitenbach, Senior Policy Analyst, King County Department of Development and Environmental Services, at 206-296-6705, or Rick Bautista, Council Staff, King County Council, at 206-296-0329.

Thank you for your prompt attention to this matter.

Sincerely,

Larry Gossett, Chair
Metropolitan King County Council

Ron Sims
King County Executive

Enclosures

cc: King County City Planning Directors
Suburban Cities Association
Stephanie Warden, Director, Department of Development and Environmental Services (DDES)
Paul Reitenbach, Senior Policy Analyst, DDES
Rick Bautista, Council Staff, Growth Management & Natural Resources Committee (GM&NR)

15709 2006-578

9/20/06 Attachment C

Sponsored By: Executive Committee

/pr

MOTION NO. 06-03

A MOTION to amend the Countywide Planning Policies by designating the Overlake area of Redmond as an Urban Center. Overlake is added to the list of Urban Centers following Countywide Planning Policy LU-39.

WHEREAS, a goal of the Growth Management Act is to encourage development in Urban Areas where adequate public facilities exist or can be provided in an efficient manner;

WHEREAS, Policy LU-39 of the Countywide Planning Policies of King County describes the criteria for Urban Center designation;

WHEREAS, Policy LU-40 of the Countywide Planning Policies of King County describes standards for planned land uses within Urban Centers;

WHEREAS, the City of Redmond has demonstrated that Overlake meets the criteria for designation as an Urban Center; and

WHEREAS, King County Comprehensive Plan Policy U-108 supports the development of Urban Centers to meet the region's needs for housing, jobs, services, culture and recreation and to promote health.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

1. The Overlake area of Redmond is designated as an Urban Center. The list of Urban Centers following Countywide Planning Policy LU-39 is modified to include Overlake.

2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

15709

ADOPTED by the Growth Management Planning Council of King County on September 20, 2006 in open session and signed by the chair of the GMPC.

Ron Sims, Chair, Growth Management Planning Council

15709 2006-578

Attachment B

April 26, 2006

Sponsored By: Executive Committee

/pr

MOTION NO. 06-2

A MOTION by the Growth Management Planning Council of King County recommending the amendment of the Countywide Planning Policies by revising existing policy LU-25b to allow adjustment of household and employment targets if a new municipal incorporation occurs within a designated Potential Annexation Area (PAA).

"WHEREAS, in accordance with the Growth Management Act (GMA), the Countywide Planning Policies establish a household and employment target for each city and for unincorporated Urban designated King County through 2022; and

WHEREAS, Countywide Planning Policy LU-25b states that the adopted household and employment targets shall be adjusted as annexations occur within a Potential Annexation Area, but no similar provision is made if a municipal incorporation occurs within a PAA.

THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

Amend Sections III. C. of the King County Countywide Planning Policies as follows:

LU25b As annexations <u>or incorporations</u> occur, growth targets shall be adjusted. Household and employment targets for each jurisdiction's potential annexation area, as adopted in Table LU-1, shall be transferred to the annexing jurisdiction <u>or newly incorporated city</u> as follows:

a. King County and the respective city will determine new household and employment targets for areas under consideration for annexation prior to the submittal of the annexation proposal to the King County Boundary Review Board;
b. A city's household and employment targets shall be increased by a share of the target for the potential annexation area proportionate to the share of the potential annexation area's development capacity located within the area annexed. <u>In the case of incorporation, an equivalent formula shall be used to establish household and employment targets for the new city</u>. Each city will determine how and where within their corporate boundaries to accommodate the target increases;

c. The County's target shall be correspondingly decreased to ensure that overall target levels in the county remain the same;
d. The household and employment targets in Table LU-1 will be updated periodically to reflect changes due to annexations or incorporations. These target updates do not require adoption by the Growth Management Planning Council.

ADOPTED by the Growth Management Planning Council of King County on April 246 20026 in open session.

Ron Sims, Chair, Growth Management Planning Council

15709
2006-578

4/26/06

Attachment A

Sponsored By: Executive Committee

/pr

MOTION NO. 06-1

A MOTION to amend the interim Potential Annexation Area map in the Countywide Planning Policies.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities.

WHEREAS, the attached PAA map amendment removes one of the largest unincorporated urban areas not within the PAA of any city and adds this area to the City of Renton PAA.

WHEREAS, the attached PAA map amendment is supported by the City of Renton and King County.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

1. Amend the Interim Potential Annexation Area Map by including the area known as West Hill, shown on attachment A of this motion, within the Potential Annexation Area of the City of Renton.

2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

ADOPTED by the Growth Management Planning Council of King County on April 26, 2006 in open session and signed by the chair of the GMPC.

Ron Sims, Chair, Growth Management Planning Council

15709

Attachment A

Interim PAA Amendment

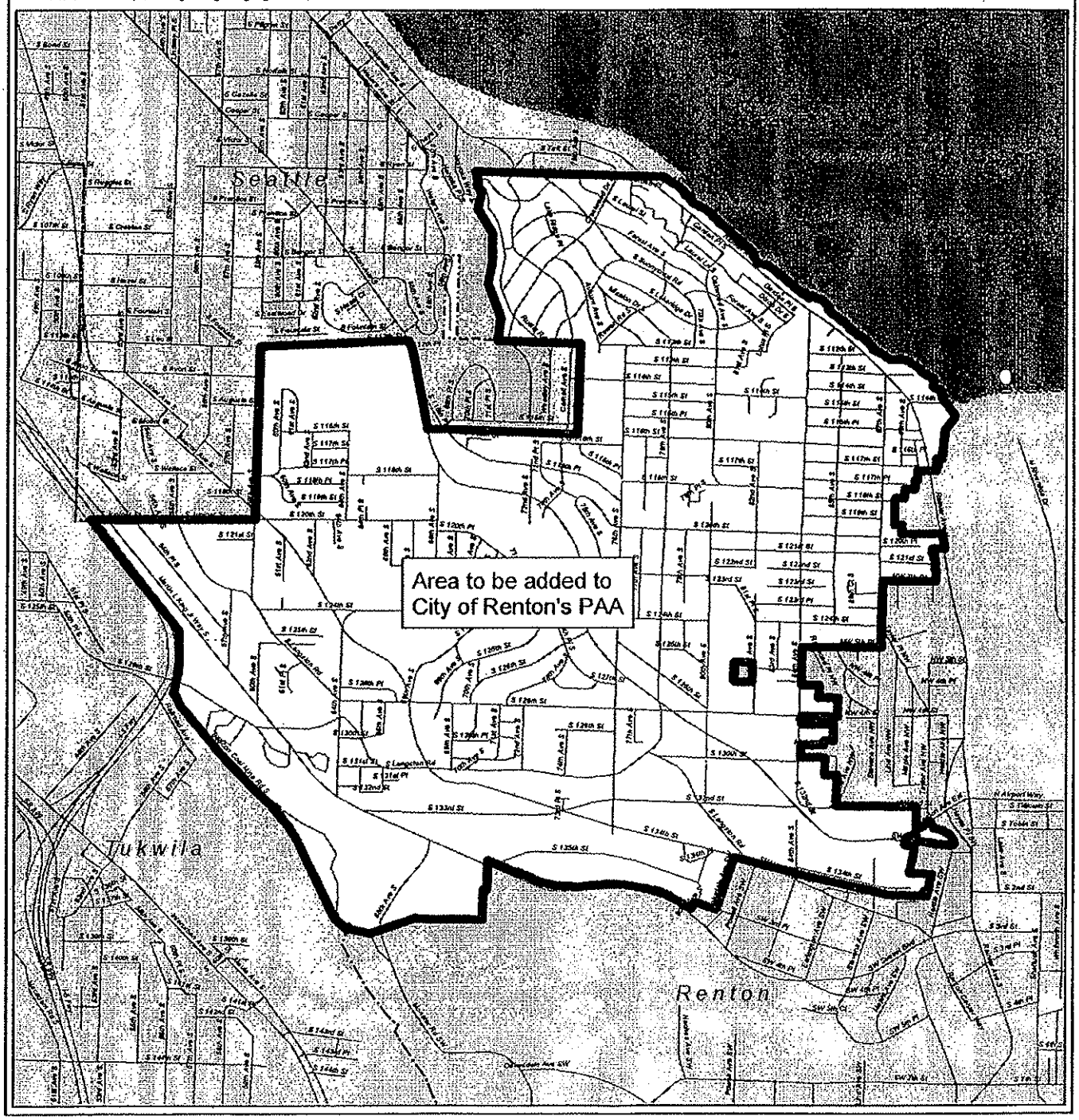
King County

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

0.5 0.25 0 Miles

PAA Boundary

Incorporated Areas



King County

KING COUNTY

Signature Report

April 10, 2007

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance 15709

Proposed No. 2006-0578.1 **Sponsors** Phillips

AN ORDINANCE adopting amendments to the Countywide Planning Policies; amending the interim potential annexation areas map and ratifying the amended Countywide Planning Policies for unincorporated King County; and amending Ordinance 10450, Section 3, as amended, and K.C.C. 20.10.030 and Ordinance 10450, Section 4, as amended, and K.C.C. 20.10.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings.** The council makes the following findings:

A. The metropolitan King County council adopted and ratified the Growth Management Planning Council recommended King County 2012 - Countywide Planning Policies (Phase I) in July 1992, under Ordinance 10450.

B. The metropolitan King County council adopted and ratified the Phase II amendments to the Countywide Planning Policies on August 15, 1994, under Ordinance 11446.

18 C. The Growth Management Planning Council met on April 26, 2006 and
19 September 20, 2006 and voted to recommend amendments to the King County
20 Countywide Planning Policies, amending the interim potential annexation areas map as
21 shown in Attachment A to this ordinance and designating Overlake an Urban Center as
22 shown on Attachment B to this ordinance. The Growth Management Planning Council
23 also approved an amendment to Countywide Planning Policy LU-25b to allow
24 adjustments of growth targets as municipal incorporations are approved.

25 SECTION 2. Ordinance 10450, Section 3, as amended, and K.C.C. 20.10.030 are
26 each hereby amended to read as follows:

27 **Phase II.**

28 A. The Phase II Amendments to the King County 2012 Countywide Planning
29 Policies attached to Ordinance 11446 are hereby approved and adopted.

30 B. The Phase II Amendments to the King County 2012 - Countywide Planning
31 Policies are amended, as shown by Attachment 1 to Ordinance 12027.

32 C. The Phase II Amendments to the King County 2012 - Countywide Planning
33 Policies are amended, as shown by Attachment 1 to Ordinance 12421.

34 D. The Phase II Amendments to the King County 2012 - Countywide Planning
35 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 13260.

36 E. The Phase II Amendments to the King County 2012 - Countywide Planning
37 Policies are amended, as shown by Attachments 1 through 4 to Ordinance 13415.

38 F. The Phase II Amendments to the King County 2012 - Countywide Planning
39 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 13858.

40 G. The Phase II Amendments to the King County 2012 – Countywide Planning
41 Policies are amended, as shown by Attachment 1 to Ordinance 14390.
42 H. The Phase II Amendments to the King County 2012 – Countywide Planning
43 Policies are amended, as shown by Attachment 1 to Ordinance 14391.
44 I. The Phase II Amendments to the King County 2012 – Countywide Planning
45 Policies are amended, as shown by Attachment 1 to Ordinance 14392.
46 J. The Phase II Amendments to the King County 2012 - Countywide Planning
47 Policies are amended, as shown by Attachment 1 to Ordinance 14652.
48 K. The Phase II Amendments to the King County 2012 - Countywide Planning
49 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 14653.
50 L. The Phase II Amendments to the King County 2012 - Countywide Planning
51 Policies are amended, as shown by Attachment 1 to Ordinance 14654.
52 M. The Phase II Amendments to the King County 2012 - Countywide Planning
53 Policies are amended, as shown by Attachment 1 to Ordinance 14655.
54 N. The Phase II Amendments to the King County 2012 - Countywide Planning
55 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 14656.
56 O. The Phase II amendments to the King County 2012 – Countywide Planning
57 Policies are amended, as shown by Attachment A to Ordinance 14844.
58 P. The Phase II Amendments to the King County 2012 - Countywide Planning
59 Policies are amended as shown by Attachments A, B and C to Ordinance 15121.
60 Q. The Phase II Amendments to the King County 2012 - Countywide Planning
61 Policies are amended, as shown by Attachment A to Ordinance 15122.

62 R. The Phase II Amendments to the King County 2012 - Countywide Planning
63 Policies are amended, as shown by Attachment A to Ordinance 15123.
64 S. Phase II Amendments to the King County 2012 - Countywide Planning
65 Policies are amended, as shown by Attachments A and B to Ordinance 15426.
66 T. Phase II Amendments to the King County 2012 - Countywide Planning
67 Policies are amended, as shown by Attachments A, B and C to this ordinance.
68 SECTION 3. Ordinance 10450, Section 4, as amended, and K.C.C. 20.10.040 are
69 each hereby amended to read as follows:
70 **Ratification for unincorporated King County.**
71 A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes
72 specified are hereby ratified on behalf of the population of unincorporated King County.
73 B. The amendments to the Countywide Planning Policies adopted by Ordinance
74 10840 are hereby ratified on behalf of the population of unincorporated King County.
75 C. The amendments to the Countywide Planning Policies adopted by Ordinance
76 11061 are hereby ratified on behalf of the population of unincorporated King County.
77 D. The Phase II amendments to the King County 2012 Countywide Planning
78 Policies adopted by Ordinance 11446 are hereby ratified on behalf of the population of
79 unincorporated King County.
80 E. The amendments to the King County 2012 - Countywide Planning Policies, as
81 shown by Attachment 1 to Ordinance 12027 are hereby ratified on behalf of the
82 population of unincorporated King County.

83 F. The amendments to the King County 2012 - Countywide Planning Policies, as
84 shown by Attachment 1 to Ordinance 12421, are hereby ratified on behalf of the
85 population of unincorporated King County.
86 G. The amendments to the King County 2012 - Countywide Planning Policies, as
87 shown by Attachments 1 and 2 to Ordinance 13260, are hereby ratified on behalf of the
88 population of unincorporated King County.
89 H. The amendments to the King County 2012 - Countywide Planning Policies, as
90 shown by Attachment 1 through 4 to Ordinance 13415, are hereby ratified on behalf of
91 the population of unincorporated King County.
92 I. The amendments to the King County 2012 - Countywide Planning Policies, as
93 shown by Attachments 1 through 3 to Ordinance 13858, are hereby ratified on behalf of
94 the population of unincorporated King County.
95 J. The amendments to the King County 2012 - Countywide Planning Policies, as
96 shown by Attachment 1 to Ordinance 14390, are hereby ratified on behalf of the
97 population of unincorporated King County.
98 K. The amendments to the King County 2012 - Countywide Planning Policies, as
99 shown by Attachment 1 to Ordinance 14391, are hereby ratified on behalf of the
100 population of unincorporated King County.
101 L. The amendments to the King County 2012 - Countywide Planning Policies, as
102 shown by Attachment 1 to Ordinance 14392, are hereby ratified on behalf of the
103 population of unincorporated King County.

104 M. The amendments to the King County 2012 - Countywide Planning Policies, as
105 shown by Attachment 1 to Ordinance 14652, are hereby ratified on behalf of the
106 population of unincorporated King County.
107 N. The amendments to the King County 2012 - Countywide Planning Policies, as
108 shown by Attachments 1 through 3 to Ordinance 14653, are hereby ratified on behalf of
109 the population of unincorporated King County.
110 O. The amendments to the King County 2012 - Countywide Planning Policies, as
111 shown by Attachment 1 to Ordinance 14654, are hereby ratified on behalf of the
112 population of unincorporated King County.
113 P. The amendments to the King County 2012 - Countywide Planning Policies, as
114 shown by Attachment 1 to Ordinance 14655, are hereby ratified on behalf of the
115 population of unincorporated King County.
116 Q. The amendments to the King County 2012 - Countywide Planning Policies, as
117 shown by Attachments 1 and 2 to Ordinance 14656, are hereby ratified on behalf of the
118 population of unincorporated King County.
119 R. The amendments to the King County 2012 – Countywide Planning Policies, as
120 shown by Attachment A to Ordinance 14844, are hereby ratified on behalf of the
121 population of unincorporated King County.
122 S. The amendments to the King County 2012 - Countywide Planning Policies, as
123 shown by Attachments A, B and C to Ordinance 15121, are hereby ratified on behalf of
124 the population of unincorporated King County.

125 T. The amendments to the King County 2012 - Countywide Planning Policies, as
126 shown by Attachment A to Ordinance 15122, are hereby ratified on behalf of the
127 population of unincorporated King County.
128 U. The amendments to the King County 2012 - Countywide Planning Policies, as
129 shown by Attachment A to Ordinance 15123, are hereby ratified on behalf of the
130 population of unincorporated King County.
131 V. The amendments to the King County 2012 - Countywide Planning Policies, as
132 shown by Attachments A and B to Ordinance 15426, are hereby ratified on behalf of the
133 population of unincorporated King County.
134 W. The amendments to the King County 2012 - Countywide Planning Policies,

135 as shown by Attachments A, B and C to this ordinance, are hereby ratified on behalf of

136 the population of unincorporated King County.

137

Ordinance 15709 was introduced on 2/5/2007 and passed by the Metropolitan King County Council on 4/9/2007, by the following vote:

Yes: 9 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

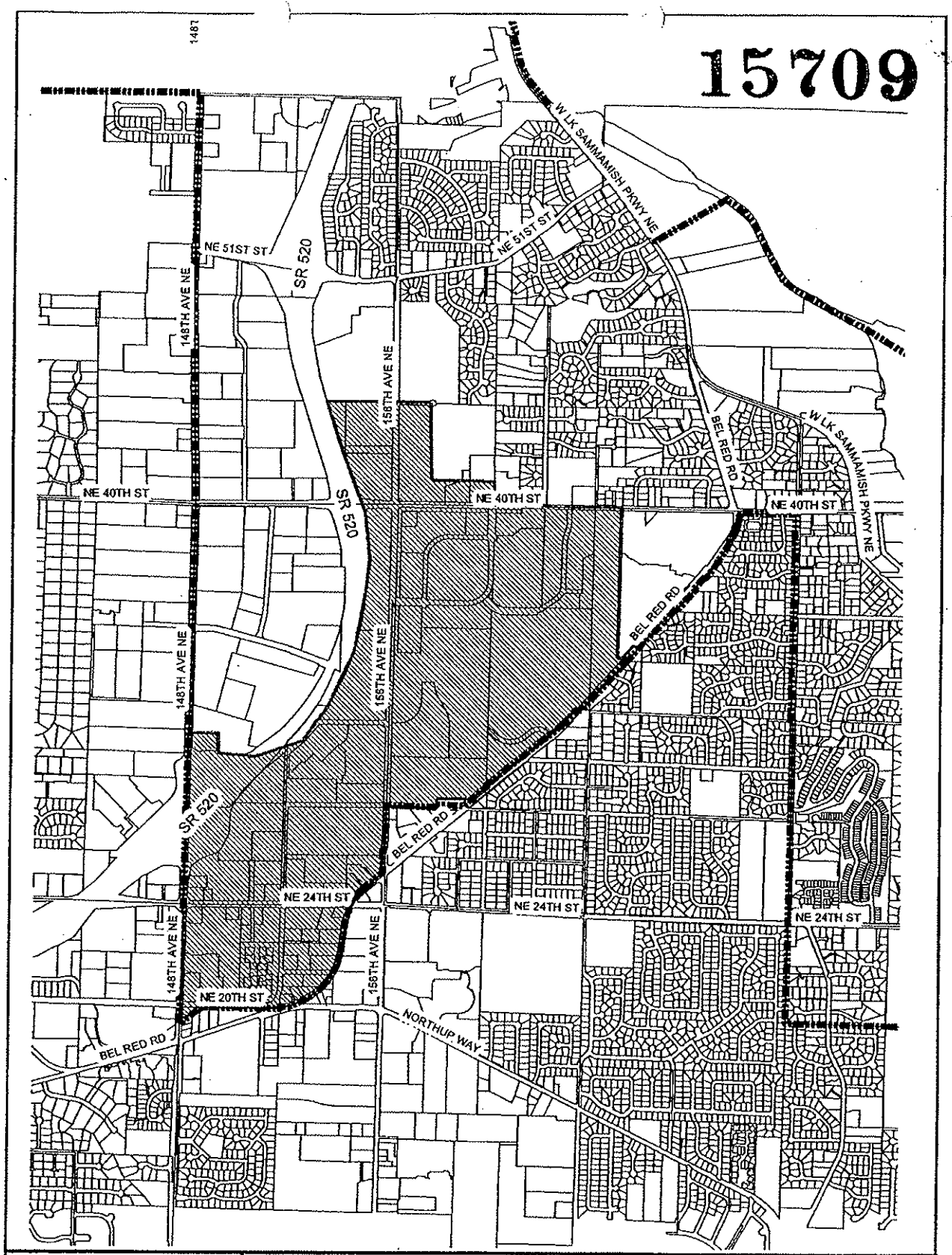
APPROVED this 13 day of April, 2007.

Ron Sims, County Executive

RECEIVED
2007 APR 13 PM 3:19
KING COUNTY
CLERK
COUNCIL

Attachments A. Motion No. 06-1--Dated April 26,2006, B. Motion No. 06-2--Dated April 26, 2006, C. Motion No. 06-03--Dated September 20, 2006

15709



Legend

- Center
- City Boundary
- Parcel Boundaries

N

THE CITY OF REDMOND WASHINGTON

Overlake Urban Center
Redmond, WA

King County
Ron Sims
King County Executive
701 Fifth Avenue, Suite 3210
Seattle, WA 98104
206-296-4040 Fax 206-296-0194
TTY Relay: 711
www.metrokc.gov

RECEIVED
2006 NOV 20 PM 1:10
CLERK
KING COUNTY COUNCIL

2006-578

November 20, 2006

Constantine
GMNR
Reed

The Honorable Larry Phillips
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Phillips:

I am pleased to submit to you an ordinance that will adopt motions that have been approved by the Growth Management Planning Council (GMPC). Under the interlocal agreement that established the GMPC, a motion is first approved by GMPC. King County Council must then approve the motion and ratify it for the unincorporated area. Finally, the motion is sent to all of the cities in King County for ratification. There are no fiscal impacts to King County government as a result of these motions.

The attached three motions are the result of regional cooperation. Each received unanimous approval by the Growth Management Planning Council. One of these motions amends the Countywide Planning Policies interim potential annexation areas (PAA) map to add the area known as West Hill to the PAA for the city of Renton. The annexation of the West Hill area is one of the highest priorities of the King County Annexation Initiative. In 2005, King County supported a community governance study that resulted in a recommendation by area residents to join Renton. Earlier this month, I transmitted to you an interlocal agreement (ILA) between King County and Renton that establishes the goal to have the nearly 15,000 residents that live in the West Hill area annexed by Renton before January 2009. The fiscal impact of this action was analyzed in a fiscal note attached to the legislation authorizing the ILA.

The second motion makes a correction to Countywide Planning Policy LU-25b to allow adjustment of growth targets as new incorporations occur in King County. The third motion amends the Countywide Planning Policies by designating Overlake as an Urban Center, recognizing Redmond's efforts to plan for future redevelopment under the Growth Management Act.

15709

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

My staff is available to assist the council in its review of these GMPC motions. Please contact Stephanie Warden, Director, Department of Development and Environmental Services (DDES), at 206-296-6700, for further information regarding this transmittal.

Sincerely,

Ron Sims
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Ross Baker, Chief of Staff
Shelley Sutton, Policy Staff Director
Anne Noris, Clerk of the Council
Bob Cowan, Director, Office of Management and Budget
Stephanie Warden, Director, Department of Development and Environmental Services
Paul Reitenbach, Senior Policy Analyst, Department of Development and Environmental Services

Metropolitan King County Council
Growth Management and Natural Resources Committee
Staff Report

Agenda Item:	3	**Name:**	Rick Bautista
Proposed Ord:	2006-0578 Adopting GMPC Motions 06-1, 06-2 and 06-3	**Date:**	February 27, 2007
Attending:	Paul Reitenbach, DDES		

SUBJECT:
Adopting amendments to the Countywide Planning Policies to adjust the potential annexation area (PAA) for the city of Renton, adjust growth targets as a result of incorporations within existing city PAAs, and to designate the Overlake area of Redmond as an Urban Center.

BACKGROUND:
The Growth Management Planning Council and Countywide Planning Policies
The Growth Management Planning Council (GMPC) is a formal body comprised of elected officials from King County, Seattle, Bellevue, the Suburban Cities, and Special Districts. The GMPC was created in 1992 by interlocal agreement, in response to a provision in the Washington State Growth Management Act (GMA) requiring cities and counties to work together to adopt Countywide Planning Policies (CPPs).

Under GMA, countywide planning policies serve as the framework for each individual jurisdiction's comprehensive plan, and ensure countywide consistency with respect to land use planning efforts. As provided for in the interlocal agreement, the GMPC developed and recommended the CPPs, which were adopted by the King County Council and ratified by the cities. Subsequent amendments to the CPPs follow the same process: recommendation by the GMPC, adoption by the King County Council, and ratification by the cities.

Amendments to the CPPs become effective when ratified by ordinance or resolution by at least 30% of the city and county governments representing at least 70% of the population of King County. A city shall be deemed to have ratified an amendment to the CPPs unless, within 90 days of adoption by King County, the city by legislative action disapproves it.

SUMMARY:
Proposed Ordinance 2006-0578 would adopt the following three motions (06-1, 06-2 and 06-3) approved by the GMPC in April and September 2006:
- GMPC Motion 06-1 would amend the interim Potential Annexation Area (PAA) for the City of Renton.
- GMPC Motion 06-2 would make a correction to CPP Policy LU-25b to allow adjustment of growth targets if new municipal incorporations occur within designated PAAs.
- GMPC Motion 06-3 would amend the CPP Policy LU-39by adding Overlake to the list of Urban Centers.

The ordinance would also ratify the change on behalf of the population of unincorporated King County, as required by Countywide Planning Policy FW-1, Step 9.

GMPC MOTION 06-1 (MAP AMENDMENT: CITY OF RENTON PAA)
The unincorporated urban area of "West Hill" is located between the cities of Renton, Seattle and Tukwila and is currently located outside of the mapped PAA of any of these three cities. Over the course of the past ten years, the West Hill community has been exploring governance options, which have included annexation into one or more of the three adjacent cities or incorporation as a new city.

King County has conducted two governance studies during that period to analyze financial and service delivery issues for each of the governance options. Ultimately, both studies concluded that annexation was the most viable future governance option. However, until recently none of the cities had expressed strong interest in moving forward with annexation of the area.

In the past year, the Renton City Council has taken action to include the West Hill area within their PAA, thus resolving the quandary of what to do with one of the largest unincorporated urban areas remaining outside of a city PAA.

Approval of Motion 06-1 would recognize the action of the Renton City Council and is consistent with the Growth Management Act, applicable Countywide Planning Policies, the King County Comprehensive Plan, and the City of Renton Comprehensive Plan.

GMPC MOTION 06-2 TARGET ADJUSTMENTS FOR INCORPORATIONS WITHIN PAAS)
The Countywide Planning Policies (CPPs) establish household and job growth targets for cities, Potential Annexation Areas (PAAs), and unclaimed urban unincorporated areas.

Anticipating the eventuality of changing jurisdictional boundaries in King County, particularly the shifting of unincorporated urban areas to city jurisdiction, the CPPs contain policies such as LU-25b which specifically establishes a formula for adjusting growth targets upon annexation of urban unincorporated areas by cities. The formula is based on a proportionality of land use capacity in annexed areas, and ensures that cities take on additional target levels commensurate with the capacity to accommodate jobs and housing in the areas that are annexed. Given the frequency of annexations and the formula-based target adjustment called for, LU-25b also makes the adjustment process an administrative rather than a legislative action.

The city of Renton had initiated the proposed revision to LU-25b to make explicit that the policy applies equally to new incorporations (versus just annexations), in large measure because the Renton PAA contains the Fairwood area, which had been under study for potential incorporation. Since that time, the proposed incorporation failed to be approved by voters of the proposed city.

Although the incorporation of the Fairwood area ultimately failed, the revision to LU-25b would ensure that, in any case where a new city incorporation occurs within the PAA of an existing city, the growth targets for the existing city would be adjusted commensurate with land use capacity for lands remaining in the PAA of the existing city

GMPC MOTION 06-3 (URBAN CENTER DESIGNATION: OVERLAKE)
The City of Redmond initiated the request to amend the CPP LU-39 to add its Overlake area to the list of Urban Centers. The city has followed the process for obtaining such a designation, starting with amending its own plans, policies and capital improvement programs, and secured the recommendation of approval for Motion 06-3 on September 20, 2006 by the Growth Management Planning Council. A complete analysis of the city's proposal as presented to the GMPC is included as Attachment 2 to this staff report.

The CPPs describe Urban Centers as areas of concentrated employment and housing, with direct service by high-capacity transit and a wide range of other land uses. Collectively, they are

expected to account for up to one half of King County's employment growth and one quarter of household growth over the next 20 years. The list of Urban Centers in Countywide Planning Policy LU-39 currently includes:

- Bellevue CBD
- Downtown Auburn
- Downtown Burien
- Federal Way CBD
- Kent CBD
- Redmond CBD
- Renton CBD
- Seattle CDD
- Seattle Center
- First Hill/Capitol Hill
- University District
- Northgate
- SeaTac CBD
- Tukwila CBD
- Totem Lake
- South Lake Union

In order to be designated as an Urban Center, jurisdictions must meet specific criteria in the Countywide Planning Policies, including having planned land uses to accommodate:

- A minimum of 15,000 jobs within one-half mile of a transit center;
- At a minimum, an average of 50 employees per gross acre; and
- At a minimum, an average of 15 households per acre.

In addition to these requirements, Policy LU-40 states that fully realized Urban Centers shall be characterized by the following:

- Clearly defined geographic boundaries;
- An intensity/density of land uses sufficient to support effective and rapid transit;
- Pedestrian emphasis within the Center;
- Emphasis on superior urban design which reflects the local community;
- Limitations on single-occupancy vehicle usage during peak commute hours;
- A broad array of land uses and choices within those land uses for employees and residents;
- Sufficient public open spaces and recreational opportunities; and
- Uses which provide both daytime and nighttime activities in the Center.

Specific factors leading to the GMPC action are that:

- Overlake is well positioned within the regional transportation network, adjacent to SR-520 and within 3 miles of I-405 and can support extension of high capacity transit across Lake Washington on both I-90 and SR 520 with service to urban centers in Downtown Bellevue, Overlake and Downtown Redmond, specifically:
  - The proposed Overlake Urban Center includes a transit center at SR 520 and NE 40th Street and at 152nd Avenue NE and NE 26th Street. METRO, Sound Transit and Community Transit provide service to the area via these transit centers.
  - Sound Transit's long range plan identifies a fixed-guideway transit system extending across Lake Washington on both I-90 and SR 520 with connections to Bellevue, Overlake and Downtown Redmond. For purposes of the initial Phase 2 financial analysis, Sound Transit is using a representative alignment that includes the I-90 crossing and then through Bellevue to Overlake and to Downtown Redmond. Within Overlake, the representative alignment extends along 152nd Avenue NE and SR 520, with stations at or in the vicinity of the existing Overlake transit centers. These station locations would reinforce the vision for mixed-use development in the area, significantly

improve travel options for people who work or live in the area, and help spur redevelopment in the Overlake shopping center area.

- Redmond has a strong Commute Trip Reduction program. Overlake includes 18 companies that are affected by the Commute Trip Reduction (CTR) law, and they are already achieving the City's goal for use of modes other than driving alone. Currently, 25 percent of people who work for these employers use modes other than driving alone, which is on track to meet the 2012 goal of 30 percent non-single occupant vehicle (SOV). Employers use a variety of methods to improve the non-SOV mode share including private shuttles, reserved parking for carpools and vanpools, transit and vanpool subsidies, bicycle parking and flexible work schedules.

- The City's Transportation Master Plan provides clear direction and standards for improving the environment for pedestrians and bicyclists accessing the Overlake Urban Center. The TMP also sets out the strategy for funding these improvements and for monitoring progress.

- Overlake is recognized regionally as a growth center and when compared to urban centers in King County, is second for total employment only to three Seattle urban centers: Downtown, 1st Hill/Capitol Hill, and University District (based on King Count 2005 Benchmarks Report). In terms of existing multi-family dwellings, Overlake compares favorably to a number of the designated urban centers in the central Puget Sound region.

- As of 2004, an estimated 36,600 people worked within the proposed Overlake Urban Center, which equates to 72 jobs per gross acre. Under the Microsoft Development Agreement, an additional 1.5 million square feet of commercial floor area (net) will be constructed east of SR 520 within the Overlake Urban Center. With this development, the number of people working in the Overlake Center is expected to reach 44,800 by 2022, or 87 jobs per gross acre. Based on the current rate of employment growth, Redmond expects to reach this employment level earlier than 2022.

- As of 2005, the Overlake Urban Center contained nearly 770 dwelling units. Redmond has the capacity under current zoning to accommodate the urban center criteria of 15 households per acre and has based its adopted growth targets on increasing the amount of housing in this area to nearly 2,300 dwellings by 2022. This future density is within the range of long-range densities planned for other designated urban centers in the central Puget Sound region.

- Redmond's Comprehensive Plan, development standards, and capital improvement plans address a number of the other strategies listed in CPP LU-45. The City's policies and standards emphasize the importance of designing buildings and sites to not only be attractive but also to encourage walking and bicycling.

- Redmond's Plan also recognizes that providing open spaces and recreational opportunities within the Overlake shopping area is a high priority. Finally, Redmond has also worked closely with Bellevue through the Bel-Red Overlake Transportation Study (BROTS) in order to identify and implement needed transportation improvements to improve mobility in the Overlake area.

ATTACHMENTS:

1. Proposed Ordinance 2006-0074 with attached GMPC Motions
2. GMPC Staff reports for Motions 06-1, 06-2 and 06-3

RECEIVED
MAY 01 2007
_____ AM _____ PM
PLANNING DEPARTMENT
BY_____

RESOLUTION R-4647

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES.

WHEREAS, the King County Council adopted the original King County Countywide Planning Policies in July 1992; and;

WHEREAS, the Growth Management Planning Council (GMPC) was established by interlocal agreement in 1991 to provide collaborative policy development of King County Countywide Planning Policies; and

WHEREAS, the 1991 interlocal agreement requires ratification of the King County Countywide Planning Policies and amendments to the Countywide Planning Policies by 30% of the jurisdictions representing at least 70% of the population of King County, within 90 days of adoption by the King County Council; and

WHEREAS, the King County Growth Management Planning Council passed motions 06-1 and 06-2 on April 26, 2006 and motion 06-3 on September 20, 2006, recommending amendments to the King County Countywide Planning Policies; and

WHEREAS, on April 9, 2007, the Metropolitan King County Council adopted Ordinance 15709 approving amendments to the King County Countywide Planning Policies recommended by the GMPC.

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

Section 1. The Kirkland City Council hereby ratifies King County Ordinance 15426 amending the King County Countywide Planning Polices.

Passed by majority vote of the Kirkland City Council in open meeting this 5th day of June, 2007.

_____
Mayor

ATTEST:

_____
City Clerk

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: May 22, 2007

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Planning Director
David Barnes, Planner

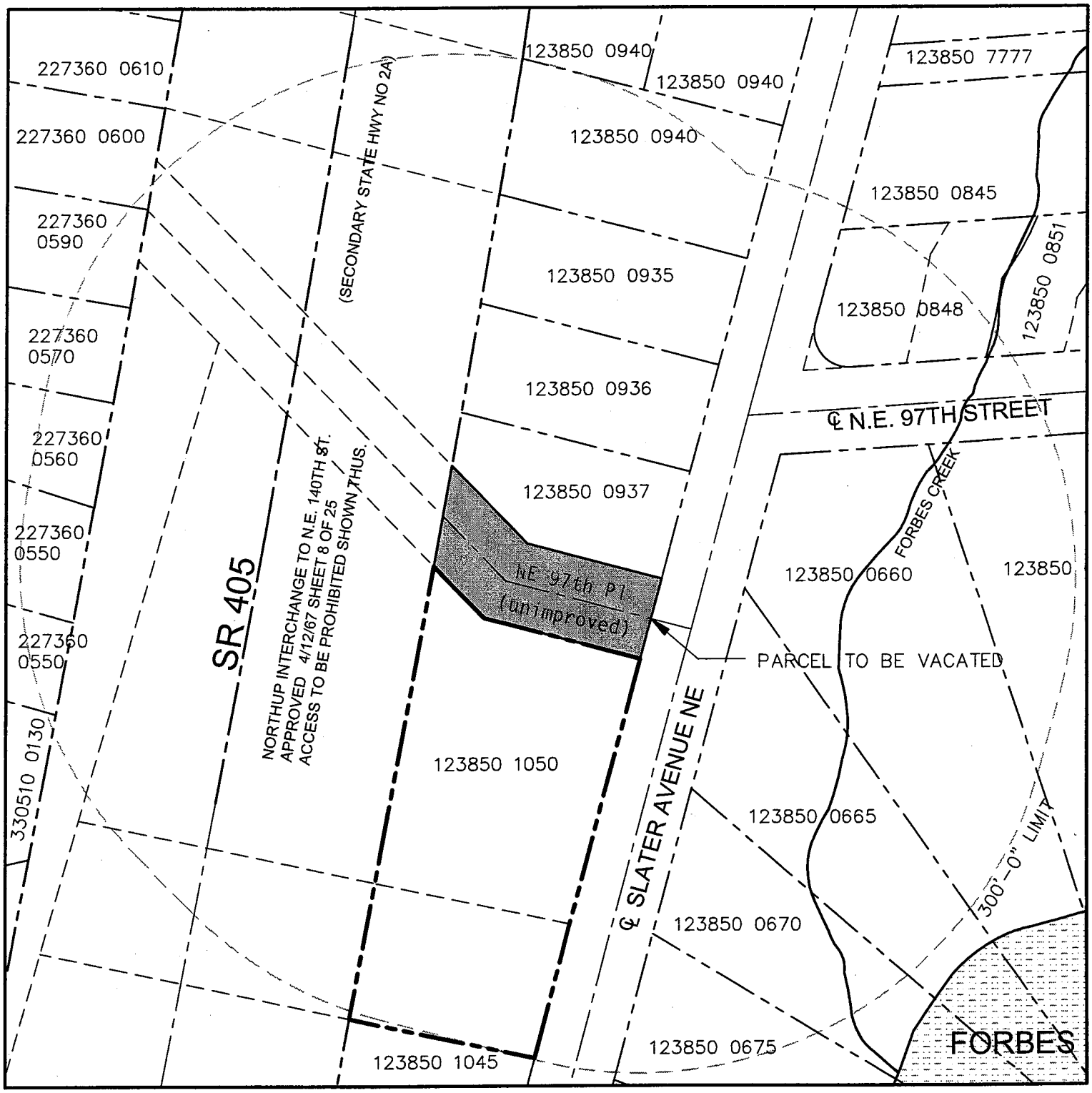
Subject: VAN BUSKIRK STREET VACATION- THAT PORTION OF NE 97TH PL RIGHT-OF-WAY LYING WEST OF SLATER AVENUE NE AND EAST OF I-405 (FILE NO. VAC07-00002)

RECOMMENDATION:
The Department of Planning and Community Development recommends that City Council adopt a resolution which establishes July 17th 2007 as the public hearing date for the Van Buskirk Street Vacation (That portion of NE 97th Pl. Right-of-Way lying West of Slater Avenue NE and East of I-405).

POLICY IMPLICATIONS:
Establishment of a public hearing date by City Council resolution is required by KMC 19.16.090. The public hearing must be held within 20 and 60 days of passage of the resolution. If the resolution is approved on June 5, 2007, the hearing must be held between June 25, 2007 and August 4, 2007. Policy issues related to the proposed vacation will be discussed at the public hearing.

BACKGROUND DISCUSSION:
John Van Buskirk, property owner of the property located at 9551 Slater Avenue NE and Karnail Johal as owner of the other parcel lying adjacent to NE 97th Pl, have filed a petition to vacate a 10,339 square foot portion of the NE 97th Pl right-of-way adjacent to their properties (see attached vicinity map). The owners of two-thirds of the property abutting the right-of-way to be vacated must agree to the vacation. In this case, Mr. Van Buskirk and Mr. Johal are the only owners involved. The proposed street vacation is exempt from SEPA.

ATTACHMENTS:
Vacation Exhibit Map
Resolution to Set Hearing Date



SURROUNDING PARCELS

N

SCALE:
1" = 100'-0"

RESOLUTION R-4648

A RESOLUTION OF THE CITY OF KIRKLAND AND NOTICE OF HEARING FOR THE VAN BUSKIRK STREET VACATION- THAT PORTION OF NE 97TH PL RIGHT-OF-WAY LYING WEST OF SLATER AVENUE NE AND EAST OF I-405 (PCD FILE NO. VAC07-00002).

WHEREAS, a petition has been filed with the City of Kirkland signed by the owners of real property representing more than two-thirds of the property abutting upon the hereinafter described portions of NE 97th Pl.

WHEREAS, it appears that the public interest of the City of Kirkland, Washington, would be served by holding a public hearing to consider the vacation of said portion of NE 97th Pl right-of-way.

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

1) That a public hearing be held to consider whether the public interest and general welfare of the City of Kirkland will be served by the vacation of a portion of NE 97TH PL right-of-way, situate in Kirkland, King County, Washington, and described as follows:

THAT PORTION OF NE 97TH PL RIGHT-OF-WAY LYING WEST OF SLATER AVENUE NE AND EAST OF I-405.

BE IT FURTHER RESOLVED AND NOTICE OF HEARING:

2) That said public hearing will be held before the Kirkland City Council in the Kirkland City Hall, 123 Fifth Avenue, on June 21st, at 7:30 pm.

PASSED by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 20___.

SIGNED IN AUTHENTICATION thereof on the _____ day of _____, 20___.

_____
Mayor

Attest:

_____
City Clerk

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587-3800
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: John A. Burkhalter, P.E., Senior Development Engineer
Rob Jammerman, Development Engineering Manager
Daryl Grigsby Public Works Director

Date: May 7, 2007

Subject: CITY COUNCIL RESOLUTION APPROVING A SEWER FACILITY AGREEMENT WITH MIKE RENWICK

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution authorizing the City Manager to execute a Sewer Facility Agreement with Mike Renwick.

POLICY IMPLICATIONS:

The City of Kirkland is authorized pursuant to Chapter 35.91 RCW to enter into a Sewer Facility Agreement (also known as a Sewer Latecomers' Agreement) allowing developers to receive compensation for the installation of public sewer main line extensions, i.e. persons connecting to the extensions are required to pay a portion of the construction costs as a condition of connection. These latecomers' fees are calculated based on the area of the property being served: dividing the benefit area into the total cost of the sewer extensions yields the latecomers' charge. Fifteen percent (15%) of the sewer latecomers' fee is retained by the City of Kirkland for administering the agreement and eighty-five percent (85%) of the fee is returned to the developer. The agreement is valid for 15 years and is administered by the Department of Public Works.

BACKGROUND DISCUSSION:

Mike Renwick installed approximately 458 lineal feet of sewer main line extension along NE 112th Street and 116th Ave. NE . This public sewer main extension provides sewer service to various parcels. A Sewer Facility Agreement has been filed with the Department of Public Works to receive reimbursement for the sewer. Any property owner applying for connection to the sewer main will be required to pay approximately $1.43 per square foot for the direct benefit area plus normal City of Kirkland sewer connection fees.

Upon Approval of the resolution and subsequent signing by the City Manager, the agreement will be sent to King County for recording. Finally, notice of latecomers' connection charges will be sent to each property owner included in the agreement.

CC: City Attorney

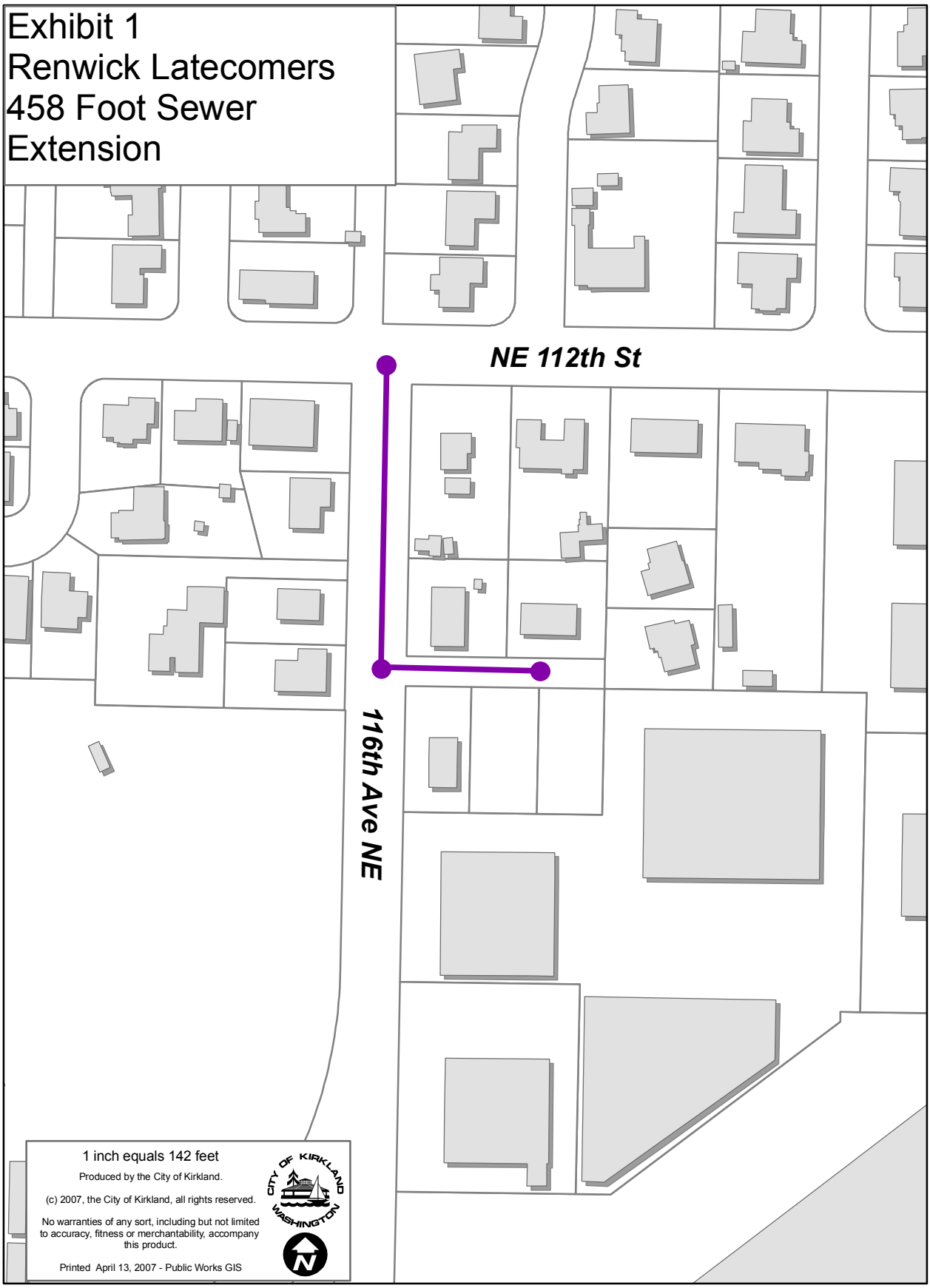


Exhibit 1
Renwick Latecomers
458 Foot Sewer
Extension
NE 112th St
116th Ave NE
1 inch equals 142 feet
Produced by the City of Kirkland.
(c) 2007, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
Printed April 13, 2007 - Public Works GIS
CITY OF KIRKLAND
WASHINGTON
N

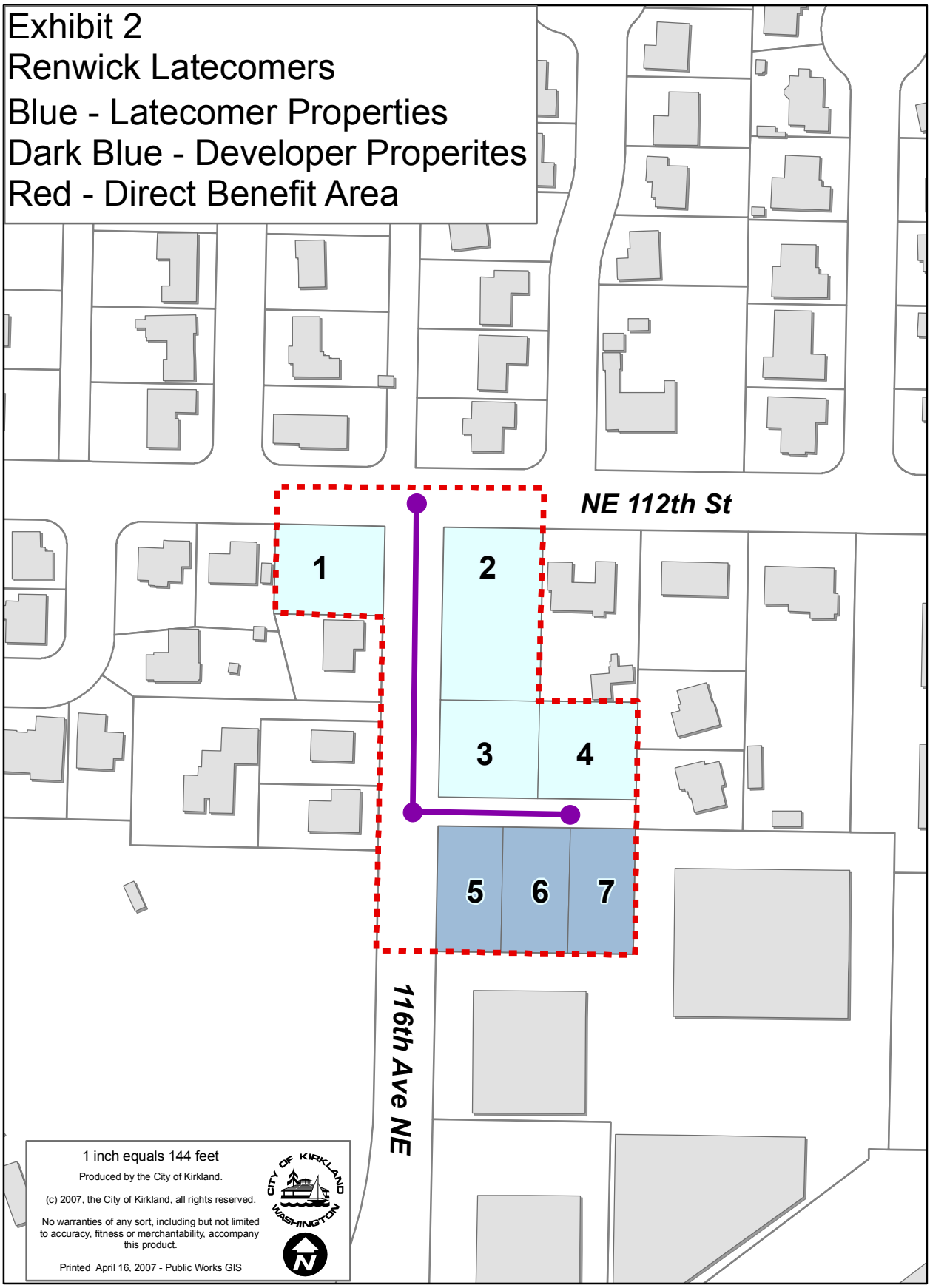


Exhibit 2
Renwick Latecomers
Blue - Latecomer Properties
Dark Blue - Developer Properites
Red - Direct Benefit Area
NE 112th St
116th Ave NE
1
2
3
4
5
6
7
1 inch equals 144 feet
Produced by the City of Kirkland.
(c) 2007, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
Printed April 16, 2007 - Public Works GIS
CITY OF KIRKLAND WASHINGTON
N

Renwick Latecomer's Assessment Roll

EXHIBIT 3

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Direct Benefit Area (SF)	Direct Benefit Cost	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	389310-0817	Angela Tchobanenko 11515 NE 112th Street Kirkland, WA 98033	41 Kirkland-Juanita Acre TRS N 90 ft of E 110 ft	9,900	9,900	$14,155.91	$14,155.91	$12,032.52	$2,123.39
2	389310-0825	Ronald W Wood 11058 116th Ave NE Kirkland, WA 98033	42 Kirkland-Juanita Acre TRS W 100 ft less S 128 ft	17,413	17,413	$24,898.68	$24,898.68	$21,163.87	$3,734.80
3	389310-0823	Jared Anderson & Hamish Anderson 11042 116th Ave NE Kirkland, WA 98033	42 Kirkland-Juanita Acre TRS N 98 ft of S 128 ft of W 100 ft	9,800	9,800	$14,012.92	$14,012.92	$11,910.98	$2,101.94
4	389310-0827	William D & Julie A Wallace 13730 E lake Kathleen Dr SE Renton, WA 98056	42 Kirkland-Juanita Acre TRS N 98 ft of S 128 ft of E 99 ft of W 199 ft	9,702	9,702	$13,872.79	$13,872.79	$11,791.87	$2,080.92
			TOTALS	**46,815**	**46,815**	**$66,940.30**	**$66,940.30**	**$56,899.26**	**$10,041.05**

Cost Per Square Foot of Sewer Construction	
Construction Cost	$81,825.28
Overlay Cost	$16,800.00
Permit Fees	$4,349.68
Total	$102,974.96

Calculation of the Cost Per Square Foot of Sewer Construction

100% of Total Cost Shall be borne by the Total Direct Benefit Area (TDBA)

Therefore the following are cost per square foot for each bendfit area:

(Total Cost/TDBA)) = $102,974.96/ 72016 = 1.429890

Renwick Developers Assessment Roll **EXHIBIT 4**

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Direct Benefit Area (SF)	Total Cost
5	389310-0841	Mike & Jennifer Renwick 11030 116th Ave NE Kirkland, WA 98033	Lot A Kirkland SP#SPL04-00019	8,316	8,316	$11,890.97
6	389310-0842	Mike & Jennifer Renwick 11030 116th Ave NE Kirkland, WA 98033	Lot B Kirkland SP#SPL04-00019	8,569	8,569	$12,252.73
7	389310-0843	Mike & Jennifer Renwick 11030 116th Ave NE Kirkland, WA 98033	Lot C Kirkland SP#SPL04-00019	8,316	8,316	$11,890.97
			TOTALS	**25,201**	**25,201**	**$36,034.66**

RESOLUTION R-4649

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH MIKE RENWICK AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the improvement of public health is furthered by adequate sanitary sewer systems; and

WHEREAS, the Washington State Legislature enacted the Municipal Water and Sewer Facilities Act (RCW 35.91.010 et seq.) in furtherance of this goal and authorizing municipalities to enter into agreements of this nature; and

WHEREAS, The City of Kirkland concludes entering into this agreement will promote this goal; and

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 the Sewer Facility Agreement between the City and Mike Renwick . A copy of this Agreement is attached as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

Signed in authentication thereof this _____ day of _____,2007

_____
MAYOR

Attest:

_____
City Clerk

SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

THIS AGREEMENT made and entered into this day, pursuant to RCW Chapter 35.91, between the City of Kirkland, a non-charter optional code city, hereinafter referred to as "City" and Mike Renwick hereinafter referred to as "Developer":

WITNESSETH

Section 1. Developer does hereby agree to construct, at its sole expense, the SEWER FACILITIES described in EXHIBIT 1, attached hereto and by this reference incorporated herein, all in accordance with the specifications and standards of the City of Kirkland pertaining to sewer construction and installation.

Section 2. Upon completion of said sewer facilities to the satisfaction of the Kirkland Director of Public Works, and acceptance thereof by the City of Kirkland, said facility shall become the property of the City of Kirkland and a part of its sewer system with full power of the City of Kirkland to charge for its use such sewer connection and service rates and charges as the City of Kirkland may be authorized by law to establish, and all further maintenance operation costs of said facility shall be borne by the City of Kirkland.

Section 3. The benefit area to be served by said facility is described and designated on EXHIBIT 1 attached to this agreement and by this reference incorporated herein. Said Exhibit is a map showing the total benefit area and delineating thereon that portion of the benefit area owned by Developer. EXHIBIT 3 attached to this agreement and by this reference incorporated herein is a listing of each lot or parcel within the benefit area including the lot or parcel legal description and the lot of parcel's "pro rata share" of the cost of construction of the sewer facilities. EXHIBIT 4 identifies those lots or parcels owned by Developer and not subject to the provisions of Section 4 of this agreement.

Section 4. Any owner of any real property located within the benefit area (other than those properties designated in EXHIBIT 1 as Developer's properties) who shall hereafter tap into or use said sewer facility (including not only connecting directly into, but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other change required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair pro rata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair pro rata share" the cost of construction of said facility shall be considered to be $102,974.96, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The "FAIR PRO RATA SHARE" of the cost of construction as designated on EXHIBIT 3, and is hereby approved by the City of Kirkland.

Section 6. Within sixty (60) days after receipt by the City of any "fair pro rata share," the City shall disburse said sum, less fifteen (15) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Developer at _____until such time as Developer shall have received the total sum of $56,899.26, or the expiration of fifteen (15) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap into or use said facility shall be retained by the City. It shall be the duty of the Developer to advise the City of any change in the Developer's mailing address.

Section 7. The provisions of this agreement shall not be effective as to any owner of real property designated in EXHIBIT 3, other than Developer, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap into or connect into said facility subsequent to such recording. City shall not be required to disburse any "fair pro rata share" to Developer which may not be lawfully collected from such real property owner at the time said real property taps into or connects to said facility.

Section 8. In the event the cost, or any part thereof, of a or sewer improvement, whether local or general, is or will be assessed against the owners of real property and such improvement will be connected into or will make use of the facility constructed pursuant to this agreement and the cost thereof was not contributed to by the owners of said real property, there shall be included in the Engineer's estimate for the hearing or any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided for in this agreement as a fair pro rata share due from such owners in accordance with the provisions of this agreement.

Section 9. No person, firm, or corporation, other than Developer's, as to the real property identified as owned by Developer in EXHIBIT 4 hereto, shall be granted a permit or authorized to tap into or use said facility or extensions thereof without first paying their fair pro rata share as herein provided.

DATED at Kirkland, Washington, this _____ day of _____, _____.

CITY OF KIRKLAND:	DEVELOPER:
_____	_____
CITY MANAGER FOR THE City of Kirkland KIRKLAND WHO IS AUTHORIZED TO EXECUTE THIS AGREEMENT ON BEHALF OF SAID CITY BY VIRTUE OF RESOLUTION NO. _____	By: _____
	By: _____

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

_____

_____

_____

(Individuals Only)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me known to be the individual(s) described herein and who executed the Sewer Facilities Agreement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

_____
(Name of Partnership or Joint Venture)

_____
By General Partner

_____
By General Partner

_____
By General Partner

(Partnerships Only)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me, known to be general partners of _____, the partnership that executed the Sewer Facilities Agreement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

_____
(Name of Corporation)

_____
By President

_____
By Secretary

(Corporations Only)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Sewer Facilities Agreement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

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

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

CITY OF KIRKLAND
Parks and Community Services Department
505 Market Street, Kirkland, WA 98033 425.587.3330
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jennifer Schroder, Director
Carrie Hite, Deputy Director
Mike Metteer, Business Services Manager

Date: May 9, 2007

Subject: KMC amendment: City Floats, Moorages and Tour Boat Facility

Recommendation

We recommend that Council repeal ordinances 14.36 and 14.38, and adopt new chapter 14.36 entitled "City Floats, Moorages and Tour Boat Facility."

Background:

The City of Kirkland ordinance 14.36 for city floats and moorages was established in 1960. At this time the expectation was that Kirkland was destined to become a working port city; ordinances specific to patrol floats and fire piers reflect this previous vision.

In 1988, the City of Kirkland and the Port of Seattle joined forces to build a 180 foot tour dock at the end of the existing Marina Park dock. Chapter 14.38 was created specifically for the tour dock. It includes authority and administration from Parks and Community Services, rules for tour boats and rules for the dock.

Last year, Parks and Community Services acquired the Second Avenue South Dock. This dock was built in public right-of-way in 1974. After a fifteen year agreement, the City gained the right to control the dock. The City opted to exercise this right in April, 2006. Since the summer of 2006, the same dock rules that apply to the Marina Park dock have been enforced.

These proposed changes to the KMC will allow the City to operate the Marina as one program area, and move us closer to realizing a business plan for Marina Park. The proposed ordinance, 14.36, will combine the Marina Park Dock, Tour Dock and Second Avenue South Dock into one chapter, yet still address rules to specific docks as needed. It also recommends updating some rules to allow more flexibility and business sense in the operation of the Marina. Listed below are described the changes to the existing Municipal Code.

14.36.011

Moorage Rates Established

The Kirkland Marina Dock is vastly below market rate for moorage. For example, a 20 foot Bayliner would pay an average of $14.66 for guest moorage around the greater Seattle area (see Attachment A). In Kirkland that same boater would only pay $7.00 for an overnight stay. Our current ordinance limits our ability to set a fair market price for moorage fees without first seeking Council approval. This creates a long process and extensive staff time to make appropriate changes which should be reviewed annually. By charging competitive rates, we will position ourselves to further enhance the maintenance and upgrade of our heavily used facilities at Marina Park.

Moorage limited to overnight use

For over 30 years, moorage collection has been done in morning between the hours of 6:00am and 9:00am. Current ordinances allow for free day-use of the marina; thus moorage collection is done the morning after the stay. In 2005 we had 932 stays without payment. In 2006 we had 1,335 overnight stays without payment. That's over $10,000 in lost revenue. By removing restrictions on collecting moorage during peak hours we'll be able to collect fees from boaters while they are docked. This will help curb the late afternoon and evening crowds/parties, and increase moorage revenues.

Moorage or lying time shall not exceed three days

Currently, the ordinance reads "Moorage or lying time at the Marina Park facility shall not exceed three days or a maximum of seventy-two hours in any consecutive seven-day period." Boaters come to Kirkland from all over Pacific Northwest. Kirkland has become a yearly tourist destination. For some, especially those coming from far distances, three days is not adequate time to discover all Kirkland has to offer. We have found that the dock is not full for a majority of the summer (with the exceptions of Seafair and 4th of July). We recommend expanding the amount of time one can stay at the dock. The new proposed language will read "Moorage or lying time at the Marina Park moorage facility shall not exceed five days in any consecutive seven-day period during the months of June, July and August without the prior written permission of the Parks Director." We still will need some restrictions to keep some boaters from moving in for the summer, but five days will be sufficient for most visitors.

14.36.014

Compliance Required

In Kirkland, not paying for moorage is a misdemeanor according to our current ordinance. The KMC states that boaters who fail to pay their moorage shall be charged with a misdemeanor, punishable by a fine not to exceed five hundred dollars. The proposed new chapter 14.36.070 changes this to a civil infraction. In addition, the new chapter allows the Parks and Community Services department authority to issue citations through the Kirkland Police department. Police and Parks have been working together to resolve many issues at the dock. This ordinance will help in the enforcement of the rules and with collection of moorage payment by utilizing the Dock Master, while relieving police resources.

14.38.080

Information kiosk.

When the tour dock was new, there was concern that the information kiosk would be abused by third party advertisements. Since 1988, this has not been an issue. There have been occasional "lost dog" or "jet ski for sale" flyers posted, but nothing more. Parks staff is quick to remove any flyers posted to the Marina

kiosk or any other amenity at Kirkland parks. We recommend changes to the ordinance to allow for tourism information for our many visitors that reach Kirkland by water. We have a new Kiosk sign in place that will allow limited spaces for advertisements from some of our local businesses. We would like to be able to utilize this to help local businesses increase their visibility.

Attachments

Attachment A – Comparable moorage rates
Attachment B - Current Chapters 14.36 and 14.38
Ordinance and Publication Summary

Attachment A

Moorage Rates

Transient Moorage Comparable Rates

Transient or Guest overnight moorage is somewhat rare throughout the Greater Seattle area. The only overnight public docks on Lake Washington belong to the City of Seattle. Edmonds and Des Moines are two comparable cities that offer overnight transient moorage.

	City of Des Moines	Port of Edmonds $0.80 per ft	City of Seattle $0.75 per ft	Current Kirkland rate	Proposed New Kirkland rate
0-20 ft	$13.00	$16.00	$15.00	$7.00	$14.00
21-25 ft	$15.00	$20.00	$18.75	$8.00	$16.00
26-30 ft	$18.00	$24.00	$22.25	$12.00	$20.00
31-35 ft	$21.00	$28.00	$26.25	$15.00	$24.00
36-40 ft	$24.00	$32.00	$30.00	$18.00	$26.00
41-45 ft	$27.00	$36.00	$33.75	$25.00	$35.00
46-50 ft	$30.00	$40.00	$37.50	$25.00	$35.00
51-55 ft	$33.00	$44.00	$41.25	$25.00	$35.00
60 ft	$40.00	$48.00	$45.00	$25.00	$35.00

ATTACHMENT B

Chapter 14.36
CITY FLOATS AND MOORAGES*

Sections:

14.36.010 City floats and moorage.
14.36.011 Rates established.
14.36.012 Moorage overnight prohibited when.
14.36.013 Additional rules and regulations.
14.36.014 Compliance required—Penalty for violation.
14.36.015 Authority to impound watercraft.
14.36.016 Commercial craft prohibited.
14.36.017 Sale of impounded property including watercraft.
14.36.020 Boats to observe city health and conduct rules.
14.36.030 Cleanliness of docks.
14.36.040 Garbage disposal.
14.36.050 Fire piers.
14.36.060 Patrol floats.
14.36.070 City buoys.
14.36.080 Boat launch ramp.
14.36.081 Hours of operation.
14.36.082 Limitation on length of boats.
14.36.083 Fee for use.
14.36.084 "Seafair Unlimited Hydroplane Race Day."
14.36.085 Parking of boat trailers.

* For the statutory authority of port districts to acquire and operate facilities, see RCW 53.08.020.

14.36.010 City floats and moorage.

(a) Unless posted to limit use to non-dockage purposes, all city floats, piers, or moorages now or hereafter established may be used by watercraft for dockage purposes, except as hereinafter specified, for lying time not to exceed forty-eight hours in any consecutive seven-day period; provided, that the police department or port warden shall have authority to shorten or lengthen said period of time when circumstances require such alteration in order to promote safety or protect property; provided, further, that moorage for the following purposes is prohibited:

(1) Handling freight;

(2) Mooring of boats or watercraft for sale or commercial display;

(3) Receiving or discharging fee-paying or commercial passengers without having obtained prior written permit from the city;

(4) Any other commercial use.

(b) No dockage or other tie-up by ropes, cables or other fastenings shall be made except by use of tie-up cleats provided for such purposes. (Ord. 2451 § 1, 1979: Ord. 2351 § 2, 1977: Ord. 800 § 43(1), 1960)

14.36.011 Rates established.

There are established the following rates to be assessed against boats and other watercraft moored overnight at the Kirkland Marina Park moorage facility:

BOAT OR WATERCRAFT LENGTH	RATE PER WATERCRAFT PER DAY
Under 20 feet	$ 7.00
21 feet to 30 feet	8.00
30 feet to 34 feet	12.00

35 feet to 40 feet	15.00
41 feet to 50 feet	18.00
51 feet and over	25.00

For the purpose of this chapter, each day constitutes a period of twenty-four hours commencing at the time the watercraft is registered and payment made or from the time the watercraft is tied up, whichever first occurs.

Moorage or lying time at the Marina Park facility shall not exceed three days or a maximum of seventy-two hours in any consecutive seven-day period. (Ord. 3727 § 1, 1999: Ord. 2795 § 1, 1984: Ord. 2734 § 1, 1983: Ord. 2451 § 2 (part), 1979)

14.36.012 Moorage overnight prohibited when.

No person shall moor a boat overnight at the Kirkland Marina moorage facility unless that person immediately registers and pays the fee established above. Mooring during daylight hours only may be allowed without registration or payment of fee but only in accordance with any rules or regulations established by the city manager or the director of parks and recreation as his delegate. (Ord. 2451 § 2 (part), 1979)

14.36.013 Additional rules and regulations.

The city manager, or the director of parks and recreation as his delegate, is empowered to develop and implement rules and regulations regarding the operation and maintenance of the Kirkland Marina Park moorage facility in accordance with this and other ordinances of the city, and any applicable state and federal laws. Said regulations may include rules regarding registration of boats, the payment of fees, ingress and egress of boats, and persons from the Marina Park moorage facility and any other aspects of operation or maintenance of said facility. Such rules and regulations shall be promulgated and posted in accordance with the rule-making authority granted by Section 11.80.220 of the Kirkland Municipal Code. Such rules and regulations shall be prominently posted at said moorage facility so as to reasonably inform the public. (Ord. 2451 § 2 (part), 1979)

14.36.014 Compliance required—Penalty for violation.

All persons using the city public moorage facilities shall abide by all ordinances of the city which may be relevant thereto, including provisions of the Kirkland Municipal Code.

Any boat moored at the Kirkland Marina Park moorage facility for which a fee, as provided herein, has not been paid, or for which proper registration has not been made, or which has been so moored for more than two consecutive days may be impounded in accordance with the provisions of Section 14.36.015. In addition, any violation of Sections 14.36.011 through 14.36.014, inclusive, shall constitute a misdemeanor and punishable by a fine not to exceed five hundred dollars; provided, however, that the fine to be imposed for a violation of moorage time limitation or overtime moorage, shall be considered a separate offense as to each twenty-four-hour period beyond the maximum moorage time permitted, and the fine for each such violation shall be twenty-five dollars, that is to say, twenty-five dollars for each day or portion thereof, that a watercraft is moored in violation of the moorage time limitations imposed by this chapter. (Ord. 2451 § 2 (part), 1979)

14.36.015 Authority to impound watercraft.

Whenever there exists a probable cause to believe that a watercraft has remained moored in such a manner and for such a time as to constitute a violation of Sections 14.36.010 through 14.36.014, inclusive, the port warden shall have the authority to either impound-in-place said watercraft, or, in the exercise of his discretion to promote safety and protect property, impound said watercraft by effecting its removal to an appropriate holding area; provided, that said impound or impound-in-place shall occur only after reasonable investigation has indicated that the arrest of the proper person or issuance of citation thereto for such violation, pursuant to the purposes and provisions of Section 14.48.040, are either impossible or impracticable; provided, further, that in the event an impound or impound-in-place occurs, said watercraft

shall be released to its owner or his agent upon compliance with the purposes and provisions of Section 14.48.040. (Ord. 2451 § 3, 1979: Ord. 2351 § 3 (part), 1977)

14.36.016 Commercial craft prohibited.

No vessel or other watercraft which is commercially registered or licensed shall be moored at the city docks without prior written permit under the authority of the city manager. (Ord. 2351 § 3 (part), 1977)

14.36.017 Sale of impounded property including watercraft.

The city shall sell at public auction after written notice to the owner, if known, any impounded property including impounded watercraft not redeemed within sixty days after the date of impounding. Notice of such sale shall be published in a newspaper of local circulation describing the items to be sold, the time, place and date of said auction and other specifics as may be required by law. Moneys received from the sale shall first be applied toward payment of city moorage fees, taxes, utility charges and other cost to the city. Any remainder shall be forwarded to the owner, if known. If the owner is not known, the remainder shall be retained by the city for a period of six months for release to the owner upon sufficient proof of ownership. After the six-month period has elapsed without release to owner, the remainder shall be deposited into the general fund of the city.

Notwithstanding any provisions to the contrary contained in Section 14.48.040, no impounded property, including watercraft, shall be released to its owner or his agent until there has been paid to the city in full, all moorage fees, fines, expenses incurred by the city in the course of impounding, including storage, and such other sums as may be due and owing to the city as a result of the mooring of said watercraft to the Kirkland moorage facilities. (Ord. 2451 § 4, 1979)

14.36.020 Boats to observe city health and conduct rules.

Persons in charge of or occupying boats docked at or moored to land, docks, piers or wharves abutting waterways shall observe all the health and sanitary regulations of the city, and all ordinances of the city relating to the conduct of persons and prohibiting acts contrary to public health, morals, safety or public peace. (Ord. 800 § 43(3), 1960)

14.36.030 Cleanliness of docks.

Persons in charge of or occupying boats shall at all times keep the docks, seawalls, and premises adjacent to such watercraft in a neat and orderly manner and free from trash, rubbish, repair parts, machinery, equipment and debris of all kinds. (Ord. 800 § 43(4), 1960)

14.36.040 Garbage disposal.

No person in charge of or occupying a boat shall dump or throw garbage, paper, bottles, cans, refuse or debris into waterways. Persons in charge of boats moored or docked in the waterways shall provide garbage cans of sufficient size to hold garbage or refuse to be collected by the city garbage collection department. (Ord. 800 § 43(5), 1960)

14.36.050 Fire piers.

No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the fire department, nor shall such location be used for any purpose whatever other than municipal purposes. (Ord. 800 § 45, 1960)

14.36.060 Patrol floats.

The port warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats. (Ord. 800 § 46, 1960)

14.36.070 City buoys.

The port warden shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive. (Ord. 800 § 31, 1960)

14.36.080 Boat launch ramp.

Use of the public boat launch ramp installed within the Market Street street end shall be subject to the provisions of Sections 14.36.081 through 14.36.085 of this chapter. (Ord. 3143 (part), 1988)

14.36.081 Hours of operation.

The launch ramp shall be open for use between five a.m. and ten p.m. each day between April 1st and October 31st, inclusive. (Ord. 3242 § 1, 1991: Ord. 3143 (part), 1988)

14.36.082 Limitation on length of boats.

Between April 1st and October 31st, use of the launch ramp shall be limited to boats twenty-four feet or less in length. (Ord. 3143 (part), 1988)

14.36.083 Fee for use.

Between April 1st and October 31st, inclusive, of each year, the launch ramp may be used only by persons who have paid to the city the following annual fee:

(1) Residents of the city of Kirkland, thirty dollars;

(2) Nonresidents of the city of Kirkland, sixty dollars.

Upon payment of the annual fee, the city shall issue a "magnetic pass card" enabling the holder thereof to open the access device installed within the launch ramp. The director of parks and recreation is directed to establish, by department regulation, a ten-dollar one-time-use fee along with a deposit charge equal to the amount that a resident or nonresident would pay for a seasonal pass, with strict limits being placed upon how many times an individual may use a single-use pass. The director of parks and recreation is further directed to establish, by department regulation, pro rata reduction of fees after Labor Day each year, whereby fees for boat launch cards may be reduced from thirty dollars to fifteen dollars for residents, and from sixty dollars to thirty dollars for nonresidents.

At all other times during the year, the launch ramp shall be available for use at no charge. (Ord. 3727 § 2, 1999: Ord. 3242 § 2, 1991: Ord. 3143 (part), 1988)

14.36.084 "Seafair Unlimited Hydroplane Race Day."

On any day when unlimited hydroplane races are being held on Lake Washington, the launch ramp may be used after three p.m. only for the removal of boats from the water and loading onto boat trailers. (Ord. 3143 (part), 1988)

14.36.085 Parking of boat trailers.

Persons using the launch ramp shall park their empty boat trailers only in parking places designated and signed for boat trailer parking. It is unlawful for any person to park a boat trailer within an area signed "no boat trailer parking."

Boat trailers shall not be parked on the "Waverly Site" except in such portion thereof as may be clearly signed to permit the parking of boat trailers. (Ord. 3143 (part), 1988)

Chapter 14.38
COMMERCIAL TOUR BOAT FACILITY

Sections:

Article I. General Operating Policies

14.38.010 Parks and community services department responsibilities—Facility designated.
14.38.020 Use requirements.
14.38.030 Signage.
14.38.040 Hours of use.
14.38.050 *Repealed.*
14.38.060 Vending prohibited.

14.38.070 *Repealed.*
14.38.080 Information kiosk.
14.38.090 *Repealed.*
14.38.100 Report to Port of Seattle required.
14.38.110 Operating policies, rules and regulations to be reviewed by parks and community services department and amended when necessary.

Article II. Moorage Fees and Scheduling

14.38.120 Moorage fee.
14.38.130 Prior reservation and fee payment required.

Article III. Regulations Relating to Pick-up and Embarkation of Tour Boat Passengers and Motor Vehicle Parking

14.38.140 Occasional tour boat departures permitted when.
14.38.150 Transportation, loading and unloading of passengers.
14.38.160 Staging—Loading and unloading of buses.
14.38.170 Private passenger automobiles and limousines.

Article IV. Adoption of Additional Rules and Regulations by Director of Parks and Recreation

14.38.180 Authority of director of parks and recreation.

Article V. Enforcement

14.38.190 Violation—Penalty.

Article I. General Operating Policies

14.38.010 Parks and community services department responsibilities—Facility designated.

The parks and community services department shall be responsible for the overall administration, maintenance and operation of the commercial tour boat pier, hereinafter referred to as “the facility.” Said facility being the extension to the marina park moorage pier, constructed in 1988 and signed for commercial tour boat usage only.

Throughout this code, any reference to parks and recreation department shall mean the parks and community services department and any reference to the director of parks and recreation shall mean the director of parks and community services. (Ord. 3842 § 1, 2002: Ord. 3097 § 1 (I.1), 1988)

14.38.020 Use requirements.

(a) The facility shall only be used by boats which are transporting passengers for commercial, charitable or educational purposes. The facility shall not be used by boats which are being operated solely for personal pleasure purposes. Every boat using the facility shall, at a minimum:

(1) Be covered by one million dollars per occurrence, two million dollars aggregate marine and/or general liability insurance currently in force;

(2) Comply with applicable state and/or federal laws, such as regarding registration, licensing of crew and safety regulations;

(3) Have on file with the city a valid Kirkland department of parks and community services commercial pier user agreement;

(4) Comply with requirements for fee payment and prior reservation.

(b) In the event that these requirements are not timely fulfilled or information supplied to the city is not complete, the director of parks and community services may suspend a boat and/or its owner, captain or operator from any use of the commercial pier for a period of up to one year. During the suspension, neither

the suspended boat, nor any other boat carrying suspended persons shall tie up, moor or otherwise use the commercial pier. (Ord. 3842 § 2, 2002: Ord. 3235 § 2 (part), 1990)

14.38.030 Signage.

(a) The facility shall be appropriately signed to reflect joint Port of Seattle/city of Kirkland partnership in the facility.

(b) A sign shall be located on the Kirkland marina pier at the division point between recreational moorage and commercial tour boat moorage. The sign shall display the name of the Port of Seattle in partnership with the city of Kirkland for so long as the Port of Seattle continues to hold a financial interest in the facility. (Ord. 3842 § 3, 2002: Ord. 3097 § 1 (I.3 (part), 9a), 1988)

14.38.040 Hours of use.

(a) The normal hours of facility operation are from seven a.m. to midnight. The regular moorage fee shall be paid by a boat which uses the commercial pier for any portion of a day between seven a.m. and midnight.

(b) A boat which complies with all other provisions of this chapter may be at the dock overnight, that is, between the hours of midnight and seven a.m., but only on one night in any fourteen-day period. Such a boat shall pay the overnight moorage fee for docking during any portion of the night hours. In addition, the parks and recreation department, when specially requested, may authorize more frequent overnight moorage. (Ord. 3235 § 2 (part), 1990)

14.38.050 Parks and recreation department employee duties.

Repealed by Ord. 3842. (Ord. 3097 § 1 (I.6), 1988)

14.38.060 Vending prohibited.

Vending of any kind is prohibited, on or within the tour dock facility. Commercial vending is also prohibited, on and within the marina park recreational boat facility, the boat launch ramp and Marina Park itself. (Ord. 3097 § 1 (I.7), 1988)

14.38.070 Public access to be maintained and monitored.

Repealed by Ord. 3842. (Ord. 3097 § 1 (I.8), 1988)

14.38.080 Information kiosk.

An information kiosk is to be located near the facility for the purpose of public information. The kiosk should be stocked with brochures, maps and other promotional materials, regarding “what to do” and “where to go” in Kirkland and the surrounding area. The kiosk shall not, however, be utilized or used as a general purpose community bulletin board, nor shall it be used for posting or supplying notices, or promotional material in connection with the commercial sale or promotion of specific retail establishments, goods, products or services. The purpose of the kiosk is to provide general information for tourists, as distinguished from advertisement of specific commercial establishments, activities, goods, products or services. (Ord. 3097 § 1 (I.9b), 1988)

14.38.090 Operating policies and procedures pamphlet.

Repealed by Ord. 3842. (Ord. 3097 § 1 (I.10), 1988)

14.38.100 Report to Port of Seattle required.

The city acting through its parks and recreation department shall provide to the Port of Seattle an annual report summarizing the operational and financial activities of the facility. (Ord. 3097 § 1(I.12), 1988)

14.38.110 Operating policies, rules and regulations to be reviewed by parks and community services department and amended when necessary.

Operating policies, rules, and regulations may be revised by the department periodically. The department should consider the following:

(1) The efficient operation of the facility;

(2) The facility is not overregulated or regulated so restrictively that it inhibits or discourages tour boat operators from using the facility;

(3) Facility is not under regulated or so loosely controlled and operated that problems associated with moorage, availability of dock space and complaints from area residents and businesses regarding noise, parking problems, and other matters of public health and safety are prevalent;

(4) Operators minimize engine idle time to the extent reasonable;

(5) Operators avoid use of generators while the vessel is at dock;

(6) Operators of Type I or II vessels do not discharge treated or untreated sewage into Lake Washington;

(7) Unless impractical, operators moor vessels so that the generator exhaust port faces away from the shoreline or sensitive receiving properties whenever possible;

(8) The forbidding of loud music from boats using the dock. (Ord. 3842 § 5, 2002: Ord. 3097 § 1 (I.13), 1988)

Article II. Moorage Fees and Scheduling

14.38.120 Moorage fee.

(a) Boats using the facility for any portion of a day between seven a.m. and midnight shall prepay to the city a moorage fee, calculated at the rate of eighty cents per foot per day.

(b) The overnight moorage fee shall be twenty-five dollars per night.

(c) The director of the department of parks and community services shall have the authority to reduce the moorage fees for charitable or nonprofit activities, for activities cosponsored by the city or for usage on a frequent basis.

(d) The city manager, acting through the director of parks and community services, may adjust the hereinabove rates without amendment of this chapter. Any change in rates shall not become effective until a notice setting forth such change has been posted in a prominent place at the commercial pier for a period of not less than ten days. (Ord. 3842 § 6, 2002: Ord. 3235 § 2 (part), 1990)

14.38.130 Prior reservation and fee payment required.

Any person desiring to use the facility shall make reservation therefor, and in addition to the moorage fee, pay a reservation charge of twenty-five dollars per use. Fee payments and reservations must be received by the department of parks and community services at least twenty-four hours prior to the scheduled time of arrival and tie-up at the facility or by five p.m. on the Friday preceding an arrival between seven a.m. Saturday and five p.m. Monday. (Ord. 3842 § 7, 2002: Ord. 3235 § 3, 1990: Ord. 3097 § 1(II.2), 1988)

ORDINANCE NO. 4098

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS AND MOORAGES AND THE COMMERCIAL TOUR BOAT FACILITY

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

Section 1. Chapter 14.36 of the Kirkland Municipal Code ("KMC") is hereby repealed.

Section 2. Chapter 14.38 of the KMC is hereby repealed.

Section 3. A new Chapter 14.36 of the KMC, entitled "City Floats, Moorages and Tour Boat Facility" is hereby adopted to read as follows:

14.36.010 Definitions

The following definitions shall apply when used in this Chapter:

(a) "Commercial tour boat facility" means the extension to the Marina Park moorage pier, constructed in 1988, and signed for commercial tour boat usage only.

(b) "Marina Park moorage pier" means the City pier located in Marina Park, not including the commercial tour boat facility.

(c) "Parks director" means the City's Director of Parks and Community Services or his or her designee.

(c) "Second Avenue South pier" means the City-owned pier located in the Second Avenue South right of way in Lake Washington.

14.36.020 Parks and community services department responsibilities.

The parks director, or his or her designee, shall be responsible for the overall administration, maintenance and operation of all City floats, piers and moorages, including the commercial tour boat facility (the 1988 extension of the Marina Park moorage pier).

14.36.030 City floats and moorage.

(a) Unless posted to restrict or prohibit moorage, all city floats, piers, or moorages may be used by watercraft for moorage purposes as provided in this chapter. Moorage for the following purposes is prohibited:

(1) Handling freight;

(2) Mooring of boats or watercraft for sale or commercial display;

(3) Receiving or discharging fee-paying or commercial passengers without having obtained prior written permission from the city;

(4) Any other commercial use except for authorized use of the commercial tour boat facility.

(b) No moorage or other tie-up by ropes, cables or other fastenings shall be made except by use of tie-up cleats provided for such purposes.

14.36.040 Moorage rates and duration.

(a) The moorage rates to be assessed against watercraft moored at the Marina Park moorage pier and the Second Avenue South pier shall be established on an annual basis by the parks director by department regulation; provided that if the parks does not establish a moorage rate in a particular

year, the most recently established moorage rate shall continue to be in effect until new moorage rates are established.

(b) The parks director may charge different rates at different facilities. Moorage rates may be charged no more frequently than on daily increments. Daily moorage rates shall be posted at the moorage facilities. The moorage rate for the first day is due at the time the watercraft is tied up to the pier. The moorage rate for additional days is due at noon on each day.

(c) Moorage or lying time at the Marina Park moorage facility shall not exceed five days in any consecutive seven-day period during the months of June, July and August without the prior written permission of the parks director.

14.36.050 Moorage prohibitions.

(a) No person shall moor a watercraft at a City moorage facility without registering and paying the established fee in advance. No person shall continue to moor a watercraft at a City moorage facility without paying the established moorage fee as it becomes due.

(b) No person shall moor a watercraft in an area that has been posted to prohibit moorage. No person shall, without City authorization, moor a watercraft in an area that has been posted as a restricted area.

(c) The tying together or rafting of watercraft moored at a City moorage facility is prohibited.

14.36.060 Additional rules and regulations.

Pursuant to Chapter 3.68 of the Kirkland Municipal Code, the parks director is empowered to develop and implement rules and regulations regarding the operation and maintenance of the Marina Park moorage pier, the Second Avenue South pier, the Commercial tour boat facility, and any other City moorage facilities, in accordance with applicable laws and regulations. The rules and regulations may include registration of watercraft, payment of moorage and related fees, ingress and egress of watercraft and persons from the moorage facilities and any other aspect of the operation and maintenance of the moorage facilities. The rules and regulations shall be posted at the moorage facilities in order to inform users of the moorage facilities and the public.

14.36.070 Compliance required.

(a) All persons using city moorage facilities shall abide by all applicable ordinances of the City and any rules and regulations adopted by the parks director.

(b) The following violations of this chapter shall be civil infractions:

(1) Moorage without registering or without paying the established fee; continuing to moor without paying the established fee as it becomes due. The civil penalty shall be the same as the overtime parking penalty schedule set forth in Section 12.45.320 of the Kirkland Municipal Code (as it now exists or may subsequently be amended). Each calendar day on which a failure to pay the moorage fees occurs shall constitute a separate civil infraction.

(2) Moorage in a restricted or prohibited area. The civil penalty shall be sixty-six dollars. Each calendar day on which a watercraft is moored in a restricted or prohibited area shall constitute a separate civil infraction.

(3) Tying together or rafting of watercraft. The Civil penalty shall be sixty-six dollars. Each of the watercraft involved shall be subject to issuance of a separate civil infraction.

(c) The parks director shall designate an employee or contractor who shall be responsible for issuing civil infractions with respect to watercraft for which moorage fees have not been paid or for which registration has not need made. The employee or contractor designated by the parks director shall receive any necessary authorization and training from the Kirkland Police Department with respect to issuance of civil infractions. Alternatively, the parks director may make arrangements with the Kirkland Police Department for police personnel to issue civil infractions under this chapter.

14.36.080 Authority to Impound.

Whenever a watercraft remains moored at a City facility for more than two days without paying the applicable moorage fee, or is in violation of any other provision of this Chapter or the rules and regulations promulgated by the parks director, the parks director may impound the watercraft and any property associated with the watercraft. Watercraft moored in prohibited areas and unauthorized watercraft moored in restricted areas are subject to immediate impoundment. In addition, the parks director may impound any watercraft moored at a City facility if the watercraft poses a risk to public health or safety. The parks director, in his or her discretion, shall decide whether the watercraft shall be impounded in place through use of a locking device or removed to an appropriate holding area.

14.36.090 Redemption of impounded watercraft.

An owner of an impounded watercraft may obtain release of the watercraft by paying the City all moorage fees, fines and expenses incurred by the City in the course of impounding (including storage) within sixty days of impoundment.

14.36.100 Sale of impounded watercraft.

The city shall sell at public auction after written notice to the owner, if known, any impounded property including impounded watercraft not redeemed within sixty days after the date of impounding. Notice of such sale shall be published in a newspaper of local circulation describing the items to be sold, the time, place and date of said auction and other specifics as may be required by law. Moneys received from the sale shall first be applied toward payment of city moorage fees, fines and expenses incurred by the City in the course of impounding (including storage). Any remainder shall be forwarded to the owner, if known. If the owner is not known, the remainder shall be retained by the city for a period of six months for release to the owner upon sufficient proof of ownership. After the six-month period has elapsed without release to owner, the remainder shall be deposited into the general fund of the city.

14.36.110 Boat launch ramp.

Use of the public boat launch ramp installed within the Market Street street end shall be subject to the provisions of Sections 14.36.110 through 14.36.160 of this chapter.

14.36.120 Boat launch ramp–hours of operation.

The launch ramp shall be open for use between five a.m. and ten p.m. each day between April 1st and October 31st, inclusive.

14.36.130 Boat launch ramp–limitation on length of boats.

Between April 1st and October 31st, use of the launch ramp shall be limited to boats twenty-four feet or less in length.

14.36.140 Boat launch ramp–fee for use.

Between April 1st and October 31st, inclusive, of each year, the launch ramp may be used only by persons who have paid to the city an annual fee with distinct pricing for residents, non residents and commercial use. The fee amounts shall be established by the director of parks and community services by department regulation.

Upon payment of the annual fee, the city shall issue an access card enabling the holder thereof to open the access device installed within the launch ramp. The director of parks and community services is directed to establish, by department regulation, a one-time-use fee along with a deposit charge with strict limits being placed upon how many times an individual may use a single-use pass. At all other times during the year, the launch ramp shall be available for use at no charge.

14.36.150 Boat launch ramp–unlimited hydroplane races.

On any day when unlimited hydroplane races are being held on Lake Washington, the launch ramp may be used after three p.m. only for the removal of boats from the water and loading onto boat trailers.

14.36.160 Boat launch ramp–parking of boat trailers.

Persons using the launch ramp shall park their empty boat trailers only in parking places designated and signed for boat trailer parking. It is unlawful for any person to park a boat trailer in any other parking space." Boat trailers shall not be parked on the "Waverly Site" except in spaces designated and signed for boat trailer parking.

14.36.170 Commercial tour boat facility–use requirements.

(a) The commercial tour boat facility shall only be used by boats which are transporting passengers for commercial, charitable or educational purposes. The facility shall not be used by boats which are being operated solely for personal pleasure purposes. Every boat using the facility shall, at a minimum:

(1) Be covered by one million dollars per occurrence, two million dollars aggregate marine and/or general liability insurance currently in force;

(2) Comply with applicable state and/or federal laws, such as regarding registration, licensing of crew and safety regulations;
(3) Have on file with the city a valid Kirkland department of parks and community services commercial pier user agreement;
(4) Comply with requirements for fee payment and prior reservation.
(b) In the event that these requirements are not timely fulfilled or information supplied to the city is not complete, the parks director may suspend a boat and/or its owner, captain or operator from any use of the commercial pier for a period of up to one year. During the suspension, neither the suspended boat, nor any other boat carrying suspended persons shall tie up, moor or otherwise use the commercial pier.

14.36.180 Commercial tour boat facility–Hours of use.
(a) The normal hours of the commercial tour boat facility operation are from seven a.m. to midnight. The regular moorage fee shall be paid by a boat which uses the facility for any portion of a day between seven a.m. and midnight.
(b) A boat which complies with all other provisions of this chapter may be at the facility overnight, that is, between the hours of midnight and seven a.m., but only on one night in any fourteen-day period. Such a boat shall pay the overnight moorage fee for docking during any portion of the night hours. In addition, the parks director, when specially requested, may authorize more frequent overnight moorage.

14.36.190 Commercial tour boat facility–information kiosk.
An information kiosk is to be located near the commercial tour boat facility for the purpose of public information. The kiosk should be stocked with brochures, maps and other promotional materials, regarding "what to do" and "where to go" in Kirkland and the surrounding area. The kiosk shall not, however, be utilized or used as a general purpose community bulletin board, nor shall it be used for posting or supplying notices. Advertisement of specific local commercial establishments, activities, goods, products or services may be done in accordance with the parks and community services department policies and regulations.

14.36.200 Commercial tour boat facility operating policies, rules and regulations.
Operating policies, rules, and regulations for the commercial tour boat facility may be revised by the department periodically. The department should consider the following factors:
(1) The efficient operation of the facility;
(2) Ensuring that the facility is not overregulated or regulated so restrictively that it inhibits or discourages tour boat operators from using the facility;
(3) Ensuring that the facility is not under regulated or so loosely regulated that problems arise with respect to moorage, availability of dock space, complaints from area residents and businesses regarding noise, parking problems, and other matters of public health and safety;

(4) Ensuring that operators minimize engine idle time to the extent reasonable;
(5) Ensuring that operators avoid use of generators while the vessel is at dock;
(6) Ensuring that operators of vessels do not discharge treated or untreated sewage into Lake Washington;
(7) Ensuring that operators moor vessels so that the generator exhaust port faces away from the shoreline or sensitive receiving properties whenever possible;
(8) The need to prohibit loud music or other disturbances caused by boats using the dock.

14.36.210 Commercial tour boat facility moorage fee.
(a) Boats using the commercial tour boat facility for any portion of a day between seven a.m. and midnight shall prepay to the city a moorage fee, calculated at the rate established by the parks director.
(b) An overnight moorage fee shall be, in addition to the day use fee, established by the parks director.
(c) The parks director shall have the authority to reduce the moorage fees for charitable or nonprofit activities, for activities cosponsored by the city or for usage on a frequent basis.
(d) Any change in rates shall not become effective until a notice setting forth such change has been posted in a prominent place at the commercial pier for a period of not less than ten days.

14.36.220 Commercial tour boat facility–prior reservation and fee payment required.
Any person desiring to use the commercial tour boat facility shall make reservation, and in addition to the moorage fee, pay a reservation chargein an amount to be established by the parks director. Fee payments and reservations must be received by the department of parks and community services at least twenty-four hours prior to the scheduled time of arrival and tie-up at the facility or by five p.m. on the Friday preceding an arrival between seven a.m. Saturday and five p.m. Monday.

14.36.230 Commercial tour boat facility–Transportation of passengers.
When departing from the commercial tour boat facility, all passengers scheduled to embark shall be brought by the tour operator or sponsor to the facility by bus or van. Arrival of embarking passengers in private passenger vehicles, taxis or commercial limousines shall be prohibited. The conveying bus or van shall unload and load passengers, and park during the interim, only at a places specifically designated by the parks director.

14.36.240 Commercial tour boat facility—bus connections.
When bus connections are necessary as a part of tour packages, the METRO transit center, located on 3rd Street, between Central Way and Kirkland Avenue, shall be used as the main staging area for passenger loading and

unloading. The tour operator shall be responsible for making the necessary staging arrangements with METRO.

14.36.250 Commercial tour boat facility—violations of this Chapter and penalties.

(a) It shall be unlawful for any person to violate or fail to comply with any provision of sections 14.36.170 through 240 of this chapter.

(b) Any boat or vessel moored at or tied to the commercial tour boat facility that does not meet the requirements of Section 14.36.170 constitutes a civil infraction and is subject to the civil infraction and impoundment procedures set forth in sections 14.36.040 through 14.36.100 of this chapter.

(c) Any boat or vessel moored at or tied to the commercial tour boat facility that has not paid the applicable moorage or reservation fees pursuant to sections 14.36.210 and 14.36.220 of this chapter constitutes a civil infraction and is subject to the civil infraction and impoundment procedures set forth in sections 14.36.040 through 14.36.100 of this chapter.

Section 4. 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 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4098

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS AND MOORAGES AND THE COMMERCIAL TOUR BOAT FACILITY

SECTION 1. Repeals Chapter 14.36 of the Kirkland Municipal Code ("KMC") relating to City floats and moorages.

SECTION 2. Repeals Chapter 14.38 of the KMC relating to the City commercial tour boat facility.

SECTION 3. Adopts a new Chapter 14.36 of the KMC relating to City floats and moorages and the commercial tour boat facility.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. 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 _____, 2007.

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

_____
City Clerk

CITY OF KIRKLAND
Development Services
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manger

From: Tom Phillips, Building Services Manager

Date: May 22, 2007

Subject: AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION.

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance that adopts and amends technical and administrative codes in Title 21 of the Kirkland Municipal Code.

BACKGROUND AND DISCUSSION

Generally, the State of Washington adopts and amends the building and construction codes every three years and requires all cities to enforce them. Cities are allowed to further amend these codes provided the amendment does not result in a code less restrictive than that adopted by the State. Kirkland has historically made local amendments to these codes, which are reviewed every three years for consistency with the newly adopted codes, changing construction trends and general housekeeping. Most of Kirkland's local amendments are to the administrative portion of the code.

During this adoption cycle most of the E-GOV Alliance cities worked together to update their administrative provisions and to make common amendments to the technical codes. While there was a concerted effort to minimize code amendments and promote consistency within the Alliance cities, it was recognized that there would always be some differences between the cities. Although the majority of changes are minor clarifications, some are more significant, which are discussed below.

1. **Eliminate the exemption for structures in the right of way.** The 2003 and 2006 International Building Codes apply to all structures whether or not they are in a right of way. Kirkland has a local amendment that exempts structures in the right of way from the code requirements. This proposed Ordinance would eliminate that exemption. The most noticeable affect would be that cellular towers would be required to have a building permit.

2. **200 sq. ft. exemption reduced to 120 sq. ft.** The 1997 Uniform Building Code exempted storage buildings less that 120 sq. ft. from a building permit. The 2003 International Residential Building Code (IRC) exempted storage buildings less that 200 sq. ft. Now the 2006 IRC is going back to the 120 sq. foot threshold. This change will also provide consistency with the Zoning Code.

3. **Building permit applications good for 18 months.** Currently permit applications are good for one year but may be extended six months. Under this proposed Ordinance, applications would be good for

18 months but cannot be extended when they expire. This will reduce the number of expiration letters we send out and the need for applicants to request extensions.

4. **Residential permits now good for two years.** Our Administrative Code was changed in 2004 to allow all building permits to remain active provided a construction schedule was submitted and adhered to. This has proven to be an administrative challenge as contractors often cannot predict outside influences on their construction schedule. This proposal allows two years for residential projects, and does not provide any extensions. It is hoped this will eliminate time and paper work for the contractors and City staff.

5. **Commercial permits good for the life of the project.** Permits for larger projects will now be good for as long as progress is being made on the project. The permit will expire if work stops for more than six months.

6. **Adopt the International Existing Building Code.** This will provide clearer direction and flexibility for existing buildings.

7. **Revised fence requirements for residential swimming pools**. More specific and restrictive pool fence requirements are now part of the IRC.

8. **Window guards required.** The IBC and IRC now limit how low an openable window can be to the floor in a dwelling unit. The window cannot be openable if the bottom of the window is within two feet of the floor and the window sill is more than six feet above the outside grade. This is to prevent children from falling out low windows.

9. **16 inch braced walls**. Braced walls give buildings their lateral support and were previously limited to 24 inches in width. There are now provisions for a specially designed, 16 inch wall. This will be useful between garage doors or at corners of garages.

10. **New LSM permit threshold.** Under this proposed Ordinance, LSM (grading) permits will be required when more that 50 cu. yds. of material is moved as part of a landscaping project. Currently no permit is required for landscaping.

These amendments will benefit the citizens of Kirkland by providing additional safety provisions. They will also improve the efficiency of the permitting process for developers and City staff.

ORDINANCE NO.4099

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION.

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

Section 1. Kirkland Municipal Code Section 21.04.010 is hereby amended to read as follows:

21.04.010 Copies of codes on file.

(a) Pursuant to state law (Chapters 19.27 and 19.27A RCW), the Kirkland building code is the Washington State Building Code as modified in this title. The Washington State Building Code is composed of the following elements, and the city shall at all times keep on file with the city clerk, for reference by the general public, not less than three copies of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this title:

(1) International Building Code, issued by the International Code Council, Inc., ~~2003~~ 2006 Edition;

(2) International Residential Code, issued by the International Code Council, Inc., ~~2003~~ 2006 Edition;

(3) International Mechanical Code, issued by the International Code Council, Inc., ~~2003~~ 2006 Edition;

(4) International Fire Code, issued by the International Code Council, Inc., ~~2003~~ 2006 Edition;

(5) Uniform Plumbing Code, issued by the International Association of Plumbing and Mechanical Officials, ~~2003~~ 2006 Edition;

(6) National Fuel Gas Code (NFPA 54), issued by the National Fire Protection Association, ~~2002~~ 2006 Edition;

(7) Liquefied Petroleum Gas Code (NFPA 58), issued by the National Fire Protection Association, ~~2001~~ 2004 Edition;

(8) International Fuel Gas Code, issued by the International Code Council, Inc., ~~2003~~ 2006 Edition;

(9) Uniform Housing Code, issued by the International Conference of Building Officials, 1997 Edition;

(10) Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials, 1997 Edition;

(11) National Electrical Code, issued by the National Fire Protection Association, 2005 Edition;

(12) All amendments, supplements, modifications, exclusions, exemptions and additions to the codes identified in subsections (a)(1) through (8) of this section adopted by the Washington State Building Code Council and published in WAC Title 51, including, but not by way of limitation, Chapters 51-11, 51-13, 51-50, 51-51, 51-52, 51-54, 51-56 and 51-57 WAC.

(b) The copies of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available to inspection and use by the general public.

Section 2. Kirkland Municipal Code Chapter 21.06 is hereby amended to read as follows:

Chapter 21.06
CONSTRUCTION ADMINISTRATIVE CODE
Sections:
Article I. ~~Section 101~~ General
21.06.010 Title.
21.06.015 Purpose.
21.06.020 Scope.
21.06.025 Definitions.
21.06.030 Appendices.
21.06.035 Intent.
21.06.040 Referenced codes.
21.06.045 International Building Code.
21.06.050 International Residential Code.
21.06.055 Mechanical.
21.06.060 Liquid propane gas.
21.06.065 Natural gas.
21.06.070 Plumbing.
21.06.075 Energy.
21.06.080 Ventilation and indoor air quality.
21.06.085 Electrical.
Article II. ~~Section 102~~ Applicability
21.06.090 General.
21.06.095 Other laws.
21.06.100 Application of references.
21.06.105 Referenced codes and standards.
21.06.110 Partial invalidity.
21.06.115 Existing structures.
Article III. ~~Section 103~~ Department of Building Safety
21.06.120 Creation of enforcement agency.
21.06.125 Appointment.
21.06.130 Deputies.
Article IV. ~~Section 104~~ Duties and Powers of Building Official
21.06.135 General.
21.06.140 Applications and permits.
21.06.145 Notices and orders.
21.06.150 Inspections.
21.06.155 Identification.
21.06.160 Right of entry.

21.06.165 Department records.
21.06.170 Liability.
21.06.175 Approved materials and equipment.
21.06.180 Used materials and equipment.
21.06.185 Modifications.
21.06.190 Alternative materials, design and methods of construction and equipment.
21.06.195 Research reports.
21.06.200 Tests.
Article V. ~~Section 105~~ Permits
21.06.205 Required.
21.06.210 Electrical permit required.
21.06.215 Work exempt from permit.
21.06.220 Emergency repairs.
21.06.225 Repairs.
21.06.230 Application for permit.
~~21.06.235 Complete application.~~
21.06.240 Action on application.
21.06.245 Time limitation of application.
21.06.250 Validity of permit.
21.06.255 Permit expiration.
21.06.260 Suspension or revocation.
21.06.265 Placement of permit.
Article VI. ~~Section 106~~ Construction Documents
21.06.270 ~~Submittal~~ Construction documents.
21.06.275 Information on construction documents.
21.06.280 Fire protection system shop drawings.
21.06.285 Means of egress.
21.06.290 Exterior wall envelope.
21.06.295 Site plan.
21.06.300 Electrical ~~plans and specifications~~ construction documents.
~~21.06.305 Classification and definition.~~
~~21.06.310 Electrical engineer.~~
~~21.06.315 General.~~
~~21.06.320 Required information.~~
~~21.06.325 Examination of documents.~~
21.06.330 Use of consultants.
21.06.335 Approval of construction documents.
~~21.06.340 Phased approval.~~
21.06.345 Design professional in responsible charge—General.
21.06.350 Deferred submittals.
21.06.355 Amended construction documents.
21.06.360 Retention of construction documents.
Article VII. ~~Section 107~~ Temporary Structures and Uses
21.06.365 General.

21.06.370 Electrical.
21.06.375 Conformance.
21.06.380 Termination of approval.
Article VIII. ~~Section 108~~ Fees
21.06.385 Payment of fees.
21.06.390 Schedule of permit fees.
21.06.395 Plan review fees.
21.06.400 Building permit valuations.
21.06.405 Work commencing before permit issuance.
21.06.410 Related fees.
21.06.415 Refunds.
Article IX. ~~Section 109~~ Inspections
21.06.420 General.
21.06.425 Preliminary inspections.
21.06.430 Manufacturer's installation instructions.
21.06.435 Required inspections.
21.06.440 Footing and foundation inspection.
21.06.445 Concrete slab and under-floor inspection.
21.06.450 Lowest floor elevation.
21.06.455 Exterior wall sheathing inspection.
21.06.460 Roof sheathing inspection.
21.06.465 IMC/UPC/GAS/NEC rough in inspection.
21.06.470 Frame inspection.
21.06.475 Flashing and exterior weather barrier inspection.
21.06.480 Lath inspection and gypsum board inspection.
21.06.485 Fire-resistant penetrations.
21.06.490 Energy efficiency inspection.
21.06.495 Electrical.
21.06.500 Reinspection.
21.06.505 Other inspections.
21.06.510 Special inspections.
21.06.515 Final inspection.
21.06.520 Inspection agencies.
21.06.525 Inspection requests.
21.06.530 Approval required.
Article X. ~~Section 110~~ Certificate of Occupancy
21.06.535 Use and occupancy.
21.06.540 Certificate issued.
21.06.545 Phased occupancy.
21.06.550 Revocation.
Article XI. ~~Section 111~~ Service Utilities
21.06.555 Connection of service utilities.
21.06.560 Temporary connection.
21.06.565 Authority to disconnect service utilities.

Article XII. ~~Section 112~~ Appeals
21.06.570 Appeals to hearing examiner.
21.06.572 Limitations on appeals.
21.06.574 When to appeal and appeal fee.
21.06.576 Contents of notice of appeal.
21.06.578 Notice of the appeal hearing.
21.06.580 Participation in the appeal.
21.06.582 Scope of appeal.
21.06.584 Record of appeal hearing.
21.06.586 Decision on the appeal.
21.06.588 Judicial review.
Article XIII. ~~Section 113~~ Violations
21.06.590 Unlawful acts.
21.06.595 Notice of violation.
21.06.600 Prosecution of violation.
21.06.605 Violation penalties.
Article XIV. ~~Section 114~~ Stop Work Order
21.06.610 Authority.
21.06.615 Issuance.
21.06.620 Investigation fee.
21.06.625 Unlawful continuance.
Article XV. ~~Section 115~~ Unsafe Structures and Equipment
21.06.630 Unsafe structures and equipment.

Article I. ~~Section 101~~ General
21.06.010 Title.
These regulations shall be known as the construction administrative code of the city of Kirkland, hereinafter referred to as "this ~~code~~ chapter."

21.06.015 Purpose. The purpose of this chapter is to provide for the administration, organization and enforcement of the technical codes adopted by the city.

21.06.020 Scope.
(a) This code establishes the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the corporate limits of the city. The provisions of this code shall apply to the administration of the technical codes as adopted by the state of Washington and as listed:
(1) ~~2003~~ 2006 International Building Code—Chapter 51-50 WAC;
(2) ~~2003~~ 2006 International Residential Code—Chapter 51-51 WAC;
(3) ~~2003~~ 2006 International Mechanical Code—Chapter 51-52 WAC;
(4) ~~2002~~ 2006 National Fuel Gas Code (NFPA 54)—Chapter 51-52 WAC;
(5) 2005 National Electrical Code;
(6) ~~2001~~ 2004 Liquefied Petroleum Gas Code (NFPA 58)—Chapter 51-52 WAC;

(7) ~~2003~~ 2006 International Fuel Gas Code—Chapter 51-52 WAC;
(8) ~~2003~~ 2006 Uniform Plumbing Code—Chapters 51-56 and 51-57 WAC.
~~(b) The provisions of this code shall not apply to work located primarily in a public way, public utility towers and poles and hydraulic flood control structures; however, this shall not apply to electrical work.~~
~~(c) The provisions of this code shall not apply to the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.~~

21.06.025 Definitions.
For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section or in the definitions provisions of the technical codes. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
(1) "Action" means a specific response complying fully with a specific request by the jurisdiction.
(2) "Existing building" means a building erected prior to the adoption of this code, or one for which a legal building permit has been issued and ~~approved~~ finalized.
(3) "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
(4) "Complete response" means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed.
(5) "Dangerous building code" means the 1997 Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Council of Building Officials as adopted by the jurisdiction.
(6) "Energy code" means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the city.
(7) "Housing code" means the 1997 Uniform Housing Code promulgated by the International Council of Building Officials as adopted by the city.
(8) "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the city.
(9) "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the city.
(10) "IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by the city.
(11) "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as adopted by the city.
(12) "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

(13) "Shall," as used in this chapter, is mandatory.
(14) "Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.
(15) "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the ~~International Conference of Building Officials~~ International Association of Plumbing and Mechanical Officials as adopted by this jurisdiction.
(16) "Valuation" or "value," ~~as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.~~ used in computing the plan review and permit (inspection) fees, means the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment.
(17) "VIAQ" means the Washington State Ventilation and Indoor Air Quality Code promulgated by the Washington State Building Code Council, as adopted by the jurisdiction.

21.06.030 Appendices.
Provisions in the appendices of the technical codes shall not apply unless specifically adopted.

21.06.035 Intent.
The purpose of this chapter and the technical codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

21.06.040 Referenced codes.
The codes listed in Sections 21.06.045 through 21.06.085 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

21.06.045 International Building Code.
The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
Exceptions:
(1) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

21.06.050 International Residential Code.
The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and

occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures.

21.06.055 Mechanical.
These provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
Exceptions:
(1) The International Fuel Gas Code—for all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG.
(2) International Residential Code—for all structures regulated by the IRC except LPG installations.
(3) NFPA 54 and 58—for all LPG installations.

21.06.060 Liquid propane gas.
The provisions of the National Fuel Gas Code and Liquid Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas.

21.06.065 Natural gas.
The provisions of the International Fuel Gas Code shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code.

21.06.070 Plumbing.
The provisions of the ~~2003~~ Uniform Plumbing Code shall apply to the erection, installation, alteration, repair, relocation, ~~and~~ replacement, addition to, use or maintenance of plumbing and medical gas systems within the City~~. including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.~~

21.06.075 Energy.
The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

21.06.080 Ventilation and indoor air quality.
The provisions of the Washington State Ventilation and Indoor Air Quality Code shall apply to all matters governing the design and construction of buildings for ventilation and indoor air quality.

21.06.085 Electrical.
The provisions of the ~~2005~~ National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Article II. ~~Section 102~~ Applicability

21.06.090 General.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

21.06.095 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

21.06.100 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

21.06.105 Referenced codes and standards.

The codes and standards referenced in ~~this~~ the technical codes shall be considered part of the requirements of ~~this~~ those codes to the prescribed extent of each such reference. Where differences occur between provisions of ~~this~~ the technical codes and referenced codes and standards, the provisions of ~~this~~ the technical codes shall apply.

21.06.110 Partial invalidity.

In the event that any part or provision of this code or a technical code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

21.06.115 Existing structures.

The legal occupancy of any structure existing on the date of adoption of ~~this~~ the technical codes shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or as is deemed necessary by the building official or fire official for the general safety and welfare of the occupants and the public.

Article III. ~~Section 103~~ Building Department

21.06.120 Creation of enforcement agency.

The building department is hereby created and the official in charge thereof shall be known as the building official.

21.06.125 Appointment.

The building official shall be appointed by the chief appointing authority of the jurisdiction.

21.06.130 Deputies.
In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

Article IV. ~~Section 104~~ Duties and Powers of Building Official

21.06.135 General.
The building official is hereby authorized and directed to enforce the provisions of this chapter and the technical codes. The building official shall have the authority to render interpretations of this chapter and the technical codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter and the technical codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided.

21.06.140 Applications and permits.
The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of chapter and the technical codes.

21.06.145 Notices and orders.
The building official shall issue all necessary notices or orders to ensure compliance with this chapter and the technical codes.

21.06.150 Inspections.
The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant's expense.

21.06.155 Identification.
The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter and the technical codes.

21.06.160 Right of entry.
Where it is necessary to make an inspection to enforce the provisions of this chapter and the technical codes, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter and the technical codes which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to

perform the duties imposed by this chapter and the technical codes; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

21.06.165 Department records.
The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

21.06.170 Liability.
The building official or employee charged with the enforcement of this chapter and the technical codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and the technical codes.

21.06.175 Approved materials and equipment.
Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

21.06.180 Used materials and equipment.
The use of used materials and building service equipment is permitted when approved by the building official.

21.06.185 Modifications.
Wherever there are practical difficulties involved in carrying out the provisions of this chapter and the technical codes, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of ~~this~~ the code impractical and the modification is in compliance with the intent and purpose of this chapter and the technical codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

21.06.190 Alternative materials, design and methods of construction and equipment.
The provisions of this chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter and the technical codes; provided, that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter and the technical codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. The building official is authorized to charge an additional fee to evaluate any proposed alternate under the provisions of this section.

21.06.195 Research reports.
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in technical codes, shall consist of valid research reports from approved sources.

21.06.200 Tests.
Whenever there is insufficient evidence of compliance with the provisions of this chapter and the technical codes, or evidence that a material or method does not conform to the requirements of the technical codes, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Article V. ~~Section 105~~ Permits

21.06.205 Required.
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or one of the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. ~~a~~ A separate permit is required for each building or structure.
Exception: when deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.

21.06.210 Electrical permit required.
In accordance with Chapter 19.28 RCW, an electrical permit is required for the following installations:

(1) The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.
(2) The installation and/or alteration of low voltage systems defined as:
(A) NEC, Class 1 power limited circuits at thirty volts maximum.
(B) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).
(C) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).
(3) Telecommunications Systems.
(A) Installation of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets.
(B) All backbone installations, regardless of size, and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations.
(C) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.
(D) Backbone installations in multifamily residential dwellings which require penetration of fire barriers, or installation of more than ten outlets in common areas.
(E) Definitions of telecommunications technical terms will come from Chapter 19.28 RCW, the currently adopted WAC rules, EIA/TIA standards, and the National Electrical Code.

21.06.215 Work exempt from permit.
Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of ~~this~~ the technical codes or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
(1) Building.
(A) One-story detached accessory structures used as tool and storage sheds, tree-supported play structures, playhouses and similar uses, provided the floor area does not exceed ~~two~~ one hundred and twenty square feet ~~(11.15 square meters)~~.
(B) Fences not over six feet ~~(one thousand eight hundred twenty-nine millimeters)~~ high.
(C) Oil derricks.
(D) Retaining walls which are not over four feet ~~(one thousand two hundred nineteen millimeters)~~ in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
(E) Water tanks supported directly on grade if the capacity does not exceed five thousand gallons ~~(eighteen thousand nine hundred twenty-five liters)~~ and the ratio of height to diameter or width does not exceed two to one.
~~(F) Sidewalks, decks and driveways not more than thirty inches (seven hundred sixty-two millimeters) above grade and not over any basement or story below and which are not part of an accessible route or means of egress.~~
(F) Sidewalks and driveways associated with residential buildings constructed under the provisions of the IRC.
(G) Decks, associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than 30 inches above adjacent grade and not over any basement or story below.

~~(G)~~ (H) In-kind re-roofing of one- and two-family dwellings, provided the roof sheathing is not removed or replaced.
~~(H)~~ (I) Painting, nonstructural wood or vinyl siding, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
~~(I)~~ (J) Temporary motion picture, television and theater stage sets and scenery.
~~(J)~~ (K) Prefabricated swimming pools accessory to a one- and two-family dwelling, which are less than twenty-four inches ~~(six hundred ten millimeters)~~ deep, do not exceed five thousand gallons ~~(eighteen thousand nine hundred twenty-five liters)~~ and are installed entirely above ground.
~~(K)~~ (L) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
~~(L)~~ (M) Swings, slides and other similar playground equipment.
~~(M)~~ (N) Window awnings supported by an exterior wall of one- and two-family dwellings which do not project more than fifty-four inches ~~(one thousand three hundred seventy-two millimeters)~~ from the exterior wall and do not require additional support.
(O) Like for like replacement of windows in an IRC structure.
~~(N)~~ (P) Non-fixed and m~~M~~ovable cases, counters and partitions not over five feet, nine inches ~~(one thousand seven hundred fifty-three millimeters)~~ in height.
~~(O)~~ (Q) Satellite earth station antennas six and one-half feet ~~(two meters)~~ or less in diameter or diagonal in zones other than residential zones.
~~(P)~~ (R) Satellite earth station antennas three and one-quarter feet ~~(one meter)~~ or less in diameter in residential zones.
~~(Q)~~ (S) Video programming service antennas three and one-quarter feet ~~(one meter)~~ or less in diameter or diagonal dimension, regardless of zone.
(2) Electrical.
(A) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code;
(B) Repair or replacement of fixed motors, transformers or fixed approved appliances or devices rated fifty amps or less which are like-in-kind in the same location;
(C) Temporary decorative lighting; when used for a period not to exceed ninety days and removed at the conclusion of the ninety-day period;
(D) Repair or replacement of current-carrying parts of any switch, conductor or control device which are like-in-kind in the same location;
(E) Repair or replacement of attachment plug(s) and associated receptacle(s) rated fifty amperes or less which are like-in-kind in the same location;
(F) Repair or replacement of any over current device which is like-in-kind in the same location;
(G) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;
(H) Removal of electrical wiring;
(I) Telecommunication~~s Systems.~~ outlet installations within individual dwelling units;
~~(i) Telecommunications outlet installations within the individual dwelling units of group R-1 and R-2 occupancies as defined by the building code;~~
~~(ii) All telecommunications installations within R-3 and R-4 occupancies as defined in the building code;~~

~~(iii) The installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment;~~
(J) Listed wireless security systems where power is supplied by a listed Class 2 plug-in transformer installed ~~in~~ within dwelling units ~~R-3 and R-4 occupancies~~;
(K) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility;
(L) Portable generators rated at four thousand watts or less;
(M) Travel trailers;
(N) Like-in-kind replacement of a: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.
(3) Mechanical.
(A) Portable heating, cooking, or clothes drying appliances.
(B) Portable ventilation equipment.
(C) Portable cooling unit.
(D) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
(E) Replacement of any part which does not alter its approval or make it unsafe.
(F) Portable evaporative cooler.
(G) Self-contained refrigeration system containing ten pounds ~~(4.54 kg)~~ or less of refrigerant and actuated by motors of one horsepower ~~(seven hundred forty-six W)~~ or less.
(H) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.
(4) Plumbing.
(A) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
(B) The clearing of stoppages.
(C) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

21.06.220 Emergency repairs.
Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

21.06.225 Repairs.

Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

~~**21.06.230 Application for permit.**~~

~~To obtain a permit, the applicant shall first file a complete application therefor in writing on a form furnished by the building department for that purpose. Such application shall:~~
~~(1) Identify and describe the work to be covered by the permit for which application is made.~~
~~(2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.~~
~~(3) Indicate the use and occupancy for which the proposed work is intended.~~
~~(4) Be accompanied by construction documents and other information as required in Sections 21.06.270 through 21.06.355.~~
~~(5) State the valuation of the proposed work.~~
~~(6) Be signed by the applicant, or the applicant's authorized agent.~~
~~(7) As much information as is required to provide an accurate environmental disclosure pursuant to Title 24 of this code.~~
~~(8) Give such other data and information as required by the building official.~~

21.06.230 Application for permit.

For other than on-line permits, to obtain a permit, the applicant shall first submit a complete application in writing on a form furnished by the building department for that purpose. Such application shall include:
(A) A description of the work to be covered by the permit for which application is made.
(B) The use and occupancy for which the proposed work is intended.
(C) A legal description of the property upon which the project is located.
(D) The street address of the property.
(E) The tax parcel number.
(F) The property owner's name, address, and phone number.
(G) The prime contractor's business name, address, phone number, current state contractor registration number.
(H) The valuation of the proposed work.
(I) Proof of a potable water supply for buildings requiring potable water.
(J) Construction documents and other information as required in Article VI.
Exception: The above information is required for building permits, but may not be required for other types of permits such as plumbing, electrical, mechanical, sign, LSM and roofing.
(K) For projects valued at over $5,000, either:
(1) The name, address and phone number of the office of the lender administering the interim construction financing, if any; or

(2) The name, address and phone number of the office of the lender administering the interim construction financing, if any; or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project; provided, that if any of this information is not available at the time the application is submitted, the applicant shall so state and the lack of said information shall not cause the application to be deemed incomplete for the purposes of this section. However, the applicant shall provide the remaining information prior to the permit being issued.

~~21.06.235 Complete application.~~

~~(a) No application for building permit relating to any construction, including land fill or pier and piling to support same upon privately owned shorelands submerged by the water of Lake Washington, shall be accepted for filing with the building department, unless there is attached to such application certified copies of the approval of such project by such state and federal agencies as may have jurisdiction or regulatory authority over such proposed project.~~

~~(b) The requirements for a fully complete building permit application include compliance with Section 21.06.230 and RCW 19.27.097 (which relates to water supply); provided, that for any construction project costing more than five thousand dollars the following shall also be required:~~

~~(1) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;~~

~~(2) The property owner's name, address, and phone number;~~

~~(3) The prime contractor's business name, address, phone number, current state contractor registration number; and~~

~~(4) Either:~~

~~(A) The name, address and phone number of the office of the lender administering the interim construction financing, if any; or~~

~~(B) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project; provided, that if any of this information is not available at the time the application is submitted, the applicant shall so state and the lack of said information shall not cause the application to be deemed incomplete for the purposes of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.~~

~~(C) The requirements for a fully complete building permit application include a consent statement of the property owner to confirm dedication of rights-of-way which abut the subject property, if any are shown as such on city, county or plat maps, and to verify the designation of public road easements as rights-of-way.~~

21.06.240 Action on application.

(A) The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the

proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.
(B) Revisions to the submittal documents, not requested by the City, may be accepted by the City, however the revisions may result in additional fees being assessed. Substantial revisions may require a new permit application be submitted as determined by the building official.

21.06.245 Time limitation of application.
~~(a) Applications for which no permit is issued within one year following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days.~~
~~(b) Applications may be canceled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within ninety days of the date of request. The building official may extend the response period beyond ninety days if within the original ninety-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department.~~
~~(c) The building official may extend the life of an application if any of the following conditions exist:~~
~~(1) Compliance with the State Environmental Policy Act is in progress; or~~
~~(2) Any other city review is in progress; provided, the applicant has submitted a complete response to city requests or the building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward final city decision; or~~
~~(3) Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.~~
An application for a permit for any proposed work shall expire 18 months after the date of filing.

21.06.250 Validity of permit.
The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

21.06.255 Permit ~~E~~expiration.
~~(a) Every permit issued shall expire one year from the date of issuance. The building official is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.~~
~~(b) Every permit which has been expired for less than one year may be renewed for a period of one year for an additional fee as long as no changes have been made to the originally approved plans.~~

~~For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once.~~
~~(c) Electrical, mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the electrical, mechanical and/or plumbing permit shall expire one hundred eighty days from issuance.~~
(A) Every building permit and its associated ancillary permits issued for an IRC permitted structure or for a tenant space within an existing building, shall expire in two years.
(B) Every LSM permit and every building permit and its associated ancillary permits issued for a commercial, educational, institutional, multi-family, public, industrial or similar structure shall expire if the work authorized on the site by such permit is not started within 180 days of the date of issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work has been started. The building official shall determine if work has been suspended or abandoned by evaluating significant progress made over any 180 day period.
(C) Sign permits and electrical, mechanical, plumbing permits not associated with a building permit shall expire one year from the date of issuance.
(E) The building official may grant a 30 day extension of time for permits when only the final inspection is remaining and all other work has been approved.

21.06.260 Suspension or revocation.
The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

21.06.265 Placement of permit.
The building permit or copy shall be kept on the site of the work until the completion of the project.

Article VI. ~~Section 106~~ Construction Documents

21.06.270 ~~Submittal~~ Construction documents.
Construction documents, statement of special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the state of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.
Exception: The building official is authorized to waive the submission of construction documents and other data ~~not required to be prepared by a registered design professional~~ if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

21.06.275 Information on construction documents.
Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work

proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

21.06.280 Fire protection system shop drawings.
Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington.

21.06.285 Means of egress.
The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In occupancies within the scope of the International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

21.06.290 Exterior wall envelope.
Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.
Exception: Subject to the approval of the building official, one- and two-family dwellings, and private garages may be exempt from the detailing requirements of this section.

21.06.295 Site plan.
The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, significant trees, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

21.06.300 Electrical ~~plans and specifications~~ construction documents.
(A) Plan review is a part of the electrical inspection process; its primary purpose is to determine that electrical loads, conductors, and equipment are calculated and sized according to the proper

NEC article or section, the classification of hazardous locations, and proper design of emergency and legally required standby systems. Two sets of ~~plans and specifications~~ construction documents shall be submitted with each application for an electrical permit for the following installations:
(1) Installations of services or feeders rated four hundred amperes or over.
Exception: ~~Plans and specifications~~ Construction documents shall not be required for one- and two-family dwellings.
(2) Installations of switches or circuit breakers rated four hundred amperes or over.
Exception: Plans and specifications shall not be required for one- and two-family dwellings.
(3) Any proposed installation which cannot be adequately described in the application form.
(4) Installation of ~~emergency~~ electrical generators greater than 4,000 watts.
~~Exception: Plans and specifications shall not be required for one- and two-family dwellings.~~
(5) All educational, institutional, and health care or personal care occupancies classified or defined in ~~WAC 296-46B-010(14)~~ WAC 296-46B-901 (13).
~~(A) All commercial generator installations.~~
~~(B)~~ (6) All electrical installations in hazardous areas as defined by the currently adopted National Electrical Code.

~~21.06.315 General.~~
(B) Construction documents shall be drawn to a clearly indicated and commonly accepted scale of not less than one-eighth inch to one foot, upon suitable material. Plans shall indicate the nature and extent of the work proposed and shall show in detail that the installation will conform to the provisions of this code. All electrical work shall be readily distinguishable from other mechanical work. If plans are incomplete, unintelligible or indefinite, the building official may reject or refuse to examine such plans or may require the plans to be prepared by a licensed electrical engineer, even though a plan examination fee has been paid.

~~21.06.305 Classification and definition.~~
(C) Classification and definition of educational, institutional, health or personal care and licensed day care occupancies shall be as defined in ~~WAC 296-46B-010(14)~~ WAC 296-46B-901 (13) and is hereby adopted as part of this code.

~~21.06.310 Electrical engineer.~~
(D) All electrical plans for the following installations shall be prepared by, or under the direction of, an ~~consulting~~ electrical engineer registered under Chapter 18.43 RCW, and Chapters 180-29, 246B-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature.
(1) All educational facilities, hospitals and nursing homes;
(2) All services or feeders rated one thousand six hundred amperes or larger;
(3) All installations identified in the National Electrical Code requiring engineering supervision;
(4) As required by the building official for installations which by their nature are complex, hazardous or pose unique design problems.

~~21.06.315 General.~~

~~Plans shall be drawn to a clearly indicated and commonly accepted scale of not less than one-eighth inch to one foot upon substantial paper such as blueprint quality or standard drafting paper. Plans shall indicate the nature and extent of the work proposed and shall show in detail that the installation will conform to the provisions of this code. All electrical work shall be readily distinguishable from other mechanical work. If plans are incomplete, unintelligible or indefinite, the building official may reject or refuse to examine such plans or may require the plans to be prepared by a licensed electrical engineer, even though a plan examination fee has been paid.~~

~~21.06.320 Required information.~~

(E) ~~Plans and specifications~~ Construction documents shall include the following information:
(1) The proposed use or occupancy of the various portions of the building or rooms in which the installation is to be made;
(2) A complete riser diagram;
(3) The calculated load schedule and demand factor selected for each branch circuit, feeder, sub-feeder, main feeder and service;
(4) Panel and branch circuit schedules showing individual branch circuit loads, total demand load and connected load;
(5) Fault current calculations and listed interrupting rating for each service and/or feeder;
(6) A key to all symbols used;
(7) Letters and numbers designating mains, feeders, branch circuits and distribution panels;
(8) Wattage, number of sockets and type of lighting fixture;
(9) Wattage and purpose of all other outlets;
(10) Voltage at which the equipment will operate;
(11) Identification of wire sizes, insulation type, conduit type and sizes;
(12) Other information as may be required by the plans examiner.

~~21.06.325 Examination of documents.~~

~~The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.~~

21.06.330 Use of consultants.

Whenever review of a building permit application requires retention by the jurisdiction for professional consulting services, the applicant ~~shall~~ may be required to reimburse the jurisdiction the cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The jurisdiction may require the applicant to deposit an amount with the jurisdiction estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs.

21.06.335 Approval of construction documents.
When the building official issues a permit, the construction documents shall be approved, in writing, label or by stamp, as ~~"Approved, Subject to Field Inspection."~~ "Reviewed By" or other similar words. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be ~~open to~~ available for inspection by the building official or a duly authorized representative.

~~**21.06.340 Phased approval.**~~
~~The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.~~

21.06.345 Design professional in responsible charge—General.
When it is required that documents be prepared by a qualified registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by ~~Section 1709~~ Chapter 17 of the IBC, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur ~~(see also duties specified in Section 1704 of the IBC)~~.

21.06.350 Deferred submittals.
For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official. The building official is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section.

21.06.355 Amended construction documents.
Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor ~~filed~~ field changes subject to the approval of the field inspector. Substantial changes may require a new permit be applied for and obtained as determined by the building official.

21.06.360 Retention of construction documents.
One set of approved construction documents shall be retained by the building official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by state or local laws.

Article VII. ~~Section 107~~ Temporary Structures and Uses

21.06.365 General.
The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty days. The building official is authorized to grant extensions for demonstrated cause.

21.06.370 Electrical.
(a) If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installation shall not be granted for a ~~greater~~ length of time greater than ~~forty-five~~ ninety days, except that a permit for a temporary installation to be used for constructing of a building may be issued for the period of construction. Should such temporary lighting be over the street area, the proper authorization for such use of the street must first be obtained.
(b) All such temporary installations shall be made in accordance with the requirements of this code; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit covering such installation and disconnect, or order the disconnection of all energy to such equipment.

21.06.375 Conformance.
Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

21.06.380 Termination of approval.
The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Article VIII. ~~Section 108~~ Fees

21.06.385 Payment of fees.

The fee for each permit shall be as set forth in Chapter 21.74, as now or hereafter amended. A permit shall not be valid until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

21.06.390 Schedule of permit fees.

On buildings, grading, structures, signs, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Kirkland city council.

21.06.395 Plan review fees.

When submittal documents are required by ~~Section 106 of this code (~~Article VI of this chapter~~)~~, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official may have the option to charge a deposit, in lieu of the full plan review fee if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual ~~permit~~ inspection fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in ~~Section 106 (~~Article VI of this chapter~~)~~, an additional plan review fee shall be charged at the rate shown in Chapter 21.74 established by the Kirkland city council.

21.06.400 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. The determination of value or valuation under any of the provisions of this code shall be made by the building official.

21.06.405 Work commencing before permit issuance.

Any person who commences any work on a building, structure, gas, mechanical, electrical or plumbing system before obtaining the necessary permits, unless installed under Section 21.06.220, shall be subject to a special investigation fee established by the building official that shall be in addition to the required permit fees.

21.06.410 Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

21.06.415 Refunds.
The building official may authorize refunding of not more than eighty percent of the inspection fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than eighty percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize a refund~~ing~~ of any fee paid except on written application filed by the original permittee not later than one hundred eighty days after the date of application.

Article IX. ~~Section 109~~ Inspections

21.06.420 General.
Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

21.06.425 Preliminary inspections.
Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

21.06.430 Manufacturer's installation instructions.
Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

21.06.435 Required inspections.
The building official, upon notification, shall make the inspections set forth in Sections 21.06.440 through ~~21.06.495~~ 21.06.515 .

21.06.440 Footing and foundation inspection.
Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. ~~Materials for the foundation shall be on the job; except, where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.~~

21.06.445 Concrete slab and under-floor inspection.
Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other

ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

21.06.450 Lowest floor elevation.
In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section ~~R323~~ R324 shall be submitted to the building official.

21.06.455 Exterior wall sheathing inspection.
Exterior wall sheathing shall be inspected after all wall framing is complete, strapping and nailing is properly installed but prior to being covered.

21.06.460 Roof sheathing inspection.
The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved.

21.06.465 IMC/UPC/GAS/NEC rough in inspection.
Rough in mechanical, gas piping, plumbing and electrical shall be inspected when the rough in work is complete and if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.

21.06.470 Frame inspection.
Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire suppression piping, heating wires, pipes and ducts are approved.

21.06.475 Flashing and exterior weather barrier inspection.
Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed, but prior to any of the work being covered. Subject to the approval of the building official, periodic inspections may be made during the course of construction.

21.06.480 Lath inspection and gypsum board inspection.
Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

21.06.485 Fire-resistant penetrations.
Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

21.06.490 Energy efficiency inspection.
(a) Envelope.

(1) Wall Insulation Inspection. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.
(2) Glazing Inspection. To be made after glazing materials are installed in the building.
(3) Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.
(4) Slab/Floor Insulation. To be made after the installation of the slab/floor insulation, but before concealment.
(b) Mechanical.
(1) Mechanical Equipment Efficiency and Economizer. To be made after all equipment and controls required by this code are installed and prior to the concealment of such equipment or controls.
(2) Mechanical Pipe and Duct Insulation. To be made after all pipe, fire suppression piping and duct insulation is in place, but before concealment.
(c) Lighting and Motors.
(1) Lighting Equipment and Controls. To be made after the installation of all lighting equipment and controls required by this code, but before concealment of the lighting equipment.
(2) Motor Inspections. To be made after installation of all equipment covered by this code, but before concealment.

21.06.495 Electrical.
(a) The installation, alteration or extension of any electrical system, fixtures or components for which a permit is required by this code shall be subject to inspection by the building official and such electrical systems, fixtures and components shall remain accessible and exposed for inspection purposes until approved by the building official. It shall be the duty of the permit applicant to cause the electrical systems to remain accessible and exposed for inspection purposes. The city shall not be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of an electrical system is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by the National Electrical Code shall not be connected to the energy source until authorized by the building official.
(b) The building official may require special inspection of equipment or wiring methods where the installation requires special training, equipment, expertise, or knowledge. Where such special inspection is required, it shall be performed by an independent third party acceptable to the building official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the building official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.
(c) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the National Electrical Code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of the National Electrical Code or other ordinances of the city shall not be valid.

21.06.500 Reinspection.
The building official may require a structure or portions of work to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when the approved plans and permit are not on site in a conspicuous or preapproved location; or when the building is not accessible. In instances where reinspection fees have been assessed, no additional inspection of the work shall be provided by the city until the required fees are paid.

21.06.505 Other inspections.
In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the ~~department of~~ building ~~safety~~ department.

21.06.510 Special inspections.
In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the jurisdiction.

21.06.515 Final inspection.
The final inspection shall be made after all work required by the building permit is completed.

21.06.520 Inspection agencies.
The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

21.06.525 Inspection requests.
It shall be the duty of the permit holder or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that is required by this code.

21.06.530 Approval required.
Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Article X. ~~Section 110~~ Certificate of Occupancy

21.06.535 Use and occupancy.
No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official

has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

21.06.540 Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the ~~department of~~ building department ~~safety~~, the building official shall issue a certificate of occupancy that contains the following:

(1) The building permit number.
(2) The address of the structure.
(3) The name and address of the owner.
(4) A description of that portion of the structure for which the certificate is issued.
(5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
(6) The name of the building official.
(7) The edition of the code under which the permit was issued.
(8) The use and occupancy.
(9) The type of construction.
(10) The design occupant load where applicable.
(11) If an automatic sprinkler system is provided, and whether the sprinkler system is required and for what reason.
(12) Any special stipulations and conditions of the building permit.

Exception:
For single family dwellings and type 'U' occupancies, the sign off on the building permit inspection record by the city inspector shall serve as the certificate of occupancy.

21.06.545 Phased occupancy.

The building official is authorized to issue a phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require, in addition to the completion of life safety building components, any or all accessibility components.

21.06.550 Revocation.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy ~~or completion~~ issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Article XI. ~~Section 111~~ Service Utilities

21.06.555 Connection of service utilities.
No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until ~~released~~ approval is given by the building official.

21.06.560 Temporary connection.
The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

21.06.565 Authority to disconnect service utilities.
The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Article XII. ~~Section 112~~ Appeals

21.06.570 Appeals to hearing examiner.
Appeals of orders, decisions and determinations of the building official shall be heard and decided by the city of Kirkland hearing examiner. To the extent the codes adopted by reference in this title refer to a "board of appeals" or a "building board of appeals," those references shall be deemed to refer to the city of Kirkland hearing examiner.

21.06.572 Limitations on appeals.
An appeal under this chapter shall be based on a claim that this code or the technical codes have been incorrectly interpreted, that the provisions of this code or the technical codes do not apply or that an equally good or better form of construction, method of protection or safety is proposed.

21.06.574 When to appeal and appeal fee.
An appellant shall file a written appeal of the order, decision or determination of the building official with the Kirkland fire and building department within thirty days of the date of the decision of the building official. ~~The written appeal shall include a clear reference to the matter being appealed and a statement of the specific elements of the building official's order, decision or determination disputed by the appellant.~~ There shall not be an appeal fee for appeals of stop work orders or code enforcement orders. For all other matters, the appeal fee shall be one hundred twenty-five dollars and shall accompany the written appeal. Failure to timely file the appeal or pay the appeal fee shall result in dismissal of the appeal.

21.06.576 Contents of notice of appeal.
The appeal shall contain a clear reference to the matter being appealed and a statement of the specific elements of the building official's order, decision or determination disputed by the appellant.

21.06.578 Notice of the appeal hearing.
(a) The building official shall prepare a notice of the appeal hearing containing the following:
(1) The file number and a brief description of the matter being appealed;
(2) A statement of the scope of the appeal including a summary of the elements of the building official's order, decision or determination that are contested in the appeal;
(3) The time and place of the hearing on appeal before the hearing examiner; and
(4) A statement of who may participate in the appeal.
(b) At least fourteen days before the hearing on the appeal, the building official shall send a copy of the notice of appeal hearing to each person who has appealed the building official's order, decision or determination.

21.06.580 Participation in the appeal.
Only those ~~persons~~ parties who have appealed the building official's order, decision or determination may participate in the appeal. Appellants may participate in either or both of the following ways:
(1) By submitting written comments or testimony to the hearing examiner prior to the commencement of the hearing; or
(2) By appearing in person, or through a representative, at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

21.06.582 Scope of appeal.
The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the building official's order, decision or determination disputed by the appellant and the hearing examiner shall only consider comments, testimony and arguments on these specific elements.

21.06.584 Record of appeal hearing.
The city shall make an electronic sound recording of the hearing.

21.06.586 Decision on the appeal.
The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner shall issue his or her decision within fifteen days of the appeal hearing. Within four business days after it is issued, the hearing examiner's decision shall be mailed to the applicant and to each person who has requested notice of the decision. The decision by the hearing examiner is the final decision of the city.

21.06.588 Judicial review.
Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within twenty-one calendar days of the issuance of the hearing examiner's decision.

Article XIII. ~~Section 113~~ Violations

21.06.590 Unlawful acts.
It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or the technical codes.

21.06.595 Notice of violation.
The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter or the technical codes, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

21.06.600 Prosecution of violation.
If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this chapter or the technical codes or of the order or direction made pursuant thereto.

21.06.605 Violation penalties.
Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this chapter or the technical codes, shall be subject to penalties as prescribed by law.

Article XIV. ~~Section 114~~ Stop Work Order

21.06.610 Authority.
Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code, any of the technical codes or other pertinent laws or ordinances ~~implemented through the enforcement of this code,~~ the building official is authorized to issue a stop work order.

21.06.615 Issuance.
The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

21.06.620 Investigation fee.
The building official is authorized to assess a special investigation fee for the issuance of a stop work order.

21.06.625 Unlawful continuance.
Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Article XV. ~~Section 115~~ Unsafe Structures and Equipment

21.06.630 Unsafe structures and equipment.
Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings or the 1997 Edition of the Uniform Housing Code. A vacant structure that is not secured against entry shall be deemed unsafe.

Section 3. Kirkland Municipal Code Chapter 21.08 is hereby amended to read as follows:

Chapter 21.08
INTERNATIONAL BUILDING CODE
Sections:
21.08.010 International Building Code adopted.
21.08.015 IBC Section 403.9 amended.
21.08.020 IBC Section 403.10.2 amended.
21.08.025 IBC Section 403.15 amended.
21.08.030 IBC Section 405.9.1 amended.
21.08.035 IBC Section 501.2 amended.
21.08.040 IBC Section 707.2 Exception 2.1 amended.
21.08.045 IBC Section 707.14.1 amended.
21.08.050 IBC Section 1605.3.1.1 amended.
21.08.055 IBC Section 1608.1 amended.
21.08.060 IBC Section 1704.12 amended.

21.08.065 IBC Section Table 2306.4.1 amended.
21.08.070 Repealed.
21.08.075 IBC Chapter 31 amended.
21.08.077 IBC Chapter 32 amended.
21.08.080 Conflict with the Kirkland Zoning Code.
21.08.085 Permit required amended.
21.08.090 Exemptions.
21.08.095 International Building Code Section H102 amended.
21.08.100 International Building Code Appendix Section H116 amended.
21.08.105 IBC Section J102 amended.
21.08.110 IBC Section J103 amended.
21.08.115 IBC Appendix Section J103.3 added.

21.08.010 International Building Code adopted.
The ~~2003~~ 2006 Edition of the International Building Code, as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted, together with the following amendments. Further, ~~the following~~ Appendix chapter~~s~~ J (Grading) and Appendix M (Existing Buildings) are specifically adopted as part of the Kirkland Building Code~~: Appendix Chapter Nos. H, (Signs), and J (Grading)~~.

~~**21.08.015 IBC Section 403.9 amended.**~~
~~Section 403.9 of the IBC is amended to read:~~
~~403.9 Elevators: Elevator operation and installation shall be in accordance with Chapter 30 and WAC 51-50-3001, 3002, 3003, 3004, 3005, and 3006. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress, by walls extending from the floor to the underside of the fire-resistance-rated floor or roof above. Such walls shall not be of less than one-hour fire-resistance-rated construction as required for a fire partition in accordance with Section 708. Openings through such walls shall conform to Section 715.~~
~~Exceptions:~~
~~1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.~~
~~2. Elevators not required to be located in a shaft in accordance with Section 707.2.~~
~~3. Elevator lobbies are not required when elevators are located within an atrium complying with the provisions of Section 404.~~
~~4. In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building have access to at least one required means of egress without passing through the elevator lobby.~~
~~5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided. The pressurized stair shafts shall comply with the standards for elevator shaft pressurization in WAC 51-50-0909 Section 909.6.3.~~

21.08.020 IBC Section 403.10.2 amended.

Section 403.10.2 of the IBC is amended to read:

403.10.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.8;
2. Electrically powered fire pumps;
3. Ventilation and automatic fire detection equipment for smokeproof enclosures;
4. Smoke control systems.

Standby power shall be provided for elevators in accordance with Section 3003.

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

21.08.025 IBC Section 403.15 amended.

Section 403.15 of the IBC is amended and supplemented by the addition of a new section to read:

403.15 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings that exceed ten stories, or contain a use requiring defend-in-place firefighting operations in which occupants of some area cannot readily evacuate that area. This includes portions of facilities housing functions essential to continuity of public safety operations, and Group I and LC Occupancies where in the judgment of the Building Official and Fire Code Official, occupants having limited capacity for self-preservation are located on floors more than 75' above the lowest level of Fire Department vehicle access. A smoke control system for a defend-in-place use may be a performance-based design to protect that use without providing smoke control throughout the entire building, but shall otherwise comply with Section 909.

Exception: Smoke control may be omitted when approved by the Building Official and Fire Code Official.

21.08.030 IBC Section 405.9~~.1~~ amended.

Section 405.9~~.1~~ IBC is amended to read:

405.9~~.1~~ Standby Power. A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 405.9.1.

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the Fire Code Official.

21.08.035 IBC Section 501.2 amended.

Section 501.2 of the International Building Code is hereby amended to read:

501.2 Premises Identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers shall be a minimum 4 inches (76 mm) in height and stroke of minimum 0.5 inch (12.7 mm) of a contrasting color to the background itself.

21.08.040 IBC Section 707.2 Exception 2.1 amended.

Section 707.2 Exception 2.1 of the International Building Code is hereby amended to read:
2.1. Where the area of the floor opening between stories does not exceed twice the horizontal projected area of the escalator or stairway and the opening is protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13. This application is limited to openings that do not connect more than four stories in buildings not required to have smoke control systems. In buildings that are required to have smoke control systems, escalators are limited to openings that do not connect more than four stories and non-egress stairs are limited to openings that do not atmospherically connect more than two stories.

~~**21.08.045 IBC Section 707.14.1 amended.**~~

~~Section 707.14.1 of the International Building Code is hereby amended to read:~~
~~707.14.1 Elevator Lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.~~
~~Exceptions:~~
~~1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.~~
~~2. Elevators not required to be located in a shaft in accordance with Section 707.2.~~
~~3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.~~
~~4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.~~
~~5. See Section 403.9 for high rise elevator lobbies.~~

~~**21.08.050 IBC Section 1605.3.1.1 amended.**~~

~~Section 1605.3.1.1 of the International Building Code is hereby amended to read:~~
~~1605.3.1.1 Load Reduction. It is permitted to multiply the combined effect of two or more variable loads by 0.75 and add to the effect of dead load. The combined load used in design shall not be less than the sum of the effects of dead load and any one of the variable loads.~~
~~Increases in allowable stresses specified in the appropriate materials section of this code or referenced standard shall not be used with the load combinations of Section 1605.3.1 except that a duration of load increase shall be permitted in accordance with Chapter 23.~~

21.08.055 IBC Section 1608.1 amended.

Section 1608.1 of the International Building Code is hereby amended to read:
1608.1 General. Design snow loads shall not be less than 25 psf, but the design roof loads shall not be less than that determined by Section 1607.

21.08.060 IBC Section 1704.12 amended.

Section 1704.12 of the International Building Code is hereby amended to read:

1704.12 Exterior insulation and finish system (EIFS). All exterior insulation finish systems (EIFS) shall be certified by the manufacturer as having been installed per the manufacturer's installation recommendations or other agency approved by the building official.

Exception: Special inspections shall not be required for EIFS application installed over masonry or concrete walls.

~~21.08.065 IBC Section Table 2306.4.1 amended.~~

~~Footnote "I" to Table 2306.4.1 of the International Building Code is hereby amended to read:~~

~~In Seismic Design Category D, E or F, where shear design values exceed 490 pounds per lineal foot (LRFD) or 350 pounds per lineal foot (ASD) all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member or thicker or two 2-inch nominal members fastened together in accordance with Section 2307.1 (LRFD) or Section 2306.1 (ASD) to transfer the design shear value between the framing members. Plywood joint and sill plate nailing shall be staggered in all cases. See Section 2305.3.10 for sill plate side and anchorage requirements.~~

21.08.070 IBC Section 3102.2 amended.

Repealed by Ord. 4004.

21.08.075 IBC Chapter 31 amended.

Chapter 31 of the IBC is amended and supplemented with the addition of a new Section 3110 to read as follows:

Section 3110 OVERWATER STRUCTURES, PIERS, WHARVES, AND BUILDINGS

IBC 3110.1—General. Overwater structures, piers, wharves and buildings shall comply with the requirements of this section and other applicable sections of this code.

IBC 3110.2—Definitions.

OVERWATER STRUCTURES. For the purpose of this Chapter, overwater structures shall include all structures which have twenty percent (20%) or more of their area over water, or a structure which has 8,000 square feet over water.

DOCK. A dock is a natural open or artificially closed basin in which vessels may remain afloat when berthed at a wharf or pier.

PIER. A pier is a structure, usually of greater length than width, of timber, stone, concrete or other material having a deck, and projecting from the shore into navigable waters so that vessels may be moored alongside for loading and unloading or for storage or repairs.

SUBSTRUCTURE. The substructure is that portion of the construction below and including the deck.

SUPERSTRUCTURE. The superstructure is that portion of the construction above the deck.

WHARF OR QUAY. A wharf or quay is a structure of timber, stone, concrete or other material having a platform built along and parallel to navigable waters so that vessels may be moored alongside for loading and unloading, or for storage or repair.

IBC Section 3110.3—Structures over water.

No portion of any building or other structure supported by piers or piling and extending over water shall be more than two hundred fifty feet from an improved public street or alley giving access thereto for fire engines and other firefighting equipment; provided, however, that the foregoing limitation shall not apply to any one-story structure used solely for the moorage of boats and:
(1) Of type 1 construction; or
(2) Of type 2 construction; or
(3) Having installed throughout the structure an approved automatic sprinkler system.
IBC Section 3110.4—Substructure.
1. Draft Stops. Draft stops shall be installed in all substructures constructed of combustible materials, exclusive of piling and pile bracing. They shall be placed not over one hundred feet (100') apart measured along the main axis of the pier or wharf. They shall fit tightly around all joists, beams, etc., and extend from the underside of the deck to low water with a maximum required depth of 6 feet.
EXCEPTION: Private docks which serve a single family dwelling unit.
Substructure draft stops shall be constructed of not less than two (2) thicknesses of 2" nominal thickness lumber laid with broken joints or materials of equal fire resistance.
2. Automatic Sprinklers. Automatic sprinklers shall be installed under the substructure of every overwater structure in accordance with the requirements of Chapter 9.
EXCEPTIONS: Automatic sprinklers are not required under the following categories of substructure:
a. Combustible substructures having superstructures of 120 square feet or less in area.
b. Noncombustible substructures with or without superstructures.
c. Substructures resulting from walkways or finger piers when width does not exceed 10 feet.
3. Dry Standpipes. When a distance of travel to fire apparatus access exceeds two hundred fifty (250) feet, an approved minimum four (4) inch dry standpipe with two and one-half (2-1/2) inch outlets at a maximum of one hundred (100) feet on center shall be provided. There shall be a Siamese connection at the shore end and direct access for Fire Department pumping apparatus shall be provided. Standards for installation to be set by the Director of Fire Services.
Exception: Piers serving no more than one single-family dwelling.

~~21.08.077 IBC Chapter 32 amended.~~
~~Chapter 32 of the IBC is amended to read as follows:~~
~~3202.3 Encroachments 8 feet or more above grade.~~
~~Encroachments 8 feet (2,438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.3.~~
~~3202.3.3 Pedestrian walkways.~~
~~The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of the local authority having jurisdiction. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4,572 mm) minimum.~~

~~21.08.080 Conflict with the Kirkland Zoning Code.~~
~~If any provision of the IBC Appendix Chapter H is in conflict with any provision of the Kirkland Zoning Code, the applicable provisions of the Kirkland Zoning Code shall govern.~~

~~21.08.085 Permit required amended.~~

~~Section H101 of the IBC is amended and supplemented to read:~~

~~H101 Permit Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and after a permit has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure.~~

~~21.08.090 Exemptions.~~

~~Section H101.2 of the IBC is amended and supplemented to read:~~

~~H101.2 Signs exempt from permits. A permit is not required for the following signs. These exemptions shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and compliance with the provisions of this code or other laws or ordinances regulating signs.~~

~~(1) Changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception; and~~

~~(2) Painting, repainting or cleaning of an advertising structure or changing the copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.~~

~~21.08.095 International Building Code Section H102 amended.~~

~~Section H102 of the International Building Code is amended to establish the following definition for "blade sign":~~

~~BLADE SIGN is a sign located below a marquee or awning and attached to a wall, marquee, or awning with the exposed face of the sign in a plane perpendicular to the plane of the building wall and with a total surface area of less than 4 feet.~~

~~21.08.100 International Building Code Appendix Section H116 amended.~~

~~Appendix Chapter H of the International Building Code is amended by the addition of a new section:~~

~~Section H116—BLADE SIGNS~~

~~Section H116.1—General~~

~~Section H116.1 General. Blade signs shall be constructed of noncombustible materials, except as specified in Section H107.~~

~~Section H116.2—Design~~

~~Section H116.2 Design. Blade signs shall be designed in accordance with the requirements specified in Section H105, except where modified by Section H116.~~

~~Section H116.3—Protection and Clearance~~

~~Section H116.3.1 Protection. Blade signs may project over public property not further than the projection of the marquee or awning, but not closer than 2 feet from the curb line.~~

~~Section H116.3.2 Clearance. Blade signs shall maintain a minimum clearance of 7 feet above the level of the sidewalk or grade immediately below, provided that any blade sign with a clearance of less than 8 feet shall be suspended from a support above 8 feet of clearance in a manner that~~

~~allows the blade sign to swing freely if struck. Further, blade signs with a clearance of less than 8 feet shall not exceed a weight of 25 pounds.~~

21.08.105 IBC Section J102 amended.

Section J102 of the International Building Code is amended and supplemented by the addition of the following definition:

LAND SURFACE MODIFICATION shall include clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12 of the Kirkland Municipal Code and the removal of dead, dangerous, or diseased trees or blackberry vines when authorized by the Building Official shall not be deemed to be a Land Surface Modification.

21.08.110 IBC Section J103 amended.

Section J103 of the International Building Code is amended and supplemented to read:

Section J103. PERMITS REQUIRED. Except as exempted in Section J103.2, no land surface modification shall be performed without first having obtained a permit from the building official.

Section J103.2. Exemptions. A land surface modification permit shall not be required for the following:

1. Land surface modification performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work does not modify any drainage course and does not involve more than 50 cubic yards of material in any 12 month period.
2. Any excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid Building Permit. This shall not exempt any fill made with the material from such excavation when the material is removed from the lot or any fill material which is placed on the lot.
3. Cemetery graves.
4. Fill deposited on previously approved disposal sites under the control of other City Administrative Departments.
5. Excavations for wells or tunnels, or utilities or other work supervised by the City of Kirkland.
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where a permit has been issued by the State of Washington, Department of Natural Resources.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.
9. Excavations for utility service connections to serve existing and/or new structures.
10. Correction of drainage problems when supervised by the Department of Public Works; and the installation of approved preliminary plat and short plat improvements as permitted by Section J103.3.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

21.08.115 IBC Appendix Section J103.3 added.

Appendix Section J103.3 of the International Building Code is amended by the addition of a new subsection:

Section J103.3. Permit Issuance. No land surface modification or grading permit shall be issued in the following circumstances:

1. Prior to the approval of a preliminary plat or short plat.

Exception: After the approval of a preliminary plat or short plat, a land surface modification or grading permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements or access easements as designated on the approved preliminary plat drawings. A limited amount of grading may be permitted and stockpiling of materials on individual lots with the concurrence of the departments that normally review development permit applications. Permits to be issued for activities covered by this subparagraph shall be issued by the department of public works who shall with respect to such activities, have full authority to administer and enforce the provisions of Appendix Chapter J of the International Building Code as herein amended and supplemented.

2. Prior to the issuance of a building permit.

Exception: After the receipt of a complete application for a building permit, a land surface modification or grading permit may be issued only for the minimum land surface modification or grading necessary to locate structures or other associated improvements designated on the submitted building permit plans.

3. In areas served by inadequate water, sewer, storm drainage or transportation systems as determined by the Public Works Department.

Exception: When such action proposes the improvement of any deficient system to minimum city standards and at the expense of the private sponsor and such improvements are associated with the issuance of a valid building permit.

4. Prior to the approval specified in Section 115.75, Kirkland Zoning Code, where no Building Permit is required.

5. Prior to the approval of a preliminary Planned Unit Development.

Exception: After the approval of a preliminary Planned Unit Development, a Land Surface Modification or Grading Permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements, access easements or other major components of the internal vehicular circulation system so designated in the approved Preliminary Planned Unit Development.

Section 4. Kirkland Municipal Code Chapter 21.10 is hereby amended to read as follows:

Chapter 21.10
INTERNATIONAL RESIDENTIAL CODE
Sections:
21.10.010 International Residential Code adopted.
21.10.020 IRC Table R301.2(1) amended.

21.10.010 International Residential Code adopted.

The ~~2003~~ 2006 Edition of the International Residential Code, as adopted by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted together with Appendix Chapter G "Swimming Pools, Spas and Hot Tubs".

21.10.020 IRC Table R301.2(1) amended.

IRC Table R301.2(1) is amended to read:

Climatic and Geographic Design Criteria IRC Table R301.2(1)

Roof and Ground Snow Load	Wind Speed[c] (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temp[d]	Ice Barrier Under-layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering[a]	Frost Line Depth[b]	Termite					
25	85	D2	Moderate	12"	Slight to Moderate	27	No	Per Kirkland Municipal Code 21.56	113	52.8

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [FigureR301.2(4)].Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".
i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Section 5. Kirkland Municipal Code Section 21.16.010 is hereby amended to read as follows:

21.16.010 International Mechanical Code adopted.
The ~~2003~~ 2006 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter 51-~~42~~ 52 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted.

Section 6. Kirkland Municipal Code Chapter 21.20 is hereby amended to read as follows:

Chapter 21.20
INTERNATIONAL FIRE CODE
Sections:
21.20.010 International Fire Code adopted.
21.20.015 IFC Section 102.6 amended.
21.20.020 IFC Section 104.10.1 amended.
21.20.025 IFC Section 104.11.2 amended.
21.20.030 IFC Section 105.7.~~5~~6 amended.
21.20.035 IFC Section 108 amended.
21.20.037 IFC Section 109.3 amended.
21.20.040 IFC Section 202 amended.
~~21.20.045 IFC Section 308.3.1.2 added~~
21.20.050 IFC Section 308.3.7 amended.
21.20.055 IFC Section 314.4 amended.
21.20.060 IFC Section 508.5 amended.
21.20.065 IFC Section 511 added.
21.20.070 IFC Section 602 amended.
~~21.20.075 IFC Section 803.1 amended~~

21.20.080 IFC Section 901.7 amended.
21.20.085 Repealed
21.20.090 IFC Section 903.4 amended.
~~21.20.095 IFC Section 905.3 amended~~
~~21.20.100 IFC Section 905.8 amended~~
21.20.105 IFC Section 906.1 amended.
21.20.110 IFC Section 907.15 amended.
21.20.115 IFC Section 1404.5 amended.

21.20.010 International Fire Code adopted.
The ~~2003~~ 2006 Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter 51-54 WAC as published by the International Code Council, is adopted together with the following amendments. Further, the following Appendix chapters are specifically adopted as part of the Kirkland Fire Code: Appendix Chapter B (Fire Flow Requirements for Buildings) and Appendix Chapter C (Fire Hydrant Locations and Distribution).
FPN: WAC 51-44-0500 identifies that fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards and further Sections 501.1.1 through 503.4 are not adopted. The city of Kirkland has established criteria for fire apparatus access roads in Operating Policy #6 which is available on the Internet and at City Hall.

21.20.015 IFC Section 102.6 amended.
Section 102.6 of the International Fire Code is amended to read as follows:
102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official. Where differences occur between the pro-visions of this code and the referenced standards, the provisions of this code shall apply.

21.20.020 IFC Section 104.10.1 amended.
Section 104.10.1 of the International Fire Code is amended to read as follows:
104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code as requested by the fire code official.

21.20.025 IFC Section 104.11.2 amended.
Section 104.11.2 of the International Fire Code is amended to read as follows:
104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment, investigation, or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

21.20.030 IFC Section 105.7.5~~5~~6 amended.
Section 105.7.5.~~5~~6 of the International Fire Code is amended to read as follows:
Section 105.7.5.6 Flammable and combustible liquids.
A construction permit is required:
1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.
Exception: A permit is not required for the abandonment or removal of underground storage tanks previously used to store fuel oil for residential heating. It is the property owner's responsibility to make the decision on how to proceed with abatement.

21.20.035 IFC Section 108 amended.
Section 108 of the International Fire Code is amended to read as follows:

Section 108. Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City of Kirkland Hearing Examiner, within thirty days from the date of the decision appealed.

21.20.037 IFC Section 109.3 amended.
Section 109.3 of the International Fire Code is amended to read as follows:
Section 109.3. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

21.20.040 IFC Section 202 amended.
Section 202 of the International Fire Code is amended by the addition of a definition to read as follows:
ICC Electrical Code. Means the most recent edition of the National Electrical Code ~~2002 Edition~~ as adopted and amended by the City of Kirkland.

~~**21.20.045 IFC Section 308.3.1.2 added.**~~
~~Section 308.3.1.2 of the International Fire Code is added to read as follows:~~
~~308.3.1.2. Flaming Food and Beverages Preparation:~~

~~308.3.1.2.1. General. The preparation of flaming foods or beverages in places of assembly and drinking establishments shall be in accordance with Section 308.3.1.2.~~
~~308.3.1.2.2. Dispensing. Flammable or combustible liquids used in the preparation of flaming foods or beverages shall be dispensed from one of the following:~~
~~1. A 1-ounce (29.6 ml) container, or~~
~~2. A container not exceeding 1 quart (946.5 ml) capacity with a controlled-pouring device that will limit the flow to a 1-ounce (29.6 ml) serving.~~
~~308.3.1.2.3. Containers not in use. Containers shall be secured to prevent spillage when not in use.~~
~~308.3.1.2.4. Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.~~
~~308.3.1.2.5. Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being served. They shall not be transported or carried while burning.~~
~~308.3.1.2.6. Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth immediately available for use in smothering the flames in the event of an emergency.~~

21.20.050 IFC Section 308.3.7 amended.

Section 308.3.7 of the International Fire Code is amended to read as follows:
Section 308.3.7 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.
Exceptions:
1. Open-flame devices are allowed to be used in the following situations, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants:
1.1. Where necessary for ceremonial or religious purposes in accordance with Section 308.3.5.
1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.6.
1.3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.
4. Except where approved by the fire code official (see also 308.3.1.2)

21.20.055 IFC Section 314.4 amended.

Section 314.4 of the International Fire Code is amended to read as follows:
Section 314.4. Vehicles. Liquid- or gas-fueled vehicles, fueled equipment, boats or other motorcraft shall not be located indoors except as follows:
1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motorcraft equipment are not fueled or defueled within the building.

21.20.060 IFC Section 508.5 amended.

Section 508.5 of the International Fire Code is amended to read as follows:

508.5 Fire hydrant systems.

Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6.

508.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 300 feet (183 m).
2. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

21.20.065 IFC Section 511 added.

A Section 511 of the International Fire Code is added to read as follows:

Section 511. Emergency Radio Coverage in Buildings

511.1 Building Radio Coverage. Except as otherwise provided no person shall maintain, own, erect, or construct, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency services workers, including but not limited to firefighters and police officers.

Exceptions:

1. This section shall not apply to single family residential buildings; any building constructed of wood frame; any building thirty-five (35) feet high or less; as long as none of the aforementioned buildings make primary use of metal or concrete construction or contain below grade storage or parking areas. For purposes of this section, parking structures are included in the definition of building, and stair shafts are included in the definition of all parts of a building, but elevators may be excluded.
2. Buildings constructed prior to the implementation of this section shall not be required to comply with public safety radio coverage provisions of this section. However, should exempted structures undergo renovation, restoration, or significant modification to the original structure, exemption from the provisions of this Ordinance shall not apply.

511.1.1 Adequate Radio Coverage. A minimum signal strength of three (3) micro volts available in all areas of the building when transmitted from the Regional 800 MHz. Radio System. For purposes of this section 90% building coverage is considered to be all areas of the building.

511.1.2 Minimum Signal Strength. A minimum signal strength of one-half (.5) micro volts received by the Regional 800 MHz. Radio System when transmitted from any area of the building.

511.1.3 Frequency Range. The frequency range which must be supported shall be 806 MHz. to 824 MHz. and 851 MHz. to 869 MHz. in all areas of the building. Measurements in-buildings for the purpose of this ordinance shall be to a portable radio with a half-wave antenna, worn on the

belt. The City's Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety grade coverage.
511.1.4 Testing and Proof of Compliance. Each owner shall submit at least one field test:
1. Prior to occupancy of any newly constructed building.
2. Whenever structural changes occur including additions to buildings that would materially change the original field performance tests.
3. Annually.
4. When repairs or alterations are made to amplification systems.
The performance test shall demonstrate that adequate radio coverage is available in all required areas of the building. At the conclusion of the testing a report shall be submitted to the Fire Code Official which shall verify compliance with Section 511.1 and must include a floor plan identifying the signal strength at various locations of the building. The testing shall be conducted by a consultant approved by the Fire Code Official and shall be done without expense to the City of Kirkland.
511.2 Annual Test. Each owner shall submit on an annual basis to the Fire Code Official required test data demonstrating that adequate radio coverage level is available and maintained in all required areas of the building, or that the installed amplification system functions properly. The annual submittal shall ensure that no structural changes have occurred to the building that would materially change the original field tests.
511.3 Amplification Systems Allowed. Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system and/or an internal multiple antenna system with FCC type accepted bidirectional 800 MHz amplifiers, or systems otherwise approved by the City Radio System Manager in order to achieve the required adequate radio coverage. The installed system or systems shall be capable of operating on an independent battery system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of external power input.
511.3.1 Approval Prior to Installation. No amplification system capable of operating on frequencies used by the Regional 800 MHz. Radio System shall be installed without prior coordination and approval of the radio system licensee (The Eastside Public Safety Communications Agency) and any such system must comply any standards adopted by the King County Regional Communications Board.
511.4 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

21.20.070 IFC Section 602 amended.
Section 602 of the International Fire Code is amended to read as follows:
Section 602. Power Tap. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.

~~**21.20.075 IFC Section 803.1 amended.**~~
~~Section 803.1 of the International Fire Code is amended to read as follows:~~

~~Section 803.1. General requirements. The provisions of Sections 803.1.1 through 803.1.3 shall be applicable to all occupancies covered by Sections 803.2 through 803.7.~~
~~803.1.1 Explosive and highly flammable materials. Furnishings or decorations of an explosive or highly flammable character shall not be used.~~
~~803.1.2 Fire-retardant coatings. Fire-retardant coatings shall be maintained so as to retain the effectiveness of the treatment under service conditions encountered in actual use.~~
~~803.1.3 Obstructions. Furnishings or other objects shall not be placed to obstruct exits, access thereto, egress therefrom or visibility thereof.~~
~~803.1.4 Atrium Furnishings~~
~~803.1.4.1 Potential heat. Potential heat of combustible furnishings and decorative materials within atria shall not exceed 8,000 btu per pound (20,934 J/g) when located with an area that is more than 20 feet (6,096 mm) below ceiling-level sprinklers.~~
~~803.1.4.2 Decorative materials. Decorative material in atria shall be noncombustible, flame resistive or treated with a flame retardant.~~

21.20.080 IFC Section 901.7 amended.
Section 901.7 of the International Fire Code is amended to read as follows:
Section 901.7. Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

~~21.20.085 IFC Section 903.2.1.2 amended.~~
~~Repealed by Ord. 4004~~

21.20.090 IFC Section 903.4 amended.
Section 903.4 of the International Fire Code is amended to read as follows:
Section 903.4.2 Alarms. Approved audible and visible alarm notification appliances shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
Exception: With approval of the Fire Code Official, interior audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1 or 2 dwelling units if not otherwise specifically required.
Section 903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor.
Exception: When approved by the Fire Code Official in NFPA 13D and NFPA 13R systems.

~~21.20.095 IFC Section 905.3 amended.~~

~~Section 905.3 of the International Fire Code is amended by the addition of a new section to read as follows:~~

~~Section 905.3.7. High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (prv) are required, each hose connection shall be provided with its own prv. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.~~

~~21.20.100 IFC Section 905.8 amended.~~

~~Section 905.8 of the International Fire Code is amended to read as follows:~~

~~Section 905.8. Dry Standpipes. When approved by the Fire Code Official, dry standpipes may be installed in other than high rise buildings.~~

21.20.105 IFC Section 906.1 amended.

Section 906.1 of the International Fire Code is amended to read as follows:

Section 906.1. Where required. Portable fire extinguishers shall be installed in the following locations.

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9,144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

21.20.110 IFC Section 907.15 amended.

Section 907.15 of the International Fire Code is amended to read as follows:

Section 907.15. Monitoring. All required fire alarm systems in new and existing buildings shall be monitored and supervised by a local central station, acceptable to the fire chief, or a proprietary or remote station and shall have a local alarm which will give an audible signal. As of July 1, 1997, all buildings with existing systems must meet the standards of this section, if not specifically required to do so earlier.

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Automatic sprinkler systems in one- and two-family dwellings.

21.20.115 IFC Section 1404.5 amended.

Section 1405.5 of the International Fire Code is amended to read as follows:

Section 1404.5. Fire watch. When required by the fire code official for building construction or demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site

fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

Section 7. Kirkland Municipal Code Chapter 21.24 is hereby amended to read as follows:

Chapter 21.24
UNIFORM PLUMBING CODE
Sections:
21.24.010 Uniform Plumbing Code adopted.
21.24.020 UPC Section 1101.11.2.2.2 amended.

21.24.010 Uniform Plumbing Code adopted.
The ~~2003~~ 2006 Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapter 51-56 and 51-57 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted, together with Appendix Chapters A "Recommended Rules for Sizing the Water Supply System," B "Explanatory Notes on Combination Waste and Vent Systems," I "Installation Standards," H "Grease Interceptors," and L "Alternate Plumbing Systems" excluding Sections L5 ~~through~~ and ~~L7~~ L6 of Appendix L and "Private Lawn Sprinkler Head" from Table ~~6-4~~ 6-5.

21.24.020 UPC Section 1101.11.2.2.2 amended.
Section 1101.11.2.2.2 of the UPC is amended to read:

1101.11.2.2,2 Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of any horizontal offset below the roof, The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1106.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4'' maximum.

Section 8. Kirkland Municipal Code Section 21.28.010 is hereby amended to read as follows:

21.28.010 National Fuel Gas Code (NFPA 54) adopted.
The ~~2002~~ 2006 Edition of the National Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted.

Section 9. Kirkland Municipal Code Section 21.32.010 is hereby amended to read as follows:

21.32.010 Liquefied Petroleum Gas Code (NFPA 58) adopted.
The ~~2001~~ 2004 Edition of the Liquefied Petroleum Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted.

Section 10. Kirkland Municipal Code Chapter 21.33 is hereby amended to read as follows:

Chapter 21.33
FIRE-EXTINGUISHING SYSTEMS
Sections:
21.33.010 Purpose.
21.33.015 Intent.
21.33.020 Scope.
21.33.025 Appeals.
21.33.030 Definitions.
21.33.035 Standards.
21.33.040 Automatic fire-extinguishing systems.
21.33.045 Permissible sprinkler omissions.
21.33.050 Existing buildings.
21.33.055 Operating policies.

21.33.010 Purpose.
The purpose of this chapter is to promote the general public health, safety and welfare by establishing the maximum fire compartment area within unsprinklered buildings and regulating the installation of automatic fire-extinguishing systems. This chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

21.33.015 Intent.
It is the intent of this chapter to require installation of fire-extinguishing systems so as to protect against safety hazards. These requirements are reasonably related to the hazard posed. Notwithstanding any chapter, ordinance, legislation or other provisions concerning local requirements for fire-extinguishing systems, this chapter shall determine the requirements for fire-extinguishing systems within the city.

21.33.020 Scope.
(a) General.
(1) The provisions of this chapter shall apply to new buildings and to existing buildings that are expanded beyond the limits set forth in this chapter. All fire-extinguishing systems required by this chapter shall be installed in accordance with the requirements of this chapter.
(2) Fire hose threads used for connection to fire-extinguishing systems by the fire department shall be National Standard Hose Threads (NST).
(3) In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 23, of the currently adopted edition of the International Fire Code~~, 2003 Edition~~.

(4) The occupancy classifications used in this chapter are the same as those used in the building code adopted by reference in this title.
(b) Approvals. All fire-extinguishing systems including automatic sprinkler systems, combined systems, and special automatic extinguishing systems shall be approved and shall be subject to such periodic tests as may be required by the fire chief. The location of all fire department hose connections shall be approved by the fire chief. The connection to a public water supply and cross-connection control shall be approved by the appropriate water purveyor.

21.33.025 Appeals.
Appeals from any ruling made under this chapter may be made to the city of Kirkland hearing examiner. Procedural rules concerning appeals shall be as provided in Chapter 21.06.

21.33.030 Definitions.
For the purpose of this chapter certain terms are defined as follows:
(1) "Automatic fire-extinguishing system" is an approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.
(2) "Combined system" is a system of water piping which serves two-and-one-half-inch hose outlets for use by the fire department and also supplies water for fire sprinklers.
(3) "Fire department hose connection" is a connection through which the fire department can pump water.
(4) "Floor area, gross" shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. Gross floor area shall also not include limited access areas such as vented crawl spaces and attics.

21.33.035 Standards.
(a) Fire-extinguishing systems shall comply with IFC Standards ~~Nos. 903.3.1.1, 903.3.1.2 or 903.3.1.3 as adopted by the fire code for the city.~~ as described in Chapter 9 of the currently adopted edition of the International Fire Code
(b) Exceptions.
(1) Automatic fire-extinguishing systems not covered by IFC Standards ~~Nos. 903.3.1.1, 903.3.1.2 or 903.3.1.3~~ as described in Chapter 9 of the currently adopted edition of the International Fire Code shall be approved and installed in accordance with the fire code.
(2) Automatic sprinkler systems may be connected to the domestic water supply main when approved by the fire chief; provided, the domestic water supply system is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case the connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections.
(3) The fire department connection may be omitted when approved by the fire chief.

21.33.040 Automatic fire-extinguishing systems.

(a) Where Required. An automatic fire-extinguishing system shall be installed in all structures as set forth in this section and ~~Sections 903.2.1 through 903.2.13 of the 2003~~ as described in Chapter 9 of the currently adopted editions of both the International Fire Code and ~~2003~~ the International Building Code ~~Sections 903.2.1 through 903.2.13~~ as amended and adopted by the state of Washington. For the purposes of this section, fire barriers and fire walls of any type do not constitute separate buildings.

(b) All Occupancies. An automatic sprinkler system shall be installed in the following buildings or structures:

(1) In all newly constructed buildings with a gross floor area of five thousand or greater square feet, regardless of type or use, as well as zero lot line townhouses with an aggregate area of all connected townhouses five thousand square feet or greater;

(2) When it is determined by the fire chief that access for fire department or fire flow is not adequate;

(3) In Group E occupancies as required by WAC 51-50-0903;

(4) All buildings or structures supported by piers or piling which extend over water.

Exception: Any one-story structure used solely for the moorage of boats or having Type I F.R. or II F.R. construction throughout need not have a sprinkler system installed unless otherwise required by other provisions of this chapter;

(5) Other buildings and/or structures as specified in rules promulgated by the fire chief.

21.33.045 Permissible sprinkler omissions.

Subject to the approval of the fire chief, sprinklers may be omitted in rooms or areas as ~~indicated in Section 903.3.1.1.1 of~~ described in Chapter 9 of the currently adopted edition of the International Fire Code~~, 2003 Edition~~.

21.33.050 Existing buildings.

(a) Existing buildings that would be required to install an automatic sprinkler system, if new, shall comply with this section when an addition is made to the building.

(b) Any existing building required to install an automatic sprinkler system under the provisions of this section shall install such system throughout the entire building. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.

(c) Exceptions.

(1) Areas of existing buildings may be increased by up to twenty-five percent, not to exceed five thousand square feet.

(2) Existing buildings with a total area less than five thousand square feet may be increased up to five thousand square feet and twenty-five percent in additional area.

This exception shall be used one time only and acknowledgment of its use shall be recorded to run with the property title prior to permit issuance.

21.33.055 Operating policies.

The fire chief shall develop and publish operating policies for the installation of automatic fire-extinguishing systems. The operating policies shall indicate the type and configuration of systems based on, but not limited to, occupancy type, location and water availability. The operating policies

shall be developed from nationally recognized standards and local conditions. No less than three copies shall be available for public inspection and review in the fire department office. The fire chief may offer the operating policies for sale at a reasonable cost to cover printing and handling.

Section 11. Kirkland Municipal Code Section 21.37.010 is hereby amended to read as follows:

21.37.010 Washington State Energy Code adopted.
The Washington State Energy Code, as adopted by the State Building Code Council in Chapter 51-11 WAC and hereafter amended, is adopted.

Section 12. Kirkland Municipal Code Section 21.38.010 is hereby amended to read as follows:

21.38.010 Washington State Ventilation and Indoor Air Quality Code adopted.
The Washington State Ventilation and Indoor Air Quality Code, as adopted by the State Building Code Council in Chapter 51-13 WAC and hereafter amended, is adopted.

Section 13. Kirkland Municipal Code Chapter 21.40 is hereby repealed.

Section 14. 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 15. This ordinance shall take effect and be in force on July 1, 2007, 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 _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4099

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION.

SECTION 1. Amends Section 21.04.010 of the Kirkland Municipal Code by updating the referenced technical codes to their most recently adopted edition.

SECTION 2. Amends Chapter 21.06 of the Kirkland Municipal Code regarding the Construction Administrative Code.

SECTION 3. Amends Chapter 21.08 of the Kirkland Municipal Code regarding adoption of the 2006 International Building Code.

SECTION 4. Amends Chapter 21.10 of the Kirkland Municipal Code regarding adoption of the International Residential Code.

SECTION 5. Amends Chapter 21.16.010 of the Kirkland Municipal Code regarding adoption of the International Mechanical Code.

SECTION 6. Amends Chapter 21.20 of the Kirkland Municipal Code regarding adoption of the International Fire Code.

SECTION 7. Amends Chapter 21.24 of the Kirkland Municipal Code regarding adoption of the Uniform Plumbing Code.

SECTION 8. Amends Section 21.28.010 of the Kirkland Municipal Code regarding adoption of the National Fuel Gas Code.

SECTION 9. Amends Section 21.32.010 of the Kirkland Municipal Code regarding adoption of the Liquidfied Petroleum gas Code.

SECTION 10. Amends Chapter 21.33 of the Kirkland Municipal Code regarding the installation of Fire Extinguishing Systems.

SECTION 11. Amends Section 21.37.010 of the Kirkland Municipal Code regarding adoption of the Washington Stae Energy Code.

SECTION 12. Amends Section 21.38.010 of the Kirkland Municipal Code regarding adoption of the Washington State Ventilation and Indoor Quality Code.

SECTION 13. Repeals Section 21.40 of the Kirkland Municipal Code.

SECTION 14. Provides a severability clause for the ordinance.

SECTION 15. 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 July 1, 2007.

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 _____, 2007.

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jennifer Schroder, Director

Date: May 18, 2007

Subject: Acquisition of Property

RECOMMENDATION: That Council ratify the Purchase and Sale Agreement entered on May 12, 2007, between The Confederated Tribes of the Grand Ronde Community of Oregon, a federally recognized Indian tribe, and the City of Kirkland. The Purchase and Sale Agreement is for the purchase of real property (2.93 acres) located at the northeast corner of 9th Ave S and 10th St. S, west of NE 72nd Pl and the 70th ST. NE off ramps from I-405.

BACKGROUND DISCUSSION:

It came to the attention of staff that the property owned by the Confederated Tribes of the Grand Ronde Community of Oregon, (parcels #123-940-1080 and 123-940-1100) would be sold at auction on May 12, 2007.

The subject property is two of ten undeveloped lots that combined provide an open space that protects the open channel portion of one of our most valuable urban creeks in Kirkland which is Everest Creek. Everest Creek is an important source of cool clean water for Lake Washington and thus, supports Chinook salmon and other fish populations in the lake.

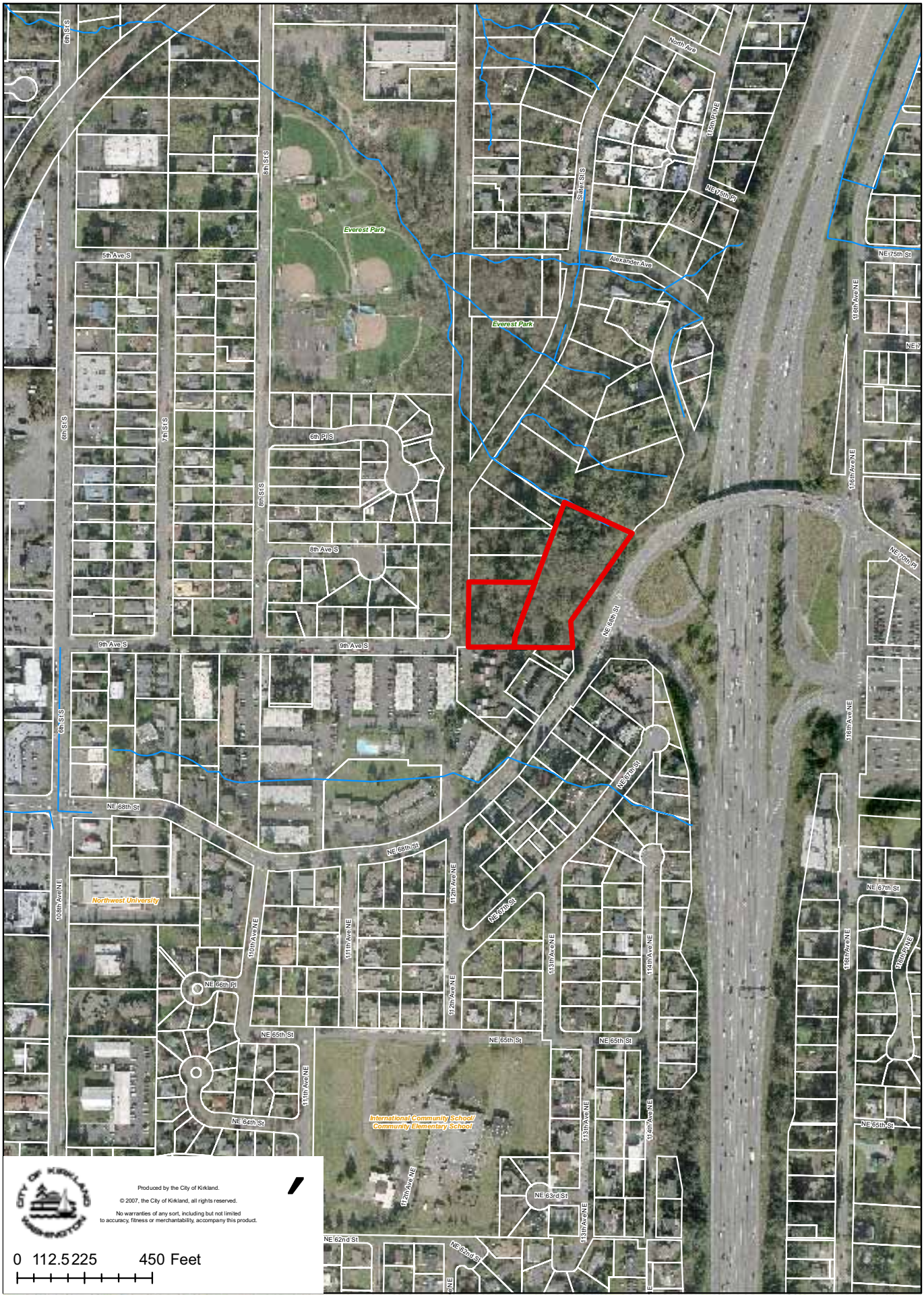
To the general public, this privately owned open space appears to be an extension of Everest Park. However, the property is not owned by the City and therefore this open space is not protected from development. The open space has a collection of mature native vegetation and soils that are necessary to maintain watershed hydrology, stable stream channels, and healthy aquatic systems. Native vegetation and soils are also the most cost-effective and efficient tools for managing storm water quantity and quality. It is easier to prevent storm water pollution through maintenance of natural areas than it is to clean storm water once it has become polluted.

Staff obtained an appraisal of the properties from Greenleaf Valuation Group, Inc. The subject property is zoned RM 3.6. The appraised value for the combined parcels (2.93 acres) is $650,000. The property sold at auction to the City of Kirkland for $355,000 plus closing cost, which is estimated to be $7,354. Total funding requested is $362,354.

Acquisition of these parcels is consistent with the Comprehensive Park, Open Space and Recreation Plan to provide unique natural resources and protection of critical urban wildlife habitat for its citizens.

Source of funds
The planned 2007/2008 biennium budget ending balance for REET 1 reserves is $6.67 million.

Park Acquisition



FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Jennifer Schroder, Parks & Community Services Director

Description of Request

Request for funding of $362,354. for the purchase of 2.93 acres of undeveloped greenbelt land. This lot is near the Everest Park and is vital to the protection and maintenance of the Everest Creek.

The City Council authorized the Parks Department to bid on the land at auction and the City was successful in securing the property for $355,000 plus closing costs, which is under the appraised value of $650,000. Funding for the purchase is recommended to come from the REET 1 Reserve.

Legality/City Policy Basis

Fiscal Impact

One-time use of $362,354 from the REET 1 Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
Reserve	REET 1 Reserve	6,673,678	235,840	0	362,354	6,075,484	1,435,000
			0	0	0	0	0
	2007-08 Prior Authorized Uses includes $235,840 for the Irvin property purchase in the Yarrow Bay wetlands.						
Revenue/ Exp Savings							
Other Source							

Other Information

Prepared By	Sandi Hines, Financial Planning Manager	Date	May 18, 2007

Council Meeting: June 5, 2007
Agenda: Other Business
Item #: 8. i. (8)

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

MEMORANDUM

To: David Ramsay, City Manager

From: Tim Llewellyn, Fleet Supervisor
Daryl Grigsby, Public Works Director

Date: May 21, 2007

Subject: SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

RECOMMENDATION**:**

It is recommended that the City Council approve the surplus of the Equipment Rental vehicles/equipment listed below:

POLICY IMPLICATIONS:

The surplusing of vehicles or equipment which have been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy.

BACKGROUND DISCUSSION:

The following equipment has been replaced by new equipment, and if approved for surplusing, will be sold in accordance with purchasing guidelines at public auction or to public agencies.

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage
F-06	1996	Ford F350 Flatbed	2FDKF37H2TCA53974	22120D	57,044
PU-05	1999	Chevrolet Silverado 1500	1GCEC14V0XE236945	28047D	52,086
PU-06	1999	Chevrolet Silverado 1500	1GCEC14V4XE233773	28048D	34,505
PU-09	1997	GMC Sonoma Pickup	1GTCS14W1VK515970	23968D	65,784
PU-60	1998	Ford F150 Pickup	1FTRF17ZXWKC04799	26111D	42,991
T99-02	1999	Ford Expedition	1FMPU18L2XLB78889	26135D	101,225
D99-02	1999	Ford Taurus SE	1FAFP52U8XG253822	28043D	44,619
D99-03	1999	Ford Taurus SE	1FAFP52U1XG223044	26133D	40,771

For clarification purposes, F-06 was a former Public Works Storm/Sewer vehicle which exceeded its original anticipated useful life of 8 years by 3 years.

PU-05 and PU-06 were Parks Maintenance vehicles, which achieved their original anticipated useful life of 8 years. They will be retained until the Fall of 2007 for use by Parks summer seasonals prior to being sent to auction.

PU-09 was also a Park Maintenance vehicles, which was extended 2 years beyond its anticipated 8 year life. It will also be assigned for use by Parks seasonals until going to auction in the Fall of 2007.

PU-60 was assigned for use by the Fleet Management shop. It was retained 1 years beyond its original anticipated life of 8 years.

T99-02 was the Police Traffic Sergeant's vehicle, which was retained 4 years beyond its original anticipated useful life of 4 years.

D99-02 and D99-03 were assigned to Police Investigations, and achieved their original anticipated useful life of 8 years.

The City's Equipment Rental Replacement Schedule is used as a guideline for vehicle replacement and amortization of equipment. Fleet Management staff evaluates each vehicle and determines the actual replacement date according to vehicle condition.

The above vehicles will be sold at auction.

Cc: John Hopfauf, Street Manager

Council Meeting: June 5, 2007
Agenda: * Public Hearing
Item #: 9. a.

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

MEMORANDUM

QUASI JUDICIAL

To: David Ramsay

From: Rob Jammerman, Development Engineering Manager
Daryl Grigsby, Public Works Director

Date: June 5, 2007

Subject: Development Agreement with Derek and Susan Arndt

RECOMMENDATION:

It is recommended that the City Council hold a Public Hearing and approve Resolution 4645 authorizing the City Manager to sign the attached Development Agreement with Derek and Susan Arndt (see Exhibit 1).

POLICY IMPLICATIONS:

RCW 36.70B.170 - 210 (copy attached as Exhibit 2) authorizes local governments to enter into Development Agreements with property owners. A Public Hearing is required before the City Council takes action on the Development Agreement.

BACKGROUND DISCUSSION:

Derek and Susan Arndt own a several parcels of undeveloped land in the Norkirk Neighborhood (a map of the property is attached as Exhibit 3). The Arndts had planned to use the unopened 15th Avenue public right-of-way as access to their property, but recently realized that the unopened right-of-way is subject to the "Non-User Statute" and was vacated as a matter of law in 1904. When the Arndts realized that the right-of-way was subject to the non-user statute, they purchased a 30 ft wide piece of the vacated 15th Avenue right-of-way from the property at 630 14th Place in order to preserve their ability to access their property from the improved portion of 15th Avenue (see Exhibit 3).

Under the current development standards in Chapter 110 of the Kirkland Zoning Code, the 30 ft wide parcel of land that the Arndts purchased is wide enough to accommodate a standard R-20 Neighborhood Access type public street, which is adequate for redevelopment of their property (see Exhibit 4 for a copy of the R-20 Street Standard detail). While the Arndts understand that the 30-foot wide property is adequate for a public road at this time, they are concerned that the standard could be changed in the future and they would be denied from using the land for access. Thus, the Arndts are requesting that the City enter into a 10-year Development Agreement that preserves their ability to use the property for access under the current standards. The agreement does stipulate that the City can impose new or different regulations with respect to the width of the right-of-way for public health and safety reasons. As part of the agreement, the Arndts will grant a 15 ft wide water line easement for an 8-inch water main that is in the vacated right-of-way.

cc: William Evans, Assistant City Attorney

Attachments (4)

After Recording, Return to:

David B. Johnston
Livengood, Fitzgerald & Alskog, PLLC
P.O. Box 908
Kirkland, WA 98083-0908

Reference No.	N/A
Document Title:	**ARNDT – KIRKLAND DEVELOPMENT AGREEMENT** (Pursuant to RCW Chapter 36.70B)
Grantor(s):	City of Kirkland, a Washington municipal corporation; Derek Arndt and Susan Arndt, husband and wife
Grantee(s):	City of Kirkland, a Washington municipal corporation; Derek Arndt and Susan Arndt, husband and wife
Legal Description:	Lake Avenue Addition, Vol. 6 of Plats, Page 86 Additional legal is on Exhibit A
Tax Account No.:	398270-0960; 398270-0925; 398270-1190; 398270-1210; 398270-1120; 398270-1155; 398270-1130; 398270-1160; 398270-0915; and 398270-1230

THIS DEVELOPMENT AGREEMENT (the "Agreement"), is made and entered into this _____ day of _____, 2007 by and between **Derek Arndt and Susan Arndt**, husband and wife ("Arndts"), and the **City of Kirkland**, a Washington municipal corporation (the "City"), as follows:

RECITALS

A. Arndt are the owners of real property located in Kirkland, Washington, that is legally described on ***Exhibit A*** that is attached hereto and incorporated herein by reference. Attached hereto as ***Exhibit B***, and incorporated herein by reference, is a plat map that illustrates the property owned by the Arndts ("Arndt Property"). Portions of the Arndt Property are bordered by 16th Avenue to the north and 15th Avenue to the south. These two streets were originally part of the Lake Avenue Addition to Kirkland plat.

B. RCW 36.70B, *et seq.*, authorizes the City as a local government to enter into a development agreement with the Arndts as owners of real property described on Exhibit A. This

Development Agreement is consistent with the City's local land regulations and sets forth below development standards and other provisions that apply to and vest the development of the Arndt Property.

C. A City water line is located within 15th Avenue (the "Water Line"). The location of the Water Line is shown on ***Exhibit C***.

D. The Arndts purchased any interest held by John and Monica Kobasic in the 30 foot portion of unopened 15th Avenue adjacent to the Kobasics' property ("the Access Property"). The Kobasics also granted the Arndts an easement for ingress and egress over the Access Property. The location of the Access Property is illustrated on Exhibit B.

E. Under current City Code, an ingress and egress right of way or easement would need to be 30 feet in width to allow for the number of building sites currently allowed for the Arndt Property. The Access Property is 30 feet in width and therefore meets the minimum width for that number of sites at this time.

AGREEMENT

In furtherance of the recitals set forth above, which are incorporated herein by reference, and in consideration of the mutual promises and covenants set forth below, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties acknowledge and agree to the following:

1. Pursuant to RCW 36.70B, commencing on the date this Agreement is fully executed and recorded, and continuing for a period of 10 years thereafter, so long as the Arndts have obtained an approved lot line alteration as required by paragraph 4 below, the City will not require that access to the Arndt Property be greater than 30 feet in width over the Access Property for the Arndts to be entitled to the same number of building sites on the Arndt Property that they are currently entitled to have under City Code with a 30 foot access. The City will process a development application or permit request with respect to street and related improvements (e.g., right of way dedications, curbs, gutters and sidewalks) consistent with the City Code in effect at the time this Agreement is fully executed and recorded, which provisions are incorporated herein as if fully set forth.

2. In consideration for the City's agreement as provided herein, the Arndts agree to provide the City with an easement for the Water Line on the Access Property, the Arndt Property, and any property adjacent to the Arndt Property in which the Arndts may have an interest, within 30 days of mutual execution and recordation of this Agreement. The water line easement premises shall be located within the south 30 feet of 15th Avenue and shall be in the minimum width necessary to accommodate the Water Line. The form of the easement will be the same as the one attached hereto as ***Exhibit D***.

3. Consistent with RCW 36.70B.170 (4), the City reserves authority to impose new or different regulations with respect to the width of the right of way described in paragraph 1 above to the extent required by a serious threat to public health and safety.

4. The Arndts agree to apply for a lot line alteration pursuant to Kirkland Municipal Code Section 22.04.020 as currently written or hereafter amended to incorporate the Access Property into the Arndt Property.

5. Other than as set forth herein, this Agreement shall not be construed to vest the Arndts or the Arndt Property to any other City development standards, including park, traffic, school or any other impact fees, which development standards may change from the date this Agreement is mutually executed until it expires.

6. This Agreement and the obligations of the parties set forth herein shall expire 10 years from mutual execution and recordation of the Agreement. Except as addressed herein, the remaining development standards referenced in Chapter 36.70B, as well as other applicable development regulations, will be addressed with reference to the laws current at the time of any development application.

7. Additional Provisions.

a. The City represents and warrants that, prior to execution of this Agreement by the parties, this Agreement has been approved by the City Council by ordinance after a duly-called public meeting and the person executing this Agreement on behalf of the City has the authority to do so. Whenever, in this instrument, a reference to any party is made, such reference shall be deemed to include a reference to the heirs, successors and assigns of such party.

b. This Agreement, and the exhibits attached hereto, contains the entire understanding between the parties in connection with the subject matter and it supersedes or replaces all prior negotiations, agreements, or representations, whether oral or written. This Agreement may not be modified in any way unless such modification is in a writing which has been executed by all parties affected by said modification.

c. Time is expressly made of the essence with respect to the performance by the parties of each and all of their respective obligations under this Agreement.

d. The interpretation, construction and enforcement of this Agreement shall be governed by the laws of the State of Washington.

e. This Agreement has been jointly drafted by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole and not for or against any party. The parties hereto declare that the terms and conditions of this Agreement have been completely read, reviewed and are fully understood and voluntarily

accepted and that they have had assistance of counsel to explain each and every term of this Agreement.

f. No consent or waiver, express or implied, by any party to or of any breach or default by any other party in the performance by such party of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance of such party of the same or any other obligations of such party hereunder. Failure to act on the part of any party or to declare any other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder.

g. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby. It is the intention of the parties that this Agreement and the provisions hereof be enforced to the greatest extent permitted by law.

h. In the event that any party to this Agreement initiates legal proceedings to enforce his, her or its rights under this Agreement, the prevailing party or parties in any such litigation shall be entitled to recover the reasonable attorneys' fees, taxable costs and reasonable expenses incurred by them.

i. This Agreement may be signed in counterpart copies and shall be effective when each party hereto has signed at least one copy. Signatures transmitted by facsimile shall be acceptable and just as binding as a signature on the original hereof.

j. This Agreement shall be recorded with the King County Recording Office. The terms, conditions and covenants of this Agreement are not personal, but shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective heirs, personal representatives, transferees or successors in interest.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first appearing herein above.

_____
Derek Arndt

_____
Susan Arndt

632 14th Place
Kirkland, WA 98033

City of Kirkland
a Washington municipal corporation

_____
By: _____
Its: _____

APPROVED AS TO FORM:

_____
David B. Johnston
Livengood, Fitzgerald & Alskog, PLLC
Attorneys for the Arndts

121 Third Avenue
P.O. Box 908
Kirkland, WA 98083-0908

_____
William R. Evans
Kirkland City Attorney

STATE OF WASHINGTON)
) ss.
County of King)

I certify that I know or have satisfactory evidence that **Derek Arndt and Susan Arndt**, husband and wife, are the persons who appeared before me, and said persons acknowledged that they are the individual described in and who signed this instrument and acknowledged it to be their free and voluntary act, for the uses and purposes mentioned in this instrument.

DATED: _____, 2007.

_____
Name (typed or printed): _____
NOTARY PUBLIC in and for the State of Washington
Residing at _____
My appointment expires: _____

STATE OF WASHINGTON)
)
County of King)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he is the individual(s) described in and who signed this instrument as the _____ of the City of Kirkland, a Washington municipal corporation, and acknowledged it to be the said party's free and voluntary act, for the uses and purposes mentioned in this instrument, and on oath stated that (he/she) is authorized to execute the instrument on behalf of said party.

DATED: _____, 2007.

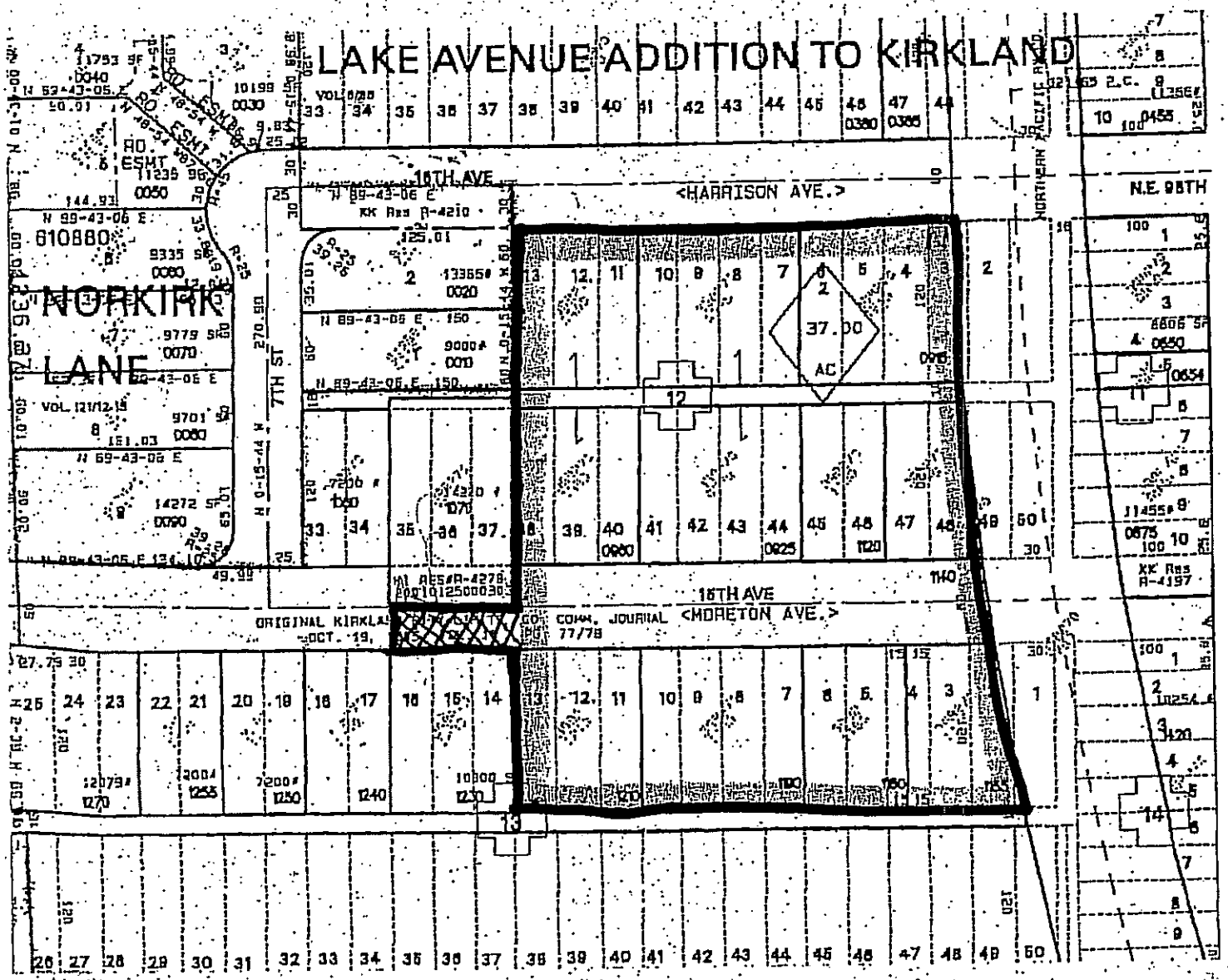
_____
Name (typed or printed): _____
NOTARY PUBLIC in and for the State of Washington
Residing at _____
My appointment expires: _____

\\Kindy\311\dbj\Arndt, Derek\Road Access\Arndt -FinalDevelopment Agreement05 22 07.doc

EXHIBIT A

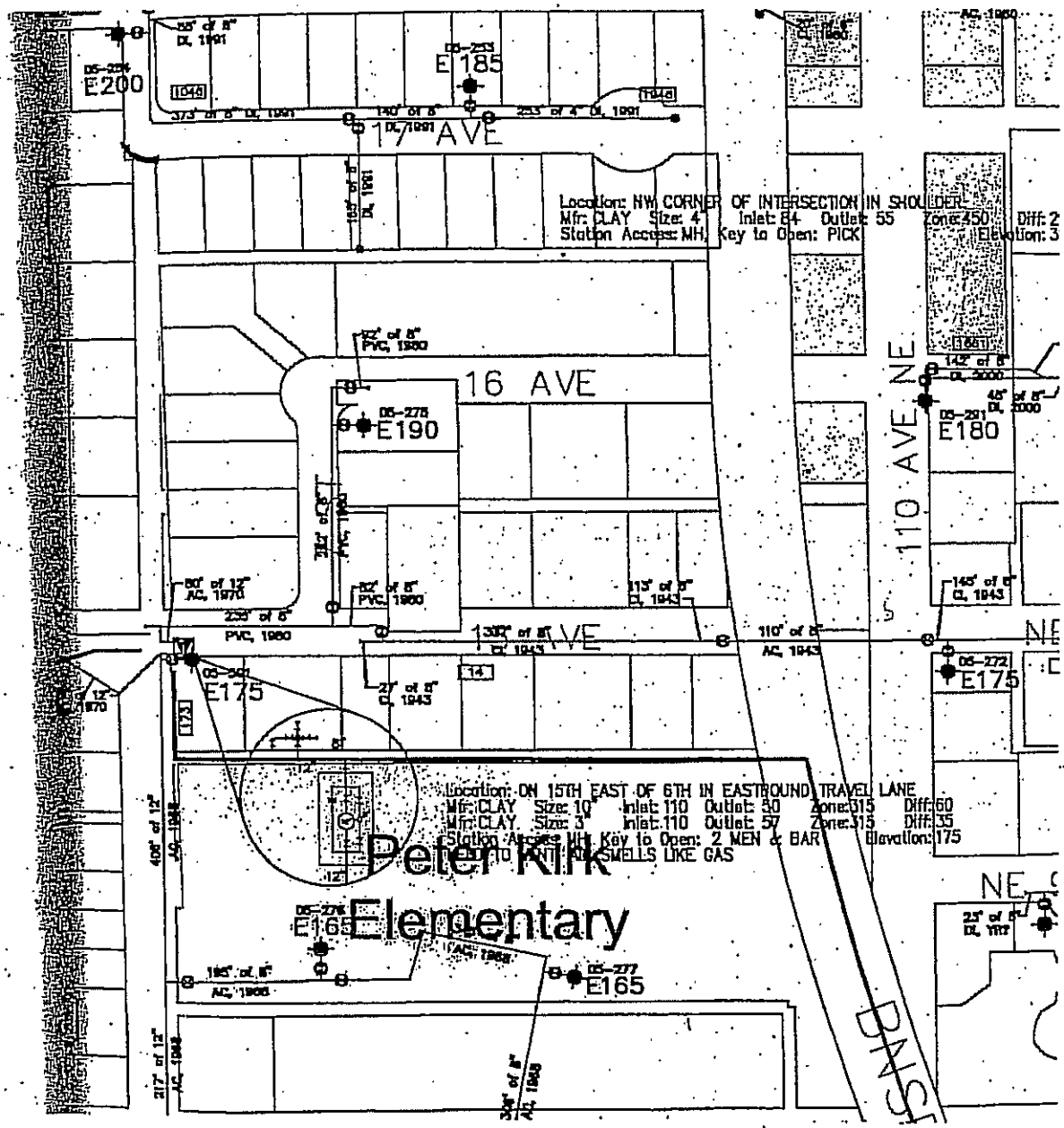
The following described real estate, situated in King County of the State of Washington: Lots 3 through 13 and Lots 38 through 48 and a portion of Lot 49 west of NPR right of way, Block 12, and Lots 1 through 13, Block 13, of Lake Avenue Addition to Kirkland, according to the plat recorded in Volume 6 of Plats, page 86, in King County, Washington; and

Portion of unopened 15th Avenue dedicated in the Lake Avenue Addition to Kirkland, Volume 6 of Plats, page 86, records of King County, which abuts Lots 14, 15 and 16 of 13 Lake Avenue Addition to the City of Kirkland, being identified as the portion of the south 30 feet of unopened 15th Avenue, which abuts the north side of the herein described property.



Access Property is cross-hatched.

EXHIBIT B



= Water Line location

EXHIBIT C

WATER LINE EASEMENT

THIS WATER LINE EASEMENT ("Easement") is made this _____ day of _____, 2007, by and between Derek and Susan Arndt ("Grantor") and City of Kirkland, a Washington Municipal Corporation ("Grantee").

Grantor(s) are the owners of the real property legally described as follows:

> The following described real estate, situated in King County of the State of Washington: Lots 3 through 13 and Lots 38 through 48 and a portion of Lot 49 west of NPR right of way, Block 12, and Lots 1 through 13, Block 13, of Lake Avenue Addition to Kirkland, according to the plat recorded in Volume 6 of Plats, page 86, in King County, Washington; and
>
> Portion of unopened 15th Avenue dedicated in the Lake Avenue Addition to Kirkland, Volume 6 of Plats, page 86, records of King County, which abuts Lots 14, 15 and 16 of 13 Lake Avenue Addition to the City of Kirkland, being identified as the portion of the south 30 feet of unopened 15th Avenue, which abuts the north side of the herein described property owned by Grantor ("the Property").

Grantor, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys unto Grantee, its successors and assigns, a perpetual, nonexclusive easement for a water line and related appurtenances now in place or hereafter constructed over, under, in, along, across, together with the right of ingress and egress upon the Property for access to said easement area described as follows:

> The current, as-built location of the water line found within that portion of 15th Avenue located within the real property described above or, if it is reasonably necessary to move or replace the water line, the water line shall be located within the south thirty (30) feet of that portion of 15th Avenue located within the Property and the easement area shall then be an area 15 feet in width, 7.5 feet on both sides of the newly located water line.

Grantor also grants to Grantee and those acting under or on behalf of Grantee the use of such additional area immediately adjacent to the above Easement as shall be required for the construction or maintenance of a water line in the Easement, such additional area to be held to a minimum necessary for that purpose. However, it shall be in Grantee's sole discretion to determine how much additional area is necessary for maintenance or repair of the water line.

In case of an emergency, the Grantee shall have the right without prior notice or proceeding at law, to enter upon the Property for purpose of construction, repair and/or reconstruction of said water line and related appurtenances or making any connections therewith. In all other cases, Grantee shall notify Grantor of the need to enter onto the Property prior to doing so.

EXHIBIT D

Grantee shall, upon completion of any work within the Property, restore the surface of the Property, and any private improvements disturbed or destroyed during the execution of the work, as nearly as practicable, to the condition they were in before commencement of the work or entry by Grantee.

Grantor may continue to use and enjoy the Property, including the right to use the surface of the property, provided that (1) such use shall not in any way interfere with construction, installation, maintenance, repair, alteration, or reconstruction of Grantee's water line and related appurtenances; (2) Grantor shall not construct any structures or improvements within 7.5 feet on either side of or upon the easement area; and (3) Grantor shall not plant vegetation having deep root patterns which may cause damage to or interfere with the water line placed within the easement by Grantee.

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

This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the parties hereto relating to the subject matter of this Easement which are not fully expressed herein.

This Easement shall be recorded with the King County Recorder, shall run with the land described herein, and shall be binding upon the parties, their heirs, successors-in-interest, and assigns.

DATED at Kirkland, Washington, this _____ day of _____, 2007.

_____
Derek Arndt

_____
Susan Arndt

City of Kirkland
a Washington municipal corporation

_____
By: _____
Its: _____

STATE OF WASHINGTON)
) ss.
County of King)

I certify that I know or have satisfactory evidence that **Derek Arndt and Susan Arndt,** husband and wife, are the persons who appeared before me, and said persons acknowledged that they are the individual described in and who signed this instrument and acknowledged it to be their free and voluntary act, for the uses and purposes mentioned in this instrument.

DATED: _____, 2007.

_____
Name (typed or printed): _____
NOTARY PUBLIC in and for the State of Washington
Residing at _____
My appointment expires: _____

STATE OF WASHINGTON)
)
County of King)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he is the individual described in and who signed this instrument as the _____ of the City of Kirkland, a Washington municipal corporation, and acknowledged it to be the said party's free and voluntary act, for the uses and purposes mentioned in this instrument, and on oath stated that (he/she) is authorized to execute the instrument on behalf of said party.

DATED: _____, 2007.

_____
Name (typed or printed): _____
NOTARY PUBLIC in and for the State of Washington
Residing at _____
My appointment expires: _____

\\Sandy\31 | \dbj\Arnalt, Derek\Road Access\Arnalt Water Line Easement020207.doc

RCW 36.70B.170
Development agreements – Authorized.

(1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) RCW 36.70B.170 through 36.70B.190 and section 501, chapter 347, Laws of 1995 do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

[1995 c 347 § 502.]

NOTES:

Findings – Intent – 1995 c 347 §§ 502-506: "The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by RCW 36.70B.170 through 36.70B.210 to allow local governments and owners and developers of real property to enter into development agreements." [1995 c 347 § 501.]

RCW 36.70B.180
Development agreements – Effect.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

[1995 c 347 § 503.]

NOTES:

Findings – Intent – 1995 c 347 §§ 502-506: See note following RCW 36.70B.170.

RCW 36.70B.190
Development agreements – Recording – Parties and successors bound.

A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

[1995 c 347 § 504.]

NOTES:

Findings – Intent – 1995 c 347 §§ 502-506: See note following RCW 36.70B.170.

RCW 36.70B.200
Development agreements – Public hearing.

A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

[1995 c 347 § 505.]

NOTES:

Findings – Intent – 1995 c 347 §§ 502-506: See note following RCW 36.70B.170.

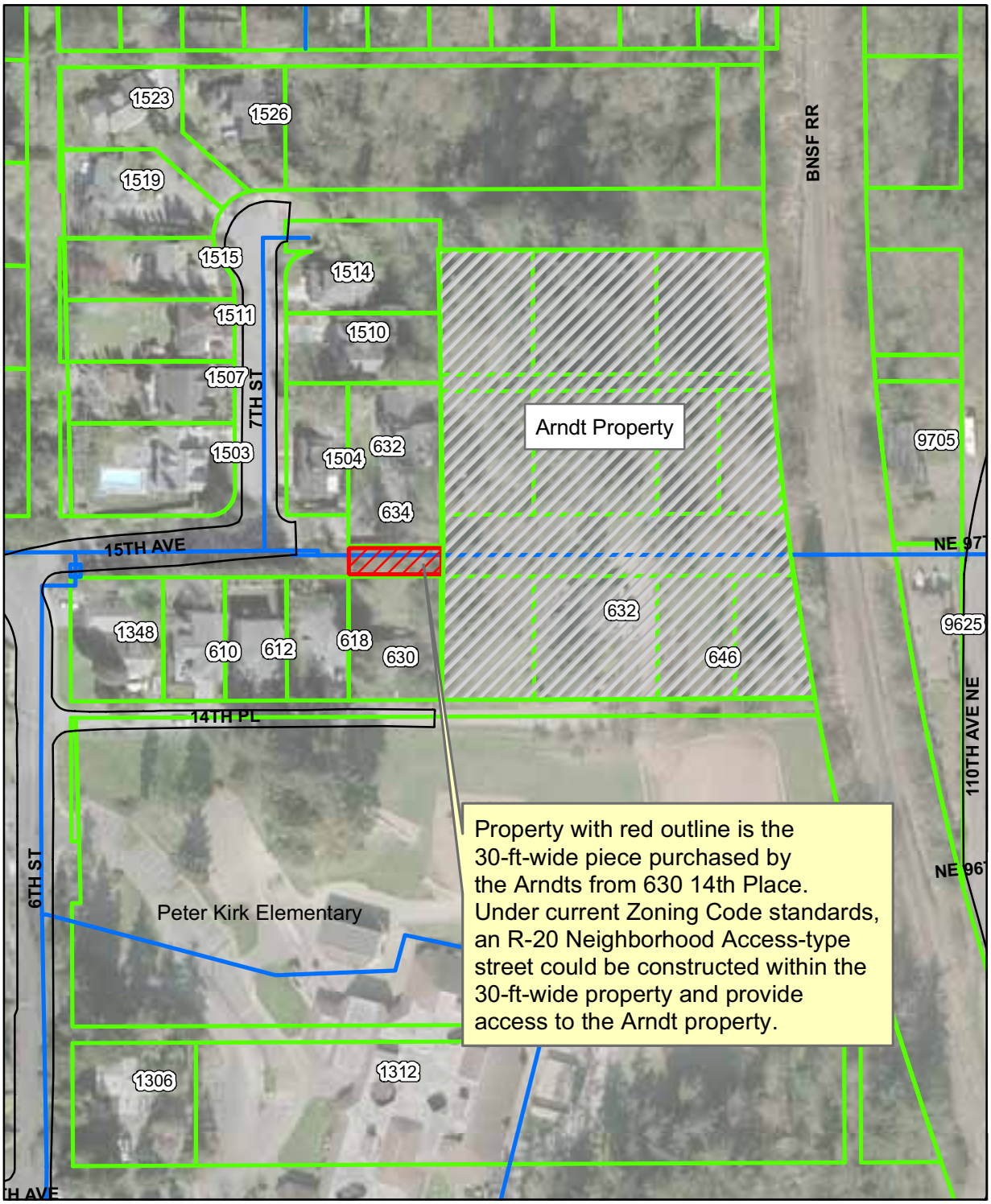
RCW 36.70B.210
Development agreements – Authority to impose fees not extended.

Nothing in RCW 36.70B.170 through 36.70B.200 and section 501, chapter 347, Laws of 1995 is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

[1995 c 347 § 506.]

NOTES:

Findings – Intent – 1995 c 347 §§ 502-506: See note following RCW 36.70B.170.



Produced by the City of Kirkland.

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

Exhibit 3

Pavement edge

Water_main

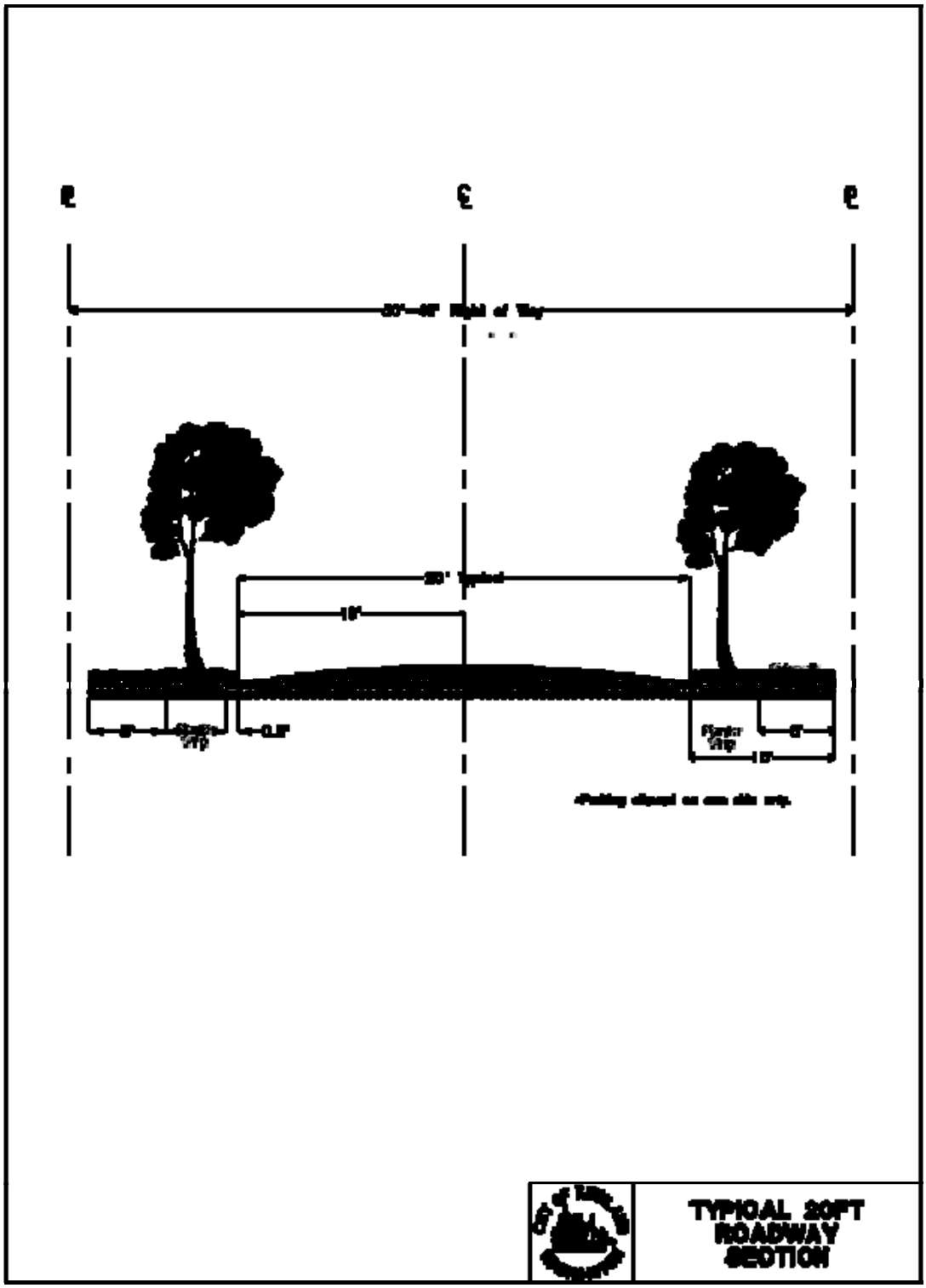


Exhibit 4 – R-20 Public Street Standard

RESOLUTION R-4645

A RESOLUTION OF THE CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT WITH DEREK AND SUSAN ARNDT AND AUTHORIZING THE CITY MANAGER TO SIGN.

WHEREAS, the City of Kirkland is authorized under RCW 36.70B.170 to enter into development agreements with the owners of real property in the City; and

WHEREAS, Derek and Susan Arndt ("the Arndts") own several adjoining undeveloped parcels of land within the City which, under current development standards, could be developed and accessed by a 30 foot wide right-of-way; and

WHEREAS, the City of Kirkland is willing to accept a 30 foot wide right-of-way for access to the Arndts' property during the duration of a ten-year development agreement; and

WHEREAS, the Arndts are willing to grant the City a 15 foot wide water line easement on the Arndts' real property; and

WHEREAS, consistent with RCW 36.70.170, the City has reserved authority to impose new or different regulations to the extent required by a serious threat to public health and safety; and

WHEREAS, as required by RCW 36.70B.200, the City held a public hearing on a development agreement with the Arndts on June 5, 2007; and

WHEREAS, having considered the testimony, staff analysis and comments at the public hearing, the City desires to enter into a development agreement with the Arndts;

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

1. The City Manager and directed to execute a development agreement with Derek and Susan Arndt substantially in the form of the Arndt – Kirkland Development Agreement attached to this Resolution.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

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

MEMORANDUM

To: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Daryl Grigsby, Director of Public Works
Robin Jenkinson, City Attorney
Jenny Schroder, Director of Parks and Community Services
Eric Shields, Planning Director

Date: May 23, 2007

Subject: Impact Fee Ordinance Adoption (MIS07-00014)

Recommendation:

Council review additional material and approve Impact Fee ordinances.

Discussion:

As discussed over the past several months, the City has been evaluating revisions to its adopted impact fees for transportation and parks as part of the process to prepare the 2008-2013 Capital Improvement Program (CIP). The recommendations summarized below reflect the policy guidance given by the City Council at the Public Hearing on May 1 and follow up discussion at the May 15 meeting.

1. Cost Recovery Policy

Should the City Council adopt revised impact fee rate schedules for transportation and parks that reflect 100% of what can legally be charged as outlined in the new rate studies or a lesser amount?

Recommendation: The direction of the City Council is that the impact fees reflect 100% cost recovery and that the full fee be put in place on the implementation date rather than phasing-in the increase. The recommended fees reflected in the ordinances vary by land use. The single family fees are:

Single Family Transportation Impact Fee:	$3,432
Single Family Parks Impact Fee:	$3,621

2. Indexing with Inflation

Should the impact fee rate schedules be indexed for inflation on an annual basis, except when the rate schedules have been updated the preceding year to reflect revised project costs (generally coinciding with the CIP budget process)? If so, what inflation index should be used?

Recommendation: The ordinances reflect indexing the impact fees based on the following measures:

- Transportation Impact Fee: Based on the 6-year average of the Washington Department of Transportation (WSDOT) construction cost index (CCI). Further discussion of this recommendation follows.
- Parks Impact Fee: Based on the June to June Seattle-Tacoma-Bremerton Consumer Price Index (CPI-W).

City staff will prepare a report each year for the City Council summarizing the inflation adjustment to the impact fees.

Further Discussion: At the May 15 meeting, additional information was requested regarding the rationale for the Transportation recommendation. The table below summarizes the change in CPI-W and the WSDOT CCI over the past 18 years, along with rolling averages of the CCI over several time periods for the past 7 years. The staff recommendation is based on several factors:

- Using a rolling average improves predictability by smoothing out the volatility in the year over year changes in the index; the number of years to average becomes a judgment call, however, based on feedback from the building and development community, more years was preferred;
- The CPI includes over 200 items that are tracked whereas the WSDOT CCI contains only seven components in its calculation and is thus dramatically more cyclical (albeit readily available and relevant to the cost of construction);
- The incorporation of less volatile labor/engineering costs of CIP projects (often 30-50% of a project cost) will somewhat offset the construction swings;
- In developing the CIP every two years, a six year projection of funding and spending levels is made, staff is recommending the use of the same time frame (six years) for projecting the cost of transportation projects in the upcoming CIP.

Year	Seattle CPI-W		WSDOT CCI		Various averaging periods of CCI				
	Index: 1982-1984=100	Annual growth rate	Index: 1990=110	**Annual growth rate**	2-yr Average	3-yr Average	4-yr Average	5-yr Average	6-yr Average
1990	124.4	7.1%	110						
1991	131.3	5.5%	121	10%					
1992	136.0	3.6%	108	-11%					
1993	140.0	2.9%	106	-2%					
1994	145.1	3.6%	105	-1%					
1995	149.3	2.9%	124	18%					
1996	154.3	3.3%	124	0%					
1997	159.0	3.0%	139	12%					
1998	163.2	2.6%	116	-17%					
1999	168.3	3.1%	120	3%					
2000	174.6	3.7%	128	7%	5%	-2%	1%	1%	4%
2001	180.8	3.6%	129	1%	4%	4%	-1%	1%	1%
2002	184.0	1.8%	139	8%	4%	5%	5%	0%	2%
2003	186.7	1.5%	145	4%	6%	4%	5%	5%	1%
2004	189.6	1.6%	170	17%	11%	10%	8%	7%	7%
2005	195.3	3.0%	176	4%	10%	8%	8%	7%	7%
2006	202.6	3.7%	228	30%	17%	17%	14%	12%	11%
2007			254	11%	20%	15%	15%	13%	**12%** ← **CIP assumption**
AVERAGE GROWTH RATE		**3%**		**10%**	**10%**	**8%**	**7%**	**6%**	**6%**

3. All Capacity Projects versus Only Concurrency Projects for Transportation

Should the City charge impact fees based on all capacity projects or just those projects necessary to meet concurrency requirements?

Recommendation: City Council concurs with the recommendation to base the Transportation impact fee on only the concurrency projects rather than capacity projects.

3. Implementation Date

On what date should the revised impact fees take effect?

Recommendation: City Council directed that the implementation date be set at February 1, 2008.

The following clarification has been added to the ordinance section 27.04.030 Assessment of impact fees related to developer agreements:

> "Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on impact fee schedule in effect at the time a complete building permit application is filed."

5. Alternate Methods and Extension of Park Impact Fees to Non-Residential

Should alternate methods of calculation be considered?

Should the Parks Impact Fees be extended to non-residential development?

Recommendation: The City Council concurred with the staff recommendation to evaluate alternate methods during the next update to the impact fees (2-3 years) or after the annexation decision is made, whichever occurs first. The issue of extending Park impact fees to non-residential land uses would require a Comprehensive Plan Amendment to the level of service methodology and a study of what park services the local non-residential sector uses. All of this would need to be done before a non-residential parks impact fee could be adopted and is recommended to be done before the next impact fee update.

6. Adoption of School Impact Fees

Should the City of Kirkland impose and collect school impact fees on behalf of the Lake Washington School District?

Should this issue be considered at the same time as the City's Parks and Transportation Impact Fees or on a separate timetable?

Recommendation: The City Council has directed that the issue of imposing School Impact Fees be addressed after the City adopts its updated Parks and Transportation fees. City staff will gather additional information from the Lake Washington School District, as requested by the City Council, which will be

provided when the School Impact Fees are brought forward for consideration. The timetable and further information requests will be discussed at the upcoming City-School District coordination meeting.

Other Issues:

Exemption for Non-Profit Human Services Agencies

State law allows the City to provide an exemption from its impact fee ordinance for "low income housing, and other development activities with broad public purposes." At the May 15, 2007, Council Meeting, a question was asked about substituting "nonprofit human services agencies" for the "broad public purposes" criteria. The City Attorney's Office was asked to look at this question. The difficulty with making nonprofit human services agencies part of the criteria is that "human services agencies" is not currently a defined term nor is it easily defined. "Human services agencies" could encompass virtually any organization that saw its mission or purpose as helping others. The City, in administering the exemption, might not view an organization's mission or purpose the same way. Nor does the fact that an organization is nonprofit ensure that their purpose is charitable or promotes social welfare. Washington State allows the creation of a nonprofit corporation "for any lawful purpose." Retaining the broad public purpose criteria enables the City to review, on a case-by-case basis, whether the subject development activity provides an appropriate public benefit.

Recommendation: Retain the current broad public purpose criteria.

Definition of Low Income Housing

In the memo on impact fees for the City Council meeting of May 15, 2007, staff recommended that the existing definition for *low income housing* be changed to be consistent with the new definition in the Zoning Code for *affordable housing*. After further discussion with the Planning Department, staff recommends staying with the existing definition for *low income housing* for impact fees. This will allow low and moderate income units in low density residential zones, developed under the current Planned Unit Development regulations, to use the impact fee exemptions.

To qualify for *low income housing* as defined in the impact fee ordinance, an owner occupied household cannot have an income of more than **80%** of the King County median and a renter household cannot have an income of more than **60%** of the King County median. To qualify for *affordable housing* as defined for multifamily development in the Zoning Code, an owner occupied household cannot have an income of more than **70%** of the King County median and a renter household cannot have an income of more than **50%** of the King County median. The *affordable housing* threshold requires a lower income than the *low income housing* threshold.

The *affordable housing* definition was established for Chapter 112 of the Zoning Code concerning Affordable Housing Incentives – Multifamily. The City chose the more restrictive income standard to require developers of multifamily projects receiving the incentive benefits of the Chapter 112 provisions to provide greater housing affordability.

The Planned Unit Development chapter of the Zoning Code still allows density bonuses for low (**50%** of KC median as defined in the Zoning Code) and moderate (**80%** of KC median income as defined in the Zoning Code) units in low density residential zones. One of the items on the Planning Work Program is to examine

affordable housing incentives for single-family zones. The definition of what is affordable for single-family development will likely change as part of that project. The allowance for impact fee exemptions should be reexamined at that time.

RCW 82.02.090 of the GMA does not provide a definition for *low income housing* as it relates to exemptions so it is up to each jurisdiction to establish the threshold. To continue encouraging low income housing development in both single- and multifamily zones, the City should maintain the existing definition of *low income housing* in the impact fee ordinances. Multifamily developments that want to use the incentives provided in the Zoning Code will provide greater affordability than those that want to only use the impact fee exemption.

Recommendation: Staff recommends retaining the current definition for low income housing

Small Lot Housing

City staff is currently evaluating small lot housing regulations. Once those regulations are brought forward for consideration, the analysis and feasibility of establishing separate impact fees for qualifying developments will be pursued.

Recommendation: Recommendations would be brought forward for Council consideration later in 2007.

The Transportation and Parks Impact Fee Ordinances reflecting this policy direction are attached.

Attachments

cc: Sandi Hines, Financial Planning Manager
Ray Steiger, Capital Projects Manager
Teresa Swan, Senior Planner
Michael Cogle, Park Planning & Development Manager
Teresa Levine, Interim Financial Operations Manager

ORDINANCE NO. 4100

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 27.04 OF THE KIRKLAND MUNICIPAL CODE RELATING TO TRANSPORTATION IMPACT FEES; ADOPTING A NEW TRANSPORATION IMPACT FEE SCHEDULE; PROVIDING FOR PERIODIC REVIEW AND ANNUAL ADJUSTMENT OF THE IMPACT FEE SCHEDULE; AND ADDRESSING OTHER RELATED MATTERS.

WHEREAS, the City of Kirkland is authorized under RCW Chapter 82.02 to require new growth and development within the City of Kirkland to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, the City Council wishes to ensure that the transportation facilities necessary to support development is adequate without decreasing current service levels below established minimum standards for the City; and

WHEREAS, the City of Kirkland has conducted extensive research documenting the procedures for measuring the impact of new development on public facilities and has prepared or obtained technical reports which serve as the basis for adopting a new impact fee schedule.

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

Section 1. The title of Chapter 27.04 of the Kirkland Municipal Code is hereby changed to "Transportation Impact Fees."

Section 2. Appendix A of Chapter 27.04 of the Kirkland Municipal Code is hereby repealed.

Section 3. Chapter 27.04 of the Kirkland Municipal Code is hereby amended to read as follows:

27.04.010 Findings and authority.

The city council finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, industrial, ~~and~~ institutional development, and changes in land uses~~,~~ in the city will create additional demand and need for public facilities (public streets and roads) in the city and finds that new growth and development should pay a proportionate share of the cost of new public facilities needed to serve the new growth and development. The city has conducted an extensive study documenting the procedures for measuring the impact of new developments on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to RCW Chapter 82.02, the city council adopts this chapter to assess impact fees for public facilities.

27.04.020 Definitions.

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

(1) "Act" means the Growth Management Act, RCW Chapter 36.70A.

(2) "Applicant" means the owner of real property according to the records of the King County department of records and elections, or the applicant's authorized agent.

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

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

(5) "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to RCW Chapter 36.70A, and such plan as amended.

~~(6) "Certificate of occupancy" means the term as defined in the Uniform Building Code adopted in Title 21 of this code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.~~

(6~~7~~) "City" means the city of Kirkland, Washington.

(7~~8~~) "Council" means the city council of the city.

(8~~9~~) "Department" means the public works department.

(9~~10~~) "Director" means the director of the public works department, or the director's designee.

(10~~11~~) "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for transportation planning, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, financing, administrative expenses , construction of roads and related facilities, and any other commitments, contractual obligations or other liabilities incurred for public facilities.

(11~~12~~) "Gross floor area" is the total square footage of all floors in a structure as defined in Chapter 5 of Title 23 of this code (zoning code).

(12~~13~~) "Hearing examiner" means the person who exercises the authority of Chapter 3.34 of this code.

(13~~14~~) "Impact fee" means a payment of money imposed by the city on an applicant prior to issuance of a building permit or a change in land use when no building permit is required~~, or a certificate of occupancy if a building permit is not required~~, pursuant to this chapter as a condition of granting a building permit~~, or certificate of occupancy permit if no building permit is required,~~ or

as a requirement for a change in use in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee or application fee.

(14~~15~~) "Impact fee account" or "account" means the account established for the system improvement for which impact fees are collected. The account shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

(15~~16~~) "Independent fee calculation" means the study or data submitted by an applicant to support the assessment of an impact fee other than the fee in the schedule attached as ~~Appendix A~~KMC 27.04.150 to this chapter.

(16~~17~~) "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

(17~~18~~) "Interlocal agreement" or "agreement" means a roads interlocal agreement, authorized in this chapter, by and between the city and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the city and another municipality, public agency or governmental body to implement the provisions of this chapter.

(18~~19~~) "Low-income housing" means (A) an owner-occupied housing unit affordable to households whose household income is less than eighty percent of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than thirty percent of the household income is paid for housing expenses, or (B) a renter-occupied housing unit affordable to households whose income is less than sixty percent of the King County median income, adjusted for household size, as determined by HUD, and no more than thirty percent of the household income is paid for housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. The director will make a determination of sales prices or rents which meet the affordability requirements of this section. An applicant for a low-income housing exemption may be a public housing agency, a private nonprofit housing developer or a private developer.

(19~~20~~) "Owner" means the owner of real property according to the records of the King County department of records and elections; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

(20~~21~~) "Prior use" means the use with the highest impact fee per unit, based on the schedule in KMC 27.04.150, in existence since January 1, ~~1998~~2006, as documented by City records ~~based on the schedule in Appendix A~~.

(21~~22~~) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of a project, and are not system improvements. No improvement or

facility included in the capital facilities plan shall be considered a project improvement.

(22~~23~~) "Public facilities" means the public streets and roads of the city or other governmental entities.

(23~~24~~) "Residential" means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes and/or manufactured homes, intended for occupancy by one or more persons and not offering other services. For the purpose of this chapter, an accessory dwelling unit, as defined in Chapter 5 and regulated in Chapter 115 of Title 23 of this code (zoning code), is considered an adjunct to the associated single-family dwelling unit and is not charged a separate impact fee. For the purpose of this chapter, single-family dwellings include one or more detached dwelling units on one lot.

(24~~25~~) "Rate study" means the Transportation Impact Fee Rate Study, City of Kirkland, by Mirai, Associates~~BRW, Inc.~~, dated April 10, 2007~~March 1999~~.

(25~~26~~) "Road" means a right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

(26~~27~~) "Square footage" means the square footage of the gross floor area of the development as defined in Chapter 5 of Title 23 of this code (zoning code).

(27~~28~~) "System improvements" means public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large, in contrast to project improvements.

27.04.030 Assessment of impact fees.

(a) The city shall collect impact fees, based on ~~the schedule in Appendix A~~KMC 27.04.150, from any applicant seeking a building permit from the city, or ~~certificate of occupancy permit if a building permit is not required~~any person or entity seeking a change in land use based on the land use categories on the schedule in KMC 27.04.150 when no building permit is required. The public works department is authorized to determine what land use category found in the rate schedule applies to the application.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit~~,~~ or prior to occupancy for a change in land use when no building permit is required based on the land use categories on the schedule in KMC 27.04.150. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on impact fee schedule in effect at the time a complete building permit application is filed. For a change in use for which no building permit is required, the fee shall be calculated based on the impact fee schedule in effect on the date of payment of the impact fee. ~~certificate of occupancy permit if no building permit is required, using the impact fee schedule then in effect or pursuant to an independent fee calculation accepted by the director pursuant to Section 27.04.040.~~

(c) The department shall establish the impact fee rate for a land use that is not listed on the rate schedule in ~~Appendix A~~KMC 27.04.150. The applicant shall submit all information requested by the department for purposes of determining the impact fee rate pursuant to Section 27.04.040. The adopted cost per trip in ~~Appendix A~~KMC 27.04.150 shall be the basis for establishing the impact fee rate.

(d) For a change in use of an existing building or dwelling unit, or portion thereof, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee for the land use category of the prior use. For any change in use that includes an alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new gross floor area (or if applicable, gross leasable area), less the impact fee for the land use category of the prior gross floor area (or if applicable, gross leasable area).

(e) For mixed use buildings or developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in ~~Appendix A~~KMC 27.04.150.

~~(f) For existing or new mixed use buildings or developments, the impact fee for any building permit, or certificate of occupancy if a building permit is not required, shall be determined by multi-tenant averaging, if the owner has entered into a multi-tenant averaging agreement with the city. The public works director is authorized to prepare and execute the agreement. For purposes of this subsection, "multi-tenant averaging" shall be determined as follows:~~

~~(1) Concurrent with execution of the agreement, determine the total impact fee for all land use categories, based on the schedule in Appendix A ("total impact fee").~~

~~(2) For a proposed change of use, determine the total impact fee for the continuing and new uses, based on the schedule in Appendix A ("new total impact fee").~~

~~(3) If the new total impact fee is greater than the total impact fee, then an impact fee is due and owing for the difference between the two impact fees. If the opposite is true, no impact fee is due and owing.~~

~~(4) When an impact fee is due and owing due to a change in use, the amount of the total impact fee shall be increased to the amount of the new total impact fee for purposes of determining future impact fees.~~

(f~~g~~) The building division of the fire and building department shall not issue any building permit, ~~or certificate of occupancy if no building permit is required,~~ unless and until the impact fee has been paid. For a change in land use when a building permit is not required, an applicant shall not occupy or permit a tenant to occupy the subject property unless and until the impact fee has been paid.

~~(h) Notwithstanding the provisions of subsections (b) and (g) of this section, for a period of one year following the effective date of the ordinance codified in this subsection, an applicant for a building permit that meets the criteria of this subsection (h) may defer the payment of impact fees imposed on the building permit until the start of construction of the development that is~~

~~authorized by the permit. For the purposes of this subsection (h), the following criteria shall apply:~~

~~(1) Only an applicant for a building permit subject to an impact fee of $10,000 or greater is eligible to defer the impact fee payment until the start of construction of the development that is authorized by the permit.~~

~~(2) "Start of construction" is defined as the initial performance of any clearing, grading, underground utilities work, foundation work, or other construction activity of any nature whatsoever on the development that is authorized by the building permit.~~

~~(3) If the applicant allows the building permit to expire without starting construction of the development that is authorized by the permit, the applicant shall not be required to pay the impact fees to the city.~~

~~(4) The building permit applicant shall post a performance security equal to the amount of the fee prior to the issuance of the building permit. The performance security shall be released upon payment of the impact fee or expiration of the building permit, whichever occurs first.~~

~~(5) The deferment of the payment of the impact fee by the applicant shall have no effect on (a) the expiration date of the building permit, or (b) the requirement in Section 27.04.130 that an appeal of the imposition of the impact fee be filed prior to issuance of the building permit.~~

~~(6) If the applicant starts construction of the development authorized by the building permit prior to paying the impact fee, the city shall issue and post a stop work order on the development. The applicant shall have no right to appeal or challenge a stop work order posted pursuant to this subsection (h)(6).~~

~~(7) The owner of the property that is the subject of the building permit shall sign an agreement, in a form approved by the city attorney, to be recorded with the King County records office, acknowledging the following:~~

~~(A) The owner has opted to defer the payment of the impact fee, indicating the amount of the impact fee.~~

~~(B) The deferred impact fee is due to the city at the start of construction.~~

~~(C) The owner cannot appeal the payment of the impact fee.~~

~~(D) The owner is subject to a stop work order if the owner starts construction before paying the impact fee, and such stop work order cannot be appealed.~~

~~(E) The owner will forfeit the performance security if the owner defaults on the impact fee payment.~~

27.04.040 Independent fee calculations.

(a) If in the judgment of the director, none of the fee categories or fee amounts set forth in the schedule in ~~Appendix A~~KMC 27.04.150 accurately describes the impacts resulting from issuance of the proposed building permit, or for a change in use when ~~certificate of occupancy if~~ no building permit is required, the applicant shall provide to the department for its review and evaluation an independent fee calculation, prepared by a traffic engineer approved by the director. The director may impose on the proposed building

permit or on a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required,~~ an alternative impact fee based on this calculation. With the independent fee calculation, the applicant shall pay to the department an administrative processing fee of one hundred dollars per calculation, unless a different fee is provided for in Title 5 of the KMC.

(b) If an applicant requests not to have the impact fees determined according to the schedule in ~~Appendix A~~KMC 27.04.150, then the applicant shall submit to the director an independent fee calculation, prepared by a traffic engineer approved by the director and paid for by the applicant, for the building permit~~,~~ or for a change in use when~~certificate of occupancy if~~ no building permit is required. The independent fee calculation shall show the basis upon which it was made and shall include, but not be limited to, trip generation characteristics. With the request, the applicant shall pay to the department an administrative processing fee of two hundred dollars per fee calculation, unless a different fee is provided for in Title 5 of the KMC.

(c) An applicant may request issuance of a building permit or permission to occupy for a change in use when no building permit is required, prior to completion of an independent fee study, provided that the impact fee is collected based on the fee schedule in KMC 27.04.150. A partial refund may be forthcoming if the fee collected exceeds the amount determined in the independent fee calculation and the public works department agrees with the independent fee calculation.

(d~~c~~) While there is a presumption that the calculations set forth in the rate study used to prepare the fee schedule in KMC 27.04.150 are correct, the director shall consider the documentation submitted by the applicant, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the applicant to submit additional or different documentation. The director is authorized to adjust the impact fee on a case-by-case basis based on the independent fee calculation, the specific characteristics of the building permit~~,~~ or change in use ~~certificate of occupancy permit~~ if no building permit is required, and/or principles of fairness.

(e~~d~~) Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in Section 27.04.130.

27.04.050 Exemptions.

(a) The following building permit applications~~, or certificate of occupancy if no building permit is required,~~ shall be exempt from impact fees:

~~(1) Any building permit application, or certificate of occupancy application if no building permit is required, that has been submitted to the building division of the fire and building department before five p.m. the business day before the effective date of the ordinance codified in this chapter and subsequently determined to be a complete application by the public works department, the fire and building department and the planning department based on the~~

~~information on file as of the effective date of the ordinance codified in this chapter.~~

(1~~2~~) Replacement of a structure with a new structure of the same gross floor area and use at the same site or lot when such replacement occurs within twenty-four~~twelve~~ consecutive months of the demolition or destruction of the prior structure.

(2~~3~~) Replacement, alteration, expansion, enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.

(3) Any building permit for a legal accessory dwelling unit approved under Title 23 of this code (zoning code) as it is considered part of the single family use associated with this fee.

(4) Alteration of an existing nonresidential structure that does not expand the usable space or change the use.

(5) Miscellaneous improvements, including but not limited to fences, walls, swimming pools, mechanical units, and signs.

(6) Demolition or moving of a structure.

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

(B) The amount of impact fees not collected from low-income housing pursuant to this exemption shall be paid from public funds other than the impact fee account.

(b) The director shall be authorized to determine whether a particular development for a proposed building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required,~~ falls within an exemption of this chapter or in this code. Determinations of the director shall be subject to the appeals procedures set forth in Section 27.04.130.

27.04.060 Credits.

(a) An applicant may request a credit or credits for the value of dedicated land, improvements, or construction if the land and/or the facility constructed are included within the capital facilities plan or the director makes the finding that such land and/or facility would serve the goals and objectives of the capital facilities plan.

(b) Each request for a credit or credits shall include a legal description of land donated, a detailed description of improvements or construction provided,

and a legal description or other adequate description of the development to which the credit will be applied.

(c) For each request for a credit or credits, the director shall determine the value of the dedicated land, improvements, or construction on a case-by-case basis. In the event that the applicant disagrees with the director's valuation, the applicant may submit an appraisal for the director's consideration, prepared by a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute, establishing the fair market value of the dedicated land, improvements, or construction. The applicant shall pay the cost of the appraisal.

(d) After the director has determined the amount of the credit, the department shall include the determination with issuance of the building permit~~, or occupancy permit if no building permit is required,~~ a statement setting forth the dollar amount of the credit, the basis for the credit, where applicable, the description of the land donated to which the credit is applied and the date of the determination.

(e) Any claim for credit must be made before payment of the impact fee and prior to issuance of the building permit~~, or certificate of occupancy if no building permit is required~~. Any claim not so made shall be deemed waived.

(f) No credit shall be given for project improvements or right-of-way dedications for direct access improvements to and/or within the subject development.

(g) Determinations made by the director pursuant to this chapter shall be subject to the appeals procedures set forth in Section 27.04.130.

27.04.070 Adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new system improvements that will serve the new development. The schedule in ~~Appendix A~~KMC 27.04.150 has been reasonably adjusted for taxes and other revenue sources that are anticipated to be available to fund system improvements.

27.04.080 Establishment of impact fee account.

(a) An impact fee account is established for the fees collected pursuant to this chapter and shall be entitled the transportation ~~roads~~ impact fee account. Impact fees shall be earmarked specifically and deposited in the special interest-bearing account ~~and shall be prudently invested in a manner consistent with the investment policies of the city~~. Funds withdrawn from this account shall be used in accordance with the provisions of Section 27.04.110. Interest earned on impact fees shall be retained in the account and expended for the purpose for which the impact fees were collected.

(b) On an annual basis, the finance director shall provide a report to the council on the account showing the source and amount of all moneys

collected, earned, or received, and system improvements that were financed in whole or in part by impact fees.

(c) Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the city to hold the fees beyond the six-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

27.04.090 Authorization for interlocal agreements.

The city manager is authorized to execute, on behalf of the city, an interlocal agreement with other state and local governments for the collection, expenditure, and reporting of impact fees.

27.04.100 Refunds.

(a) If the city fails to expend or encumber the impact fees within six years of payment, (or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 27.04.080), the current owner of the property for which impact fees have been paid may receive a refund of the fee. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(b) The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants.

(c) Property owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(d) Any impact fees for which no application for a refund has been made within the one-year period shall be retained by the city and expended on the appropriate public facilities.

(e) Refunds of impact fees under this chapter shall include any interest earned on the impact fees by the city.

(f) When the city terminates the impact fee program, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this chapter. The city shall publish notice of the termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account.

(g) The city shall also refund the impact fee paid plus interest to the current owner of property for which the impact fee had been paid, if the development was never completed or occupied; provided, that if the city expended or encumbered the impact fee in good faith prior to the application for a refund,

the director may decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development, the owner can petition the director for an offset. The petitioner shall provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in Section 27.04.130.

27.04.110 Use of funds.

(a) Impact fees may be spent for system improvements, including but not limited to transportation planning, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, financing, administrative expenses, construction of streets and roads and related facilities such as curbs, gutters, sidewalks, bike lanes, storm drainage and installation of traffic signals, signs and street lights.

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

(c~~b~~) Impact fees may be used to recoup cost for system improvement previously incurred by the city to the extent that new growth and development will be served by the previously constructed system improvements.

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

27.04.120 Review of schedule and fee increases.

(a) The schedule in KMC 27.04.150 will be amended to reflect changes to the 20-year transportation project list as part of adoption of amendments to the capital facilities plan in Chapter XIII of Title 17 of this code (the Comprehensive Plan). Amendments to the schedule for this purpose shall be adopted by the council.

(b) The fees on the schedule in KMC 27.04.150 shall be indexed to provide for an automatic fee increase each January 1st beginning in the year 2009. A six year moving average of the Washington State Department of Transportation Construction Cost Index will be used to determine the increase in fees for each year to reflect increased project costs. In the event that the fees on the schedule in KMC 27.04.150 are increased during the preceding calendar year due to changes to the 20-year transportation project list pursuant to Section 27.04.120(a), the fees will not be indexed the following January. The finance and administration department shall compute the fee increase and the new schedule shall be become effective immediately after the annual fee increase calculation.

(c~~a~~) A new rate study, which establishes the schedule in KMC 27.04.150, shall be updated every 3 years, unless the city determines that circumstances

have not changed to warrant an update. ~~The schedule in Appendix A shall be reviewed by the council no later than three years after the effective date of the ordinance codified in this chapter, and every three years thereafter.~~

~~(b) The schedule in Appendix A may be reviewed by the council as it deems appropriate in conjunction with the update of the capital facilities plan.~~

27.04.130 Appeals.

(a) An appeal of an impact fee imposed on a building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required,~~ may only be filed by the applicant of the subject property. An appeal of an impact fee assessed pursuant to KMC 27.04.135(b) or (c) may be filed by a property owner or occupant responsible for the change in use when no building permit is required. An applicant may either file an appeal and pay the impact fee imposed by this chapter under protest, or appeal the impact fee before issuance of the building permit or before occupancy for a change in use when no building permit is required~~ or certificate of occupancy if no building permit is required~~. No appeal may be filed after the impact fee has been paid and the building permit~~ or certificate of occupancy~~ has been issued or occupancy has occurred for a change in use for which no building permit is required.

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

(1) The applicability of the impact fees to a given building permit or change in use when no building permit is required ~~certificate of occupancy found in~~ pursuant to Sections 27.04.030 and 27.04.050;

(2) The decision on an independent fee calculation in Section 27.04.040;

(3) The availability or value of a credit in Section 27.04.060; or

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

(c) An appeal, in the form of a letter of appeal, along with the required appeal fee, shall be filed with the department for all determinations by the director, prior to issuance of a building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required~~. The letter must contain the following:

(1) A basis for and arguments supporting the appeal; and

(2) Technical information and specific data supporting the appeal.

(d) The fee for filing an appeal shall be two hundred fifty dollars.

(e) Within twenty-eight calendar days of the filing of the appeal, the director shall mail to the hearing examiner the following:

(1) The appeal and any supportive information submitted by the appellant;

(2) The director's determination along with the record of the impact fee determination and, if applicable, the independent fee calculation; and

(3) A memorandum from the director analyzing the appeal.

(f) The hearing examiner shall review the appeal from the applicant, the director's memorandum, and the record of determination from the director. No

oral testimony shall be given, although legal arguments may be made. The determination of the director shall be accorded substantial weight.

(g) The hearing examiner is authorized to make findings of fact and conclusions of law regarding the decision. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the determination of the director, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter. The hearing examiner's decision shall be final.

(h) The hearing examiner shall distribute a written decision to the director within fifteen working days.

(i) The department shall distribute a copy of the hearing examiner decision to the appellant within five working days of receiving the decision.

(j) In the event the hearing examiner determines that there is a flaw in the impact fee program, that a specific exemption or credit should be awarded on a consistent basis, or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's review of the fee schedule in ~~Appendix A~~KMC 27.04.150 as provided by Section 27.04.120.

27.04.135 Responsibility for payment of fees.

(a) The building permit applicant is responsible for payment of the fees authorized by this chapter in connection with a building permit application.

(b) In the event that a building permit is erroneously issued without payment of the fees authorized by this chapter, the building official may issue a written notice to the property owner and occupant advising them of the obligation to pay the fees authorized by this chapter. Such notice shall include a statement of the basis under which the fees under this chapter are being assessed, the amount of fees owed, and a statement that the property owner or occupant may appeal the fee determination within 20 calendar days of the date the notice was issued. Any appeals of such a fee determination shall be processed in accordance with the procedures set forth in KMC 27.04.130.

(c) In the event a change in land use for which no building permit is required results in an obligation to pay impact fees, the director may issue a written notice to the property owner and occupant advising them of the obligation to pay the fees authorized by this chapter. Such notice shall include a statement of the basis under which the fees under this chapter are being assessed, the amount of fees owed, and a statement that the property owner or occupant may appeal the fee determination within 20 calendar days of the date the notice was issued. Any appeals of such a fee determination shall be processed in accordance with the procedures set forth in KMC 27.04.130.

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

27.04.140 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant for a building permit, or a change in use ~~certificate of occupancy~~ if no building permit is required, to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, based on the environmental documents accompanying the underlying development approval process, and/or RCW Chapter 58.17, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c).

Section 4. A new Section 27.04.150 is hereby added to the Kirkland Municipal Code to read as follows:

///

27.04.150 Transportation Impact Fee Schedule

Land Uses	Unit of Measure	ITE Land USE Code	Fee Per Unit
Cost per Trip End >			**$3,398.20**
Residential			
Detached Housing	dwelling	210	**$3,432**
Attached and Stacked Housing	dwelling	220,221,230,233	**$2,012**
Senior Housing	dwelling	See Note 1	**$1,006**
Nursing Home	bed	620	**$598**
Congregate Care/ Assisted Living	dwelling	253,254	**$462**
Commercial - Services			
Drive-in Bank	sq ft/GFA	912	**$39.97**
Walk-in Bank	sq ft/GFA	911	**$38.62**
Day Care Center	sq ft/GFA	565	**$19.20**
Library	sq ft/GFA	590	**$8.78**
Post Office	sq ft/GFA	732	**$13.48**
Hotel/Motel	room	310	**$2,291**
Extended Stay Motel	room	311	**$1,553**
Service Station	VFP	944	**$9,151**
Service Station/Minimart	VFP	945	**$6,625**
Service Station/Minimart/Car Wash	VFP	946	**$9,901**
Carwash	stall	947	**$5,594**
Movie Theater	seats	445	**$550**
Health Club	sq ft/GFA	492	**$9.14**
Racquet Club	sq ft/GFA	491	**$4.12**
Marina	Berth	420	**$512**
Commercial - Institutional			
Elementary School/Jr. High School	student	520	**$435**
High School	student	530	**$272**
University/College	student	550	**$553**
Church	sq ft/GFA	560	**$2.37**
Hospital	sq ft/GFA	610	**$4.58**
Commercial - Restaurant			
Restaurant	sq ft/GFA	931	**$19.78**
Fast Food Restaurant w/o drive thru	sq ft/GFA	933	**$25.39**
Fast Food Restaurant w drive thru	sq ft/GFA	934	**$33.63**
Tavern	sq ft/GFA	936	**$19.32**
Industrial			
Light Industry/High Technology	sq ft/GFA	110	**$5.29**
Industrial Park	sq ft/GFA	130	**$4.64**

Warehousing/Storage	sq ft/GFA	150	**$2.54**

Land Uses	Unit of Measure	ITE Land USE Code	**Fee Per Unit**
Commercial - Retail			
Shopping Center	sq ft/GLA	820	**$4.02**
Auto Parts Sales	sq ft/GFA	943	**$5.15**
Auto Care Center	sq ft/GLA	942	**$3.91**
Car Sales - New/Used	sq ft/GFA	841	**$9.43**
Convenience Market	sq ft/GFA	851	**$29.77**
Discount Club	sq ft/GFA	861	**$11.53**
Electronics Superstore	sq ft/GFA	863	**$6.42**
Free Standing Discount Store	sq ft/GFA	815	**$7.22**
Furniture Store	sq ft/GFA	890	**$0.46**
Hardware/Paint Store	sq ft/GFA	816	**$5.59**
Home Improvement Superstore	sq ft/GFA	862	**$3.50**
Other Retail Sales	sq ft/GFA	814	**$3.13**
Nursery/Garden Center	sq ft/GFA	817	**$4.39**
Pharmacy(with Drive Through)	sq ft/GFA	881	**$7.11**
Quick Lubrication Vehicle Shop	Service Bay	941	**$3,427**
Video Rental	sq ft/GFA	896	**$7.72**
Supermarket	sq ft/GFA	850	**$15.98**
Tire Store	Service Bay	849	**$4,379**
Commercial - Office			
General Office Building	sq ft/GFA	710	**$6.64**
Medical Office/Clinic	sq ft/GFA	720	**$13.00**

VFP= Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)
GLA= Gross Leasible Area
GFA= Gross Floor Area

Note 1. Senior Housing rate is 1/2 of Attached and Stacked Housing rate

Section 5. 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 6. This ordinance shall be in force and effect on February 1, 2008 after 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 _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4100

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 27.04 OF THE KIRKLAND MUNICIPAL CODE RELATING TO TRANSPORTATION IMPACT FEES; ADOPTING A NEW TRANSPORATION IMPACT FEE SCHEDULE; PROVIDING FOR PERIODIC REVIEW AND ANNUAL ADJUSTMENT OF THE IMPACT FEE SCHEDULE; AND ADDRESSING OTHER RELATED MATTERS.

SECTION 1. Changes the title of Chapter 27.04 of the Kirkland Municipal Code ("KMC") to "Transportation Impact Fees."

SECTION 2. Repeals Appendix A to Chapter 27.04 of the KMC.

SECTION 3. Amends numerous sections of Chapter 27.04 of the KMC relating to transportation impact fees.

SECTION 4. Adds a new section 27.04.150 to the KMC containing an impact fee schedule.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 of the Kirkland Municipal Code and establishes the effective date as February 1, 2008.

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 _____, 2007.

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

_____
City Clerk

ORDINANCE NO. 4101

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 27.06 OF THE KIRKLAND MUNICIPAL CODE RELATING TO PARK IMPACT FEES; ADOPTING A NEW PARKS IMPACT FEE SCHEDULE; PROVIDING FOR PERIODIC REVIEW AND ANNUAL ADJUSTMENT OF THE IMPACT FEE SCHEDULE; AND ADDRESSING OTHER RELATED MATTERS.

WHEREAS, the City of Kirkland is authorized under RCW Chapter 82.02 to require new growth and development within the City of Kirkland to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, the City Council wishes to ensure that the park facilities necessary to support residential development is adequate without decreasing current service levels; and

WHEREAS, the City of Kirkland has conducted extensive research documenting the procedures for measuring the impact of new residential development on park facilities and has prepared or obtained reports which serve as the basis for adopting a new impact fee schedule.

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

Section 1. Appendix A of Chapter 27.06 of the Kirkland Municipal Code is hereby repealed.

Section 2. Chapter 27.06 of the Kirkland Municipal Code is hereby amended to read as follows:

27.06.010 Findings and authority.

The city council finds and determines that new residential growth and development in the city will create additional demand and need for public facilities (parks) in the city and finds that new residential growth and development should pay a proportionate share of the cost of new public facilities needed to serve the new growth and development. The city has conducted an extensive study documenting the procedures for measuring the impact of new residential developments on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to Chapter 82.02 RCW, the city council adopts this chapter to assess impact fees for public facilities.

27.06.020 Definitions.

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

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

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

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

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

(e) "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

~~(f) "Certificate of occupancy" means the term as defined in the Uniform Building Code adopted in Title 21 of this code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy for multifamily and the final inspection for single-family, as those approvals are defined or required by this code.~~

(f~~g~~) "City" means the city of Kirkland, Washington.

(g~~h~~) "Council" means the city council of the city.

(h~~i~~) "Department" means the parks and community service department.

(i~~j~~) "Director" means the director of the parks and community service department, or the director's designee.

(j~~k~~) "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for park planning, design, land surveys and acquisition, engineering, permitting, financing, administrative expenses, construction of parks and related facilities and any other commitments, contractual obligations or other liabilities incurred for public facilities.

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

(l~~m~~) "Impact fee" means a payment of money imposed by the city on an applicant prior to issuance of a building permit or a change in land use when no building permit is required~~, or a certificate of occupancy if a building permit is not required pursuant to this chapter~~ as a condition of granting a building permit~~, or certificate of occupancy permit if no building permit is required,~~ or as a requirement for a change in use in order to pay for the public facilities needed to serve new residential growth and development. "Impact fee" does not include a reasonable permit fee or application fee.

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

(n~~o~~) "Independent fee calculation" means the study or data submitted by an applicant to support the assessment of an impact fee other than the fee in the

schedule ~~attached as Appendix A to~~ set forth in KMC 27.06.150 of this chapter.

(o~~p~~) "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

(p~~q~~) "Interlocal agreement" or "agreement" means a park interlocal agreement, authorized in this chapter, by and between the city and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the city and another municipality, public agency or governmental body to implement the provisions of this chapter.

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

(r~~s~~) "Multifamily dwelling" means attached, stacked, duplex, or assisted living unit as defined in Chapter 5 of Title 23 of this code (zoning code).

(s~~t~~) "Owner" means the owner of real property according to the records of the King County department of records and elections; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

(t~~u~~) "Parks" means parks, open space, and recreational facilities.

(u~~v~~) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of a project, and are not system improvements. No improvement or facility included in the capital facilities plan shall be considered a project improvement.

(v~~w~~) "Public facilities" means the public parks, open space, and recreational facilities.

(w~~x~~) "Residential" means housing, such as single-family dwellings (detached), multifamily dwellings (attached or stacked), accessory dwelling units, apartments, condominiums, mobile homes and/or manufactured homes or assisted living units intended for occupancy by one or more persons. For the purpose of this chapter, an accessory dwelling unit, as defined in Chapter 5

and regulated in Chapter 115 of Title 23 of this code (zoning code), is considered an adjunct to the associated single-family dwelling unit and is not charged a separate impact fee. For the purpose of this chapter, single family dwellings include one or more detached dwelling units on one lot.

(x~~y~~) "Rate study" means the "Rate Study for Impact Fees for Parks and Recreational Facilities," city of Kirkland, by Henderson, Young and Company, dated March 27, 2007~~July 1999~~.

(y~~z~~) "Single-family dwelling" means detached living unit as defined in Chapter 5 of Title 23 of this code (zoning code).

(z~~aa~~) "System improvements" means public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large, in contrast to project improvements.

27.06.030 Assessment of impact fees.

(a) The city shall collect impact fees, based on the schedule in ~~Appendix A to~~ KMC 27.06.150 of this chapter, from any applicant seeking a building permit from the city, or ~~certificate of occupancy permit if a building permit is not required~~ any person or entity seeking a change in land use to one of the land use categories in KMC 27.06.150 when no building permit is required.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit~~,~~ or prior to occupancy for a change in land use when no building permit is required based on the land use categories in KMC 27.06.150. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on impact fee schedule in effect at the time a complete building permit application is filed. For a change in use for which no building permit is required, the fee shall be calculated based on the impact fee schedule in effect on the date of payment of the impact fee. ~~certificate of occupancy permit if no building permit is required, using the impact fee schedule then in effect or pursuant to an independent fee calculation accepted by the director pursuant to Section 27.06.040.~~

(c) The department shall establish the impact fee rate for a land use that is not listed on the rate schedule ~~in Appendix A to~~ set forth in KMC 27.06.150 of this chapter. The applicant shall submit all information requested by the department for purposes of determining the impact fee rate pursuant to Section 27.06.040.

(d) For a change in use, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee for the land use category of the prior use.

(e) For building permits for mixed use developments, impact fees shall be imposed on the residential component of the development found on the schedule in Appendix A to this chapter.

(f) The building division of the fire and building department shall not issue any building permit~~, or certificate of occupancy if no building permit is required,~~ unless and until the impact fee has been paid. For a change in land

use when a building permit is not required, an applicant shall not occupy or permit a tenant to occupy the subject property unless and until the impact fee has been paid.

27.06.040 Independent fee calculations.

(a) If, in the judgment of the director, none of the fee categories or fee amounts set forth in the schedule in ~~Appendix A to~~ KMC 27.06.150 of this chapter accurately describes the impacts resulting from issuance of the proposed building permit, or for a change in use when ~~certificate of occupancy if~~ no building permit is required, the applicant shall provide to the department for its review and evaluation an independent fee calculation. The director may impose on the proposed building permit or on a change in land use when no building permit is required, ~~or certificate of occupancy if no building permit is required,~~ an alternative impact fee based on this calculation. With the independent fee calculation, the applicant shall pay to the department an administrative processing fee of one hundred dollars per calculation unless a different fee is provided for in Title 5 of the KMC.

(b) If an applicant requests not to have the impact fees determined according to the schedule in ~~Appendix A to~~ KMC 27.06.150 of this chapter, then the applicant shall submit to the director an independent fee calculation, paid for by the applicant, for the building permit~~,~~ or for a change in use when ~~certificate of occupancy if~~ no building permit is required. The independent fee calculation shall show the basis upon which it was made. With the request, the applicant shall pay to the department an administrative processing fee of two hundred dollars per fee calculation unless a different fee is provided for in Title 5 of the KMC.

(c) An applicant may request issuance of a building permit prior to completion of an independent fee study provided that the impact fee is collected based on the fee schedule in KMC 27.06.150. A partial refund may be forthcoming if the fee collected exceeds the amount determined in the independent fee calculation and the parks and community development department agrees with the independent fee calculation.

(d~~c~~) While there is a presumption that the calculations set forth in the rate study used to prepare the fee schedule in KMC 27.06.150 are correct, the director shall consider the documentation submitted by the applicant, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the applicant to submit additional or different documentation. The director is authorized to adjust the impact fee on a case-by-case basis based on the independent fee calculation, the specific characteristics of the building permit~~,~~ or change in use ~~certificate of occupancy permit~~ if no building permit is required, and/or principles of fairness.

(e~~d~~) Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in Section 27.06.130.

27.06.050 Exemptions.

(a) The following building permit applications~~, or certificate of occupancy if no building permit is required,~~ shall be exempt from impact fees:

~~(1) Any building permit application, or certificate of occupancy application if no building permit is required, that has been submitted to the building division of the fire and building department before five p.m. the business day before the effective date of this chapter and subsequently determined to be a complete application by the public works department, the fire and building department and the planning department based on the information on file as of the effective date of this chapter.~~

~~(2) Any building permit application, or certificate of occupancy application or final inspection if no building permit is required, for a single-family lot which is within a subdivision approved under Ordinance No. 3700 or Ordinance No. 2766, passed on October 3, 1983, and as repealed (Title 22 of this code, subdivision ordinance); and recorded with the King County department of records and elections prior to the effective date of the ordinance codified in this chapter.~~

(1~~3~~) Replacement, alteration, expansion, enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed. Replacement must occur within ~~twelve~~ twenty-four consecutive months of the demolition or destruction of the prior structure.

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

(3~~4~~) Miscellaneous improvements, including but not limited to fences, walls, swimming pools, mechanical units, and signs.

(4~~5~~) Demolition or moving of a structure.

(5~~6~~)(A) Construction or Creation of Low-Income Housing. Any claim for an exemption must be made before payment of the impact fee. Any claim not so made shall be deemed waived. The claim for exemption must be accompanied by a draft lien and covenant against the property guaranteeing that the low-income housing will continue. Before approval of the exemption, the department shall approve the form of the lien and covenant. Within ten days of approval, the applicant shall execute and record the approved lien and covenant with the King County department of records and elections. The lien and covenant shall run with the land. In the event that the housing unit is no longer used for low-income housing, the current owner shall pay the current impact fee plus interest to the date of the payment.

(B) The amount of impact fees not collected from low-income housing pursuant to this exemption shall be paid from public funds other than the impact fee account.

(b) The director shall be authorized to determine whether a particular development for a proposed building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required,~~ falls within an exemption of this chapter or of this code.

Determinations of the director shall be subject to the appeals procedures set forth in Section 27.06.130.

27.06.060 Credits.

(a) An applicant may request a credit or credits for the value of dedicated land, improvements, or construction if the land and/or the facility constructed are included within the capital facilities plan or the director makes the finding that such land and/or facility would serve the goals and objectives of the capital facilities plan.

(b) Each request for a credit or credits shall include a legal description of land donated, a detailed description of improvements or construction provided, and a legal description or other adequate description of the development to which the credit will be applied.

(c) For each request for a credit or credits, the director shall determine the value of the dedicated land, improvements, or construction on a case-by-case basis. In the event that the applicant disagrees with the director's valuation, the applicant may submit an appraisal for the director's consideration, prepared by a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute, establishing the fair market value of the dedicated land, improvements, or construction. The applicant shall pay the cost of the appraisal.

(d) After the director has determined the amount of the credit, the department shall include the determination with issuance of the building permit~~, or occupancy permit if no building permit is required;~~ a statement setting forth the dollar amount of the credit; the basis for the credit, where applicable; the description of the land donated to which the credit is applied; and the date of the determination.

(e) Any claim for credit must be made before payment of the impact fee and prior to issuance of the building permit~~, or certificate of occupancy if no building permit is required~~. Any claim not so made shall be deemed waived.

(f) No credit shall be given for project improvements within the subject development.

(g) Determinations made by the director pursuant to this chapter shall be subject to the appeals procedures set forth in Section 27.06.130.

27.06.070 Adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new system improvements that will serve the new development. The schedule ~~in Appendix A to~~ set forth in KMC 27.06.150 of this chapter has been reasonably adjusted for taxes and other revenue sources that are anticipated to be available to fund system improvements.

27.06.080 Establishment of impact fee account.

(a) An impact fee account is established for the fees collected pursuant to this chapter and shall be entitled the "park impact fee account." Impact fees shall be earmarked specifically and deposited in the special interest-bearing account ~~and shall be prudently invested in a manner consistent with the investment policies of the city~~. Funds withdrawn from this account shall be used in accordance with the provisions of Section 27.06.110. Interest earned on impact fees shall be retained in the account and expended for the purpose for which the impact fees were collected.

(b) On an annual basis, the finance director shall provide a report to the council on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees.

(c) Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the city to hold the fees beyond the six-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

27.06.090 Authorization for interlocal agreements.

The city manager is authorized to execute, on behalf of the city, an interlocal agreement with other state and local governments for the collection, expenditure, and reporting of impact fees.

27.06.100 Refunds.

(a) If the city fails to expend or encumber the impact fees within six years of payment, (or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 27.06.080), the current owner of the property for which impact fees have been paid may receive a refund of the fee. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

(b) The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants.

(c) Property owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(d) Any impact fees for which no application for a refund has been made within the one-year period shall be retained by the city and expended on the appropriate public facilities.

(e) Refunds of impact fees under this chapter shall include any interest earned on the impact fees by the city.

(f) When the city terminates the impact fee program, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to

this chapter. The city shall publish notice of the termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account.

(g) The city shall also refund the impact fee paid plus interest to the current owner of property for which the impact fee had been paid, if the development was never completed or occupied; provided, that if the city expended or encumbered the impact fee in good faith prior to the application for a refund, the director may decline to provide the refund. If, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development, the owner can petition the director for an offset. The petitioner shall provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in Section 27.06.130.

27.06.110 Use of funds.

(a) Impact fees may be spent for system improvements, including but not limited to park planning, architectural and/or engineering design studies, land surveys, land acquisition, engineering, permitting, financing, administrative expenses, construction, site improvements, necessary off-site improvements, applicable impact fees or mitigation costs and capital equipment pertaining to recreational facilities.

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

(c~~b~~) Impact fees may be used to recoup cost for system improvements previously incurred by the city to the extent that new growth and development will be served by the previously constructed system improvements.

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

27.06.120 Review of schedule and fee increases.

(a) The schedule in KMC 27.06.150 will be amended to reflect changes to the capital facilities plan in Chapter XIII of Title 17 of this code (the Comprehensive Plan). Amendments to the schedule for this purpose shall be adopted by the council.

(b) The fees on the schedule in KMC 27.06.150 shall be indexed to provide for an automatic fee increase each January 1st beginning in the year 2009.

The June to June Seattle-Tacoma-Bremerton Area Consumer Price Index (CPI-W) will be used to determine the increase in fees for each year to reflect increased project costs. In the event that the fees on the schedule in KMC 27.06.150 are increased during the preceding calendar year due to changes to the capital facilities plan pursuant to Section 27.06.120(a), the fees will not be indexed the following January. The finance and administration department shall compute the fee increase and the new schedule shall be become effective immediately after the annual fee increase calculation.

(c~~a~~) A new rate study, which establishes the schedule in KMC 27.06.150, shall be updated every 3 years, unless the city determines that circumstances have not changed to warrant an update. ~~The schedule in Appendix A shall be reviewed by the council no later than three years after the effective date of the ordinance codified in this chapter, and every three years thereafter.~~

~~(b) The schedule in Appendix A may be reviewed by the council as it deems appropriate in conjunction with the update of the capital facilities plan.~~

27.06.130 Appeals.

(a) An appeal of an impact fee imposed on a building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required,~~ may only be filed by the applicant of the building permit for the subject property. An appeal of an impact fee assessed pursuant to KMC 27.06.135(b) or (c) may be filed by a property owner or occupant responsible for the change in use when no building permit is required. An applicant may either file an appeal and pay the impact fee imposed by this chapter under protest, or appeal the impact fee before issuance of the building permit or before occupancy for a change in use when no building permit is required ~~or certificate of occupancy if no building permit is required~~. No appeal may be filed after the impact fee has been paid and the building permit ~~or certificate of occupancy~~ has been issued or occupancy has occurred for a change in use for which no building permit is required.

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

(1) The applicability of the impact fees to a given building permit or change in use when no building permit is required ~~certificate of occupancy found in~~ pursuant to Sections 27.06.030 and 27.06.050;

(2) The decision on an independent fee calculation in Section 27.06.040;

(3) The availability or value of a credit in Section 27.06.060; or

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

(c) An appeal, in the form of a letter of appeal, along with the required appeal fee, shall be filed with the department for all determinations by the director, prior to issuance of a building permit or a change in land use when no building permit is required~~, or certificate of occupancy if no building permit is required~~. The letter must contain the following:

(1) A basis for and arguments supporting the appeal; and

(2) Technical information and specific data supporting the appeal.

(d) The fee for filing an appeal shall be two hundred and fifty dollars.

(e) Within twenty-eight calendar days of the filing of the appeal, the director shall mail to the hearing examiner the following:

(1) The appeal and any supportive information submitted by the appellant;

(2) The director's determination along with the record of the impact fee determination and, if applicable, the independent fee calculation; and

(3) A memorandum from the director analyzing the appeal.

(f) The hearing examiner shall review the appeal from the applicant, the director's memorandum, and the record of determination from the director. No oral testimony shall be given, although legal arguments may be made. The determination of the director shall be accorded substantial weight.

(g) The hearing examiner is authorized to make findings of fact and conclusions of law regarding the decision. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the determination of the director, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter. The hearing examiner's decision shall be final.

(h) The hearing examiner shall distribute a written decision to the director within fifteen working days.

(i) The department shall distribute a copy of the hearing examiner's decision to the appellant within five working days of receiving the decision.

(j) In the event the hearing examiner determines that there is a flaw in the impact fee program, that a specific exemption or credit should be awarded on a consistent basis, or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's review of the fee schedule in ~~Appendix A to this chapter~~ KMC 27.06.150 as provided by Section 27.06.120.

27.04.135 Responsibility for payment of fees.

(a) The building permit applicant is responsible for payment of the fees authorized by this chapter in connection with a building permit application.

(b) In the event that a building permit is erroneously issued without payment of the fees authorized by this chapter, the building official may issue a written notice to the property owner and occupant advising them of the obligation to pay the fees authorized by this chapter. Such notice shall include a statement of the basis under which the fees under this chapter are being assessed, the amount of fees owed, and a statement that the property owner or occupant may appeal the fee determination within 20 calendar days of the date the notice was issued. Any appeals of such a fee determination shall be processed in accordance with the procedures set forth in KMC 27.06.130.

(c) In the event a change in land use for which no building permit is required results in an obligation to pay impact fees, the director may issue a written notice to the property owner and occupant advising them of the obligation to pay the fees authorized by this chapter. Such notice shall include a statement

of the basis under which the fees under this chapter are being assessed, the amount of fees owed, and a statement that the property owner or occupant may appeal the fee determination within 20 calendar days of the date the notice was issued. Any appeals of such a fee determination shall be processed in accordance with the procedures set forth in KMC 27.06.130.

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

27.06.140 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant for a building permit, or a change in use ~~certificate of occupancy~~ if no building permit is required, to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050 (1)(c).

27.06.150 Fee schedule.

Park Impact Fee Schedule

Type of Land Use	Impact Fee	Per Unit
Single-Family Dwelling (detached unit)	$3,621	Dwelling Unit
Multifamily Dwelling (attached, stacked, and assisted living unit)	$2,368	Dwelling Unit

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect on February 1, 2008 after 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 _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4101

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 27.06 OF THE KIRKLAND MUNICIPAL CODE RELATING TO PARK IMPACT FEES; ADOPTING A NEW PARKS IMPACT FEE SCHEDULE; PROVIDING FOR PERIODIC REVIEW AND ANNUAL ADJUSTMENT OF THE IMPACT FEE SCHEDULE; AND ADDRESSING OTHER RELATED MATTERS.

SECTION 1. Repeals Appendix A of Chapter 27.06 of the Kirkland Municipal Code ("KMC").

SECTION 2. Amends numerous sections of Chapter 27.06 of the KMC relating to park impact fees.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 of the Kirkland Municipal Code and establishes the effective date as February 1, 2008.

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 _____, 2007.

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

_____
City Clerk

Council Meeting: June 5, 2007
Agenda: Unfinished Business
Item #: 10. b.

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

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: May 24, 2007

Subject: DOWNTOWN TRANSIT CENTER – PREFERRED DESIGN CONCEPT

RECOMMENDATION:

It is recommended that the City Council:

- Authorize the Mayor to sign a letter of support to Sound Transit confirming the proposed Downtown Transit Center "Park Trellis" design concept, and the City's intent to allow the use of approximately 3,000 square feet of Peter Kirk Park for the Transit Center.
- Authorize (up to) $10,000 from the Building & Property Reserve to work with the Kirkland Park Board and staff to develop options for the Peter Kirk Park restroom.

BACKGROUND AND DISCUSSION:

In the fall of 2006, the City Council requested that Sound Transit undertake an evaluation of architectural themes for the new Downtown Transit Center. Community feedback supported the proposed "foot print" for the transit center, however there was minimal discussion and inconclusive results on what the transit center would look like. The Sound Transit, Kirkland, and King County/METRO partner agencies agreed to develop steps that would provide more specific design concept. After discussions between Kirkland staff, King County/METRO, Sound Transit, and the project design team, additional steps were identified and presented to the Council that would identify a number of potential design concepts, allow Council an opportunity to review and discuss the concepts, and to present the concepts to the community.

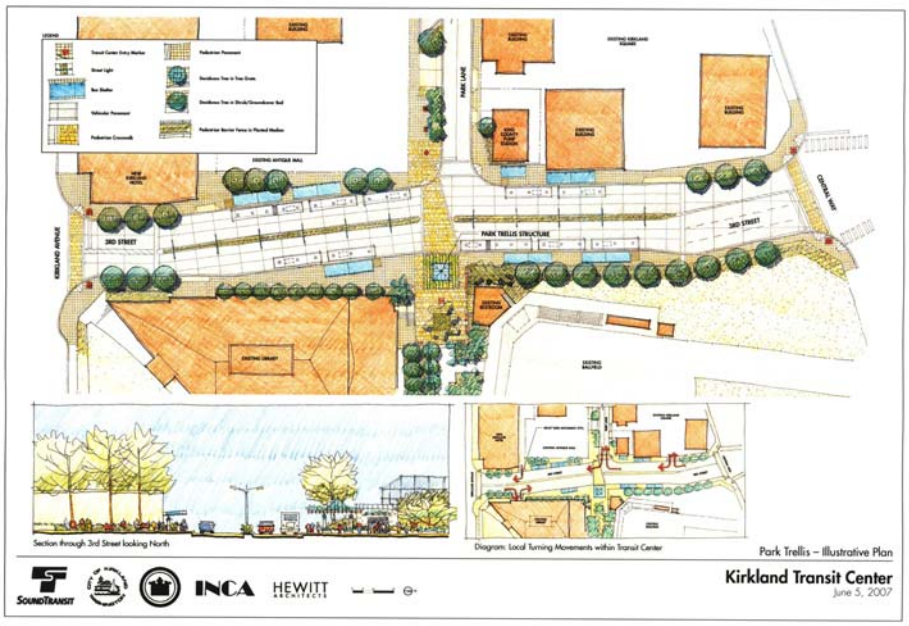
In February, City Council conducted a special study session specifically to discuss four proposed design concepts for the transit center. The four concepts had a number of common elements (pedestrian amenities, center median, new bus capacity) but had significantly different approaches to "look and feel". The four concepts were (Attachment 1):

- Park Icon
- Park Trellis
- Park Gateway
- Urban Gateway

All concepts were presented and discussed with the Council, and a number of concerns were raised and noted by the design team to be considered in the further evaluation. A summary of significant issues and follow up action is included in this memo as Attachment 2. At the conclusion of the study session, it was agreed that the project team would present the Park Trellis and the Park Gateway themes as the two preferred concepts at an upcoming open house, however all would be presented as background and additional feedback would be collected.

Memorandum to David Ramsay
May 24, 2007

On May 23, 2007 a community open house was held at the Kirkland Teen Union building. During the open house the concepts were presented and discussed with attendees. The resounding preference was the Park Trellis concept, however features of the other concepts (including transit rider protection, pedestrian friendliness, and sustainability) were supported. The design team has taken feedback from the various stakeholders and incorporated changes into a refined Park Trellis concept which is being submitted for consideration as the preferred design concept.



RENDERINGS OF THE PROPOSED PARK TRELLIS CONCEPT

To be described in more detail during the June 5th meeting, some of the distinguishing features of the concept include:

- Park Trellis has been moved away from the restroom in consideration of potential future options that will be undertaken with the existing restroom (see enclosed memo from Park Board Chair – Attachment 3)
- A glass shelter will be incorporated into the enlarged Park Trellis to serve as weather protection and possible decorative and distinctive night-time illumination
- The Third Street pedestrian crossing widens as it enters the Park from Park Lane (the original crossing with this concept was a constant 15 feet wide)
- The bus shelters south of Park Lane have been moved closer to the curb face and are now parallel with the curb face to afford more protection for passengers at the same time opening wider pedestrian walkways behind the bus stops

At this point, Sound Transit, Kirkland, and King County/METRO staff representatives on the Executive Advisory Committee are in agreement that the proposed Park Trellis represents features and operational requirements as envisioned for the new Downtown Transit Center and are endorsing this concept. Sound Transit would like to move forward with developing the 30% design of the Transit Center and be in a position to return to the City Council for a fall study session to discuss more specifics of the design including materials, colors, features such as benches, shelters, signage, lighting, and plant materials. It is currently envisioned that at this point a project artist can be selected to join the design team and begin to develop the art component of the transit center. A number of technical elements will be assembled over the next few months.

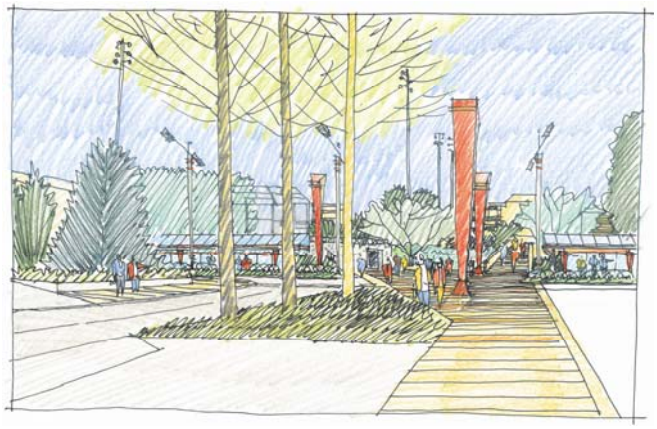
In support of this approach, Staff is recommending that Council authorize the Mayor to sign a letter of support confirming the Park Trellis concept as presented herein is the preferred alternative to move forward with for the 30% design. Additionally, as identified in the letter (Attachment 4), this letter formalizes Kirkland's commitment to the project by endorsing the use of a portion of Peter Kirk Park for the new transit center. A final component of the new transit center is consideration of the interface with the existing restrooms. As outlined in the Park Board recommendation, it is recommended that up to $10,000 of funding be allocated from the Building and Property Reserve for the study of options for the restroom that could include renovation, replacement, or other options in coordination with the transit center.

Attachments (6)

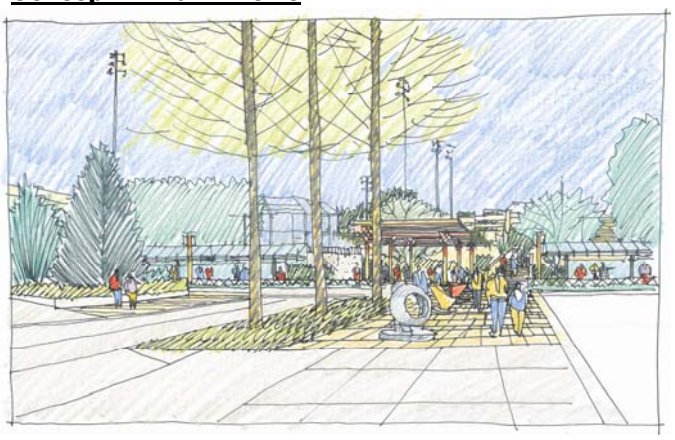
Cc: Jennifer Shroder, Parks & Community Services Director
Michael Cogle, Park Planning & Development Manager
Paul Stewart, Deputy Director, Planning & Community Development

Attachment 1

Concept 1 - Park Icon

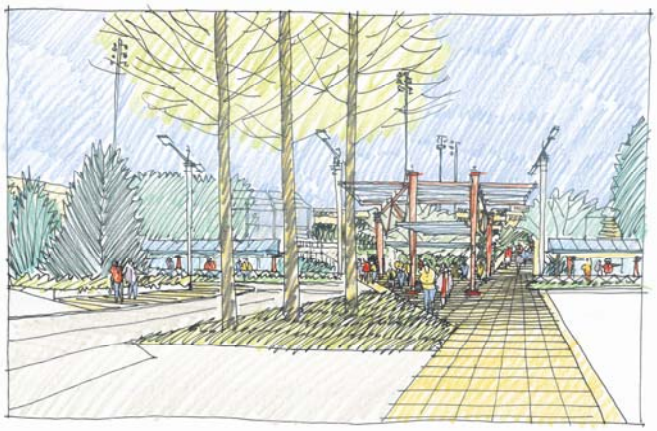


Concept 2 - Park Trellis



Concept 3 - Park Gateway

Concept 4 – Urban Gateway



Memorandum to David Ramsay
May 24, 2007

Attachment 2

Summary Comments from February 26, 2007 Study Session
Kirkland Transit Center

1. The transit center should play a connector role between Park Lane and Peter Kirk Park - very important

Response: Agree completely, and the design will address this; we will continue to focus on the connection across Third Street, details that will draw the pedestrians east and west along the Park Lane spine, and work towards solutions that blur the edge of the transit center and the Park vs a barrier.

2. The emphasis should be on quality (rather than quantity) e.g. high quality paving materials, lighting, plants etc.

Response: See 1 above; don't spend the budget on big architectural statements, keep it in the finishes.

3. Providing real overhead cover that is functional (not just decorative) - very important.

Response: Yes, some glass is o.k. but it needs to be focused on where the transit riders will congregate and be used while they are in the transit center, put it where they spend their time.

4. The pump station needs to be hidden (water treatment, art etc).

Response: Sound Transit has raised concerns about the associated development cost, placing a water feature in this location due to maintenance/security issues, proximity to the "head" (front) of the bus zone, and displacement of opportunities for signage, landscaping, and art along the pump station. KCDNR's initial response has been luke-warm, however they are interested in hosting art or other forms of screening along that wall. Kirkland will continue to work with the KCDNR during their redevelopment to see what other opportunities might exist.

5. The greener the better.

Response: See 1 above.

6. Include recycling facilities.

Response: Kirkland will need to work with Waste Management on this concept; it is not something Sound Transit includes in its projects because it has no operational program or contracts in place to collect / dispose of recycling

7. Work with Parks to see if there is a joint development opportunity as it relates to the restrooms.

Response: The project will continue to move forward and it is not in a position to stop/wait/etc. for a park restroom redevelopment project to be funded and designed. Sound Transit does not provide restrooms in their facilities such as the Kirkland Transit Center, however designs in context with their neighbors and surroundings are what they are attempting to accomplish. We will continue to work with the Parks Department and coordinate on the interface with the restroom. We will look at areas where we can emphasize compatibility and potential leverage opportunities.

8. Traditional, human scale architecture

Response: the Design team sees these as potentially two separate issues. In this context "traditional" as opposed to demonstrative and/or grandiose. The project will be designed to complement visual cues from the surrounding buildings, existing Kirkland pedestrian lighting, signage and landscaping elements – this will be a more restrained design. Regarding the human scale element, agree completely. Special emphasis will be made on the pedestrian lighting, benches, crosswalks, and plantings in keeping with the pedestrian look and feel of the downtown area.

9. Lots of interest in ambient (right term?) lighting - again high quality.

Response: See 1 above.

10. Check out Wilmot Park in Woodinville for good example of trellis/arbor.

Response: site visits and pictures will be incorporated in the next open house and presentation material for the design

11. Consensus was reached on seeking additional feedback from the community on the two design concepts preferred by the Council: 1) the Park Trellis and 2) the Park Gateway. The other two concepts – Urban Gateway and Park Icons – will be available at the open house but were not selected by the Council for further consideration.

ATTACHMENT 3

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

MEMORANDUM

To: City Council

From: Robert Kamuda, Chairman, Park Board

Date: May 23, 2007

Subject: Peter Kirk Park Restrooms and the Kirkland Transit Center

RECOMMENDATION

The Park Board recommends that options for renovation or replacement of the Peter Kirk Park restrooms be developed and considered in conjunction with the next design phase of the transit center. The Park Board requests that the City Council direct the Board and staff to develop options for Council consideration.

BACKGROUND

The City Council will be reviewing the preferred design for the Kirkland Transit Center at your June 5 meeting. The preferred design, referred to as the Park Trellis option, provides a new gateway to Peter Kirk Park from the downtown core. This particular design option integrates new transit features closely with the existing restroom structure.

We believe that this is an excellent opportunity for the City to consider the renovation or replacement of the restroom facility at Peter Kirk Park. The facility was constructed nearly 25 years ago and has a number of functional and aesthetic problems. Moisture problems are caused by leaking walls (the building is built into a berm), the building is subject to heavy vandalism, and plumbing fixtures and partitions are generally substandard. Lighting could be improved as well. The exterior of the building in its present condition will likely be seen in sharp contrast to the anticipated high quality of design and materials for the new transit center.

Addressing these problems in conjunction with the transit center process is preferable so that design, construction, and operational issues related to the restroom can be more strategically addressed. It may prove far more challenging (and more costly) to improve this facility in the future once the new transit center is built. In addition, if there is interest from the Council in expanding the operational hours of the facility to be a year-round facility available to transit riders and park users alike, it seems appropriate that the capacity of the facility to handle a potential increase in usage be evaluated as well.

We would recommend that funding (up to $10,000) be allocated to hire the appropriate consultant(s) to work with the Board and staff on developing options for Council consideration by the end of this year. These options could include renovation of the existing structure or, if necessary, replacement. Coordination with the Sound Transit design team would be important to ensure that mutual goals are being achieved.

Thank you for consideration of this request.

Attachment 4

D R A F T

Honorable Joni Earl, CEO
Sound Transit
401 South Jackson Street
Seattle, WA 98104-2826

RE: DOWNTOWN KIRKLAND TRANSIT CENTER

Dear Ms. Earl,

Sound Transit, King County/METRO, and the City of Kirkland have been cooperatively working on the Downtown Kirkland Transit Center project for a number of years. Our most recent efforts have focused on the "footprint" of the transit center, operational features, and resulting traffic modifications to the downtown traffic patterns that will be required to attain the desired transit center goals. Since the fall of 2006, the design team, staff from our perspective agencies and citizens from the community have been working toward a preferred architectural theme. With this letter, we would like to communicate our support for what we consider the Preferred Design Concept.

The concept that has the most community support and will be advanced to preliminary design is the "Park Trellis" theme that was presented to the Kirkland City Council at our meeting of June 5, 2007. In addition to confirming our support for the Park Trellis, with this letter, the City would like to restate our commitment to allow approximately 3,000 square feet of the Peter Kirk Park for transit center use. As you know, park space is a valued community asset. In this case, the footprint and design concepts we have seen lead us to support the conversion of valued park property for two reasons; first, our commitment to enhance transit and alternative mode use in the City of Kirkland, and second, that the transit center become a 'green' link between downtown and Peter Kirk Park. Finally, transit center's impact to the Park are offset in part by the significant investment being made in this new transit facility and Sound Transit's continued commitment to involvement by this Council and the community at large.

On behalf of the Kirkland City Council, I would like to express our appreciation for the cooperation on behalf of Sound Transit in arriving at what we feel is a superior architectural theme.

Sincerely,
KIRKLAND CITY COUNCIL

James L. Lauinger, Mayor

Attachment 5

Description of Revised Park Trellis Alternative

This concept proposes a trellis structure placed within an open space at the entry to the Peter Kirk Park. The trellis identifies the center of the Transit Center, celebrates the western entry to Peter Kirk Park, and attracts the viewer's eye as he or she proceeds eastward across 3rd Street. In addition to providing weather protection, it will support flowering vines around its edge, providing seasonal color, foreshadowing the greenery of Peter Kirk Park, and recalling the more-heavily planted character of the western end of Park Lane. The new bus shelters will share the trellis' architectural character.

Amenities that will be provided at the Kirkland Transit Center:

- Four bus bays accommodating up to a total of ten buses
- Trellis, with weather protection, at entry to Peter Kirk Park
- Replacement of existing stair at NW corner of Library
- 6-foot wide, planted median with barrier to discourage jaywalking
- Two-way travel on Park Lane (right-in, right-out access only from 3rd St.)
- Bus shelters for patron weather protection
- New lighting (street and pedestrian)
- Landscaping (including irrigation, and replacement trees for those removed at Peter Kirk Park)
- Benches in bus shelters
- Bicycle lockers or bicycle storage area
- Bicycle racks
- Wayfinding signage
- Public artwork
- In-pavement crosswalk lights at Park Lane/3rd Street Crosswalk
- Conduit for a future traffic signal at Park Lane/3rd Street
- Attachment points for event banner display (Summerfest, parades, etc.)
- Public telephone
- Provision for Variable Message Signs (VMS) with "next bus" display
- Conduit for future installation of CCTV
- Trash receptacles
- Recycle receptacles (based on City's desire for these, and City's operation/maintenance of them)
- Janitor's Room / Maintenance Room
- Traffic signals are various off-site intersections, and recommendations forTransit Signal Priority modifications to other signals affecting traffic flow to, in, and around the Transit Center.

Amenities that will not be provided at the Kirkland Transit Center:

- Additional Parking
- Security Office
- Passenger Restrooms (patrons to use park restroom when open)
- Operator Restrooms (drivers to use park restroom)
- Retail Space / Coffee Cart / Vending Machines
- Advertising

- SmartCard ticket mending machines (design to anticipate possible future installation)
- Newspaper Racks / Vending Machines
- Ashtrays
- Emergency Telephones / Customer Emergency Stations (CESs)
- CCTV
- Public Address System

Amenities yet to be decided upon:

- Trees in median

ATTACHMENT 6

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Park Board; Jenny Schroder-Parks & Community Services Director; Daryl Grigsby-Public Works Director

Description of Request

Request for funding of up to $10,000 from the Building and Property Reserve for a study to develop options for the Peter Kirk Park restroom.

The Park Board is recommending that options for the renovation or replacement of the restroom at Peter Kirk Park be evaluated in conjunction with the design of the Downtown Transit Center and brought back to Council by the end of 2007. The restroom was constructed almost 25 years ago and has a number of functional and aeshetic problems. Additionally, the transit center design impacts the restroom area and it would prove more costly and challenging to address the restroom after the transit center was designed and built.

Fiscal Impact

One-time use of $10,000 from the Building and Property Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
Reserve	Building & Property Reserve	1,816,124	0	0	10,000	1,806,124	N/A
		0	0	0	0	0	0
Revenue/ Exp Savings							
Other Source							

Other Information

Prepared By	Sandi Hines, Financial Planning Manager	Date	May 25, 2007

Council Meeting: June 5, 2007
Agenda: Unfinished Business
Item #: 10. c.

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager
Tracy Burrows, Intergovernmental Relations Manager

Date: May 18, 2007

Subject: POTENTIAL ANNEXATION – PHASE TWO UPDATE

RECOMMENDATION:

City Council provide feedback and direction on the proposed phase two annexation timeline, communications plan and key policy issues related to annexation.

BACKGROUND:

At their April 3rd meeting, the City Council voted to proceed to phase two of the potential annexation study. At their April 17th meeting, the City Council approved funding for interim staffing and consulting services to support phase two of the annexation study process. The purpose of this memo is to provide an update on planned activities and the timing for phase two, an overview of the proposed communications and outreach plan and background on key policy issues so that Council can provide preliminary direction. The Annexation Subcommittee discussed the communications proposal and policy issues and their comments are provided following each item.

Phase Two Activities and Timeline

Staff identified five focus areas for phase two study activities. The attached matrix (Attachment A) shows each of the focus areas, major tasks, assigned staff and a general time frame. A more detailed version of this matrix will be used internally to monitor progress. Staff will provide regular updates to the City Council. Briefly, the five focus areas are:

- **Inter-Agency Negotiations –** This includes analysis that feeds into negotiations and the actual negotiations or discussions with external agencies. One of the primary activities in this category is the infrastructure assessment that will provide background for our discussions with other agencies such as King County, the Finn Hill Park District and the three fire districts. We will also be initiating discussions with Northshore Utility District and Comcast regarding their franchise agreements and determining what action needs to be taken with regard to solid waste services. The culmination of this focus area will be a planning interlocal agreement with King County regarding timing and funding.

- **Outreach** – In phase two of the communications and outreach program, we will continue to work with EnviroIssues (see discussion later in this memo) on the communications plan and will also implement an internal communications strategy.

- **Facilities** – Facilities planning was identified as a critical component of phase two given the magnitude of the issue and the investment and lead time needed to address new municipal facilities. The City Council provided initial direction for studies and interim short term steps to take in planning for public safety and City Hall facilities.

- **Finance** – Ongoing work by Finance is needed to develop and maintain an updated fiscal model and to begin cash flow analysis of various implementation scenarios.

- **Operational Planning** – We expect this effort to the most staff-intensive activity of phase two. We will be asking each department to identify critical services and options for service delivery (e.g. hiring new staff, contracting out, contracting back with King County). In doing so, we will be able to provide recommended priorities for implementation including hiring schedules, negotiations with other agencies, equipment purchases, facilities needs, etc.. We will also begin the process of developing interlocal agreements for service transition with King County.

We will continue to update this matrix of activities as we proceed through phase two. We expect to have a series of agenda items dealing with various issues during phase two. When there is no specific agenda item dealing with annexation on the regular agenda, staff will provide a short update under City Manager Reports as to our progress on phase 2.

Timeline

The Council was presented with a draft timeline that has been updated several times to reflect the process as it has evolved. An updated timeline is attached that incorporates the communications strategy described below. Given the extended time period needed for phase one, staff is recommending that an election be delayed until at least August 2008. Even with the delay in the election, we are fast approaching the time when our annexation proposal must be submitted to the Boundary Review Board (which includes proposed zoning for the PAA). In past annexations, City staff worked closely with PAA residents to develop the zoning proposal and it is our intent to allow for similar public involvement in this process. We are proposing that Planning staff begin the process of determining the underlying zoning currently in place, overlaying the City's zoning code and identifying where issues or significant differences exist. We would not begin the public involvement portion of the land use discussion until Council decides whether to proceed to phase three. Given the amount of staff time and citizen time that must be devoted to that process, we are hoping to work through phase two by the end of October. The attached timeline reflects the most current estimate of activities and time frames (Attachment B). We have also attached a previous memo that discusses the election cycle and the implications for an annexation vote (Attachment C).

Communications and Outreach Plan

Staff has been working on a phase two communications plan with EnviroIssues and the Annexation Subcommittee. Attachment D is a proposed communications strategy. The plan outlines the elements of the phase two plan including:

- **Communications Objectives** – Specific objectives related to phase two communications with Kirkland residents and PAA residents are described and focus on educating, updating, listening and transparency in the decision-making process.

- **Key Assumptions** – Underlying shared assumptions that form the basis for the key messages and strategy proposed. There are five assumptions that are listed as "not yet validated by City Council." These assumptions are the subject of the policy direction requested in the next section of this memo.

- **Key Messages** – Messages that will be incorporated into all print materials and presentations prepared for phase two. It is important for Council to provide feedback about whether these are the right messages and if there is anything that should be added.

- **Roles and Tools** – This section discusses the proposed activities and the roles of staff and elected officials. In discussions with the Annexation Subcommittee it was felt that during phase two the City Council should continue to be in a listening mode but may be asked to provide a welcome and introduction to community meetings. We expect that there may be a need for additional staff that are "subject matter experts" to be present at community meetings in the annexation area, depending on the group's interests (e.g. police, public works, parks). We are in the process of forming a "speakers bureau" that can respond as needed to meeting requests. We will have two community forums in June, hold ad hoc meetings during the summer with specific groups, and hold additional community meetings in the PAA and in Kirkland in the fall. We will conduct targeted mailings in addition to maintaining our website and listserv contacts. We will also produce a phase two folio and FAQ.

- **Stakeholders** – One of the challenges in phase two is the lack of established groups and contacts in the PAA. City staff is aware of some groups (e.g. Denny Creek Neighborhood Alliance and Kingsgate homeowners associations) and will contact individuals in the PAA to identify additional groups. We will also be working with the King County Council so that we can use their mailing lists and liaisons to make contact with as many people in the PAA as possible.

- **Focus Groups** – The annexation subcommittee asked for consideration of focus groups during phase two. Focus groups would be used to test key messages and to gain a better understanding of the concerns and issues in the PAA and in Kirkland. Although focus groups are not a valid means of gathering public opinion (e.g. Do you support annexation) they can inform our process so that we better tailor our materials to the community's needs.

The original proposal from EnviroIssues (receive about one year ago) did not include focus groups nor was it expected to involve EnviroIssues staff to the extent that we have utilized them so far. Their input and facilitation skills have proved to be an invaluable resource in developing an open and responsive public process. If the Council approves the proposed communications plan including focus groups, we would ask EnviroIssues to submit a revised project budget for our consideration.

We have tentatively scheduled the first two public forums in the annexation for Thursday, June 21 (location in Finn Hill to be confirmed) and on Tuesday, June 26 (tentatively at Evergreen Hospital and Medical Center). When we have finalized the dates and locations, we will send out a postcard mailer to all households in the annexation area and also notify King County. Notice will also be posted on our web page and sent out to all listserv subsrcribers.

Policy Issues

When we began our annexation study last year, we identified a number of policy issues that would need to be addressed by the City Council. In order to create an accurate and responsive communications strategy, we are requesting preliminary policy direction on six key policy issues. These particular policy issues were either the subject of citizen inquiries in phase one or are expected to be frequently-asked questions in phase two. Some of the policy areas are very complex and have far-reaching implications. Although we do not expect the Council to make a final decision, we wanted to validate certain assumptions that are implicit in our annexation study or that need to be addressed to better define our work program. All of these issues are discussed in detail in the attached memo from Tracy Burrows and Tracy Dunlap (Attachment E).

1. **Council composition and wards.** A question was raised about whether the size of the City Council would change (from seven to some larger number) or whether the Council would change to a ward system.

Although the number of council positions is set at seven by state law, code cities may designate wards.

In past annexations, the City did temporarily increase the size of the Planning Commission. Individuals from the annexing neighborhoods were added so they could actively participate in proposed land use decisions for their area. After annexation, the PAA members were appointed to fill vacancies that occurred on the original Planning Commission and the commission returned to its original size.

2. **Boundaries.** Kirkland's PAA boundaries are established by the Countywide Planning Policies (CPP) established by the Growth Management Planning Council. We have had several requests to change the boundaries to include additional properties that are currently identified in the CPP's as belonging to another city's PAA. Any changes in established boundaries would need to be approved through the Growth Management Planning Commission.

3. **Card Rooms.** The City of Kirkland currently prohibits card rooms within the city limits. There is a casino located in the annexation area that allows card games. Current zoning law does not allow the City to "spot zone" or allow gambling establishments in one area without allowing similar establishments to conduct card games in other areas of the city. There are financial implications to closing the existing casino, however the current Kirkland Municipal Code would require the casino to cease any prohibited gambling activities.

4. **Phase annexation by neighborhood or all at once.** There are three distinct areas in the PAA – Kingsgate, Finn Hill and Upper Juanita. In order to maximize the availability of state funds, the City must annex a population of at least 20,000. None of the areas alone represent 20,000 people, however in different combinations, that threshold can be met.

   The annexation must commence by January 1, 2010 to be eligible for state funds. Staff has recommended in previous memos that we conduct one annexation election for the entire area in order to maximize the revenue potential and to limit the impact on the organization and community as we work through the complex transition issues. If the Council intends to annex all three areas eventually, the limited amount of time between now and January 1, 2010 would make multiple elections and implementations difficult to achieve.

5. **One ballot measure to include assumption of debt.** A second election-related issue is the whether the Council will ask residents of the annexation area to assume responsibility for a share of outstanding general obligation debt. Based on current information, the estimated impact on an average home in the annexation would be about $41 per year. This amount was factored into our earlier tax comparisons that concluded that taxation under Kirkland would be about the same as current taxes under King County. The debt question can be submitted to the voters as one ballot measure with annexation or as separate measures.

6. **Fire District #41 Debt.** The City has been working with the Fire District Commissioners for a number of years on improving fire response times in the district. The District agreed to the option of consolidating two fire stations (Station 25 on Holmes Point Drive and Station 24 on Finn Hill) in order to improve response times throughout the area. The District expects to issue debt to construct the station and they have asked the City to assume this debt if annexation were to occur.

As noted above, these are complex decisions, some of which have long term impacts. By developing a preliminary policy position on these issues, the residents of the annexation area and the City of Kirkland will have a better understanding of how the potential annexation may impact them.

Attachment A

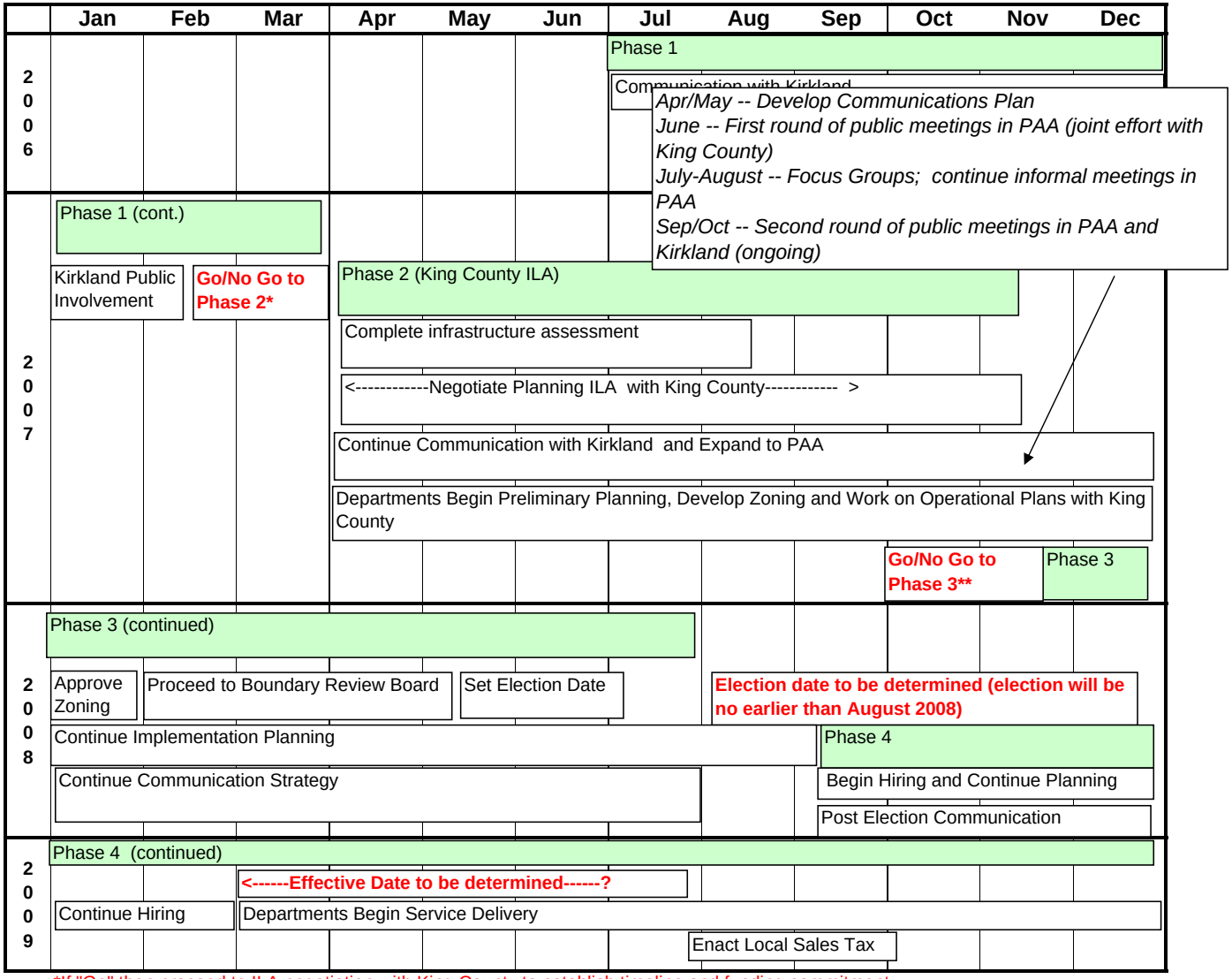
ANNEXATION PHASE 2 WORKPLAN

COMMITTEE/ WORKGROUP	TASKS	STATUS/NEXT STEPS	TIMEFRAME
1 INTER-AGENCY NEGOTIATIONS	Assess PAA Infrastructure	Developing format for reporting results	August-07
	Negotiate terms of an interlocal agreement with King County related to Funding, Annexation Assistance, Timing of Annexation Vote, Terms of Infrastructure Transfer, Disposition of Legal Liabilities	Meetings with key County elected officials and staff	December-07
	Review agreements with service providers in the annexation area and work with them to develop plans for transition of services post-annexation—cable, garbage, utilities, parks, fire	Conducting analysis of current agreements	September-07
2 OUTREACH	Internal communications related to annexation issues for Kirkland Staff	Staff meeting presentations	On-going kick-off meetings May-June 2007
	Public outreach to residents in the Potential Annexation Area and to current Kirkland residents	Council review and approval of outreach plan; Identification of Stakeholder Groups	May-Aug: Stakeholder Briefings June: First Public Meetings Sept/October: Second Public Meeting
3 FACILITIES	Plan for facility needs, including a public safety building - Interim Space Plan for the period immediately after annexation - Long-term Space Plan	Analysis of options	October-07
4 FINANCE	Update the financial model as new information on the phasing of services and the provision of services in the annexation area becomes available.	Update for '07-'08 budget changes	Ongoing
	Refine Estimate of Start-Up Costs of Annexation	Identify costs	On-going
5 OPERATIONAL PLANNING	Plan for how services will be phased in after effective date of annexation. Identify services that will be provided on Day 1 of annexation implementation, and those services that will be phased in over time. Plan for how the services will be provided, and whether certain services will be contracted for in the short-term or on a permanent basis.	Test Format of Phasing Model at June Planning Retreat	September-07
	Plan for the hiring of new staff to provide services to the annexation area. Using the guidance of the phasing plan, determine the optimal way to phase in staff hires.	Await results of phasing plan.	October-07
	Plan for the purchase and deployment of new equipment needed to provide services to the annexation area, including fleet, computers, and office equipment.	Await results of phasing plan.	October/November 2007

ATTACHMENT B

Annexation Timeline

(2008 Election/Implement Tax After Effective Date)



*If "Go" then proceed to ILA negotiation with King County to establish timeline and funding commitment
**If "Go" then proceed to election and select election date
***If annexation measure passes, Council to adopt ordinance accepting annexation.

Council Meeting: 10/03/2006
Agenda: Unfinished Business
Item #: 10. b.

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

MEMORANDUM

ATTACHMENT C

To: David Ramsay, City Manager

From: Tracy Burrows, Sr. Management Analyst

Date: September 23, 2006

Subject: Potential Annexation Area Voting Patterns

Recommendation: It is recommended that the City Council receive this report related to voting patterns in the Potential Annexation Area.

This memo provides information about voting patterns on fiscal measures within the annexation area. If annexation goes forward, the annexation ballot measure will likely request that annexation area residents incur their proportionate share of the City's bonded indebtedness. Such a ballot measure would trigger a minimum voter turn-out requirement and would request a financial commitment from annexation area residents. This memo examines annexation area voting results to help shed light on the following two issues:

1. How annexation area voter turn-out and voting patterns may influence the preferred timing of an annexation ballot measure; and,
2. What recent election results in the annexation area indicate about the likelihood that PAA residents would vote to take on their proportionate share of Kirkland's voted debt.

Voter Turn-Out – Impact on the Timing of an Annexation Ballot Measure

Washington State law includes a voter turn-out threshold requirement for an annexation ballot measure related to incurring voted debt. If the annexation ballot includes a "yes" or "no" vote on whether annexation area residents are willing to share in the City's bonded indebtedness, then the number of votes cast on the measure must be a minimum of 40% of the voter turn-out from the previous general election in order to be validated. Thus, by definition, an annexation vote that takes place during a November general election automatically meets the threshold validation requirements. An election held at any other time must meet the 40% of the general election turn-out threshold. The pattern of voter turn-out in the PAA indicates that the 40% threshold is not likely to be a barrier to validation, unless the annexation vote were to occur during a special election following a presidential year general election.

Table 1 below shows that the voter turn-out in the PAA was sufficient to meet the 40% threshold in the May 2003 King County Parks Levy, the September 2004 Woodinville Fire District Levy, and the February 2006 Lake Washington School District Bond/Levy elections. These elections all followed non-presidential year general elections. Largely because of the high voter turn-out for the 2004 presidential election, the May 2005 Fire District 41 Levy election fell significantly short of the 40% threshold (voter turn-out was 28% of the presidential general election.)

The May 2004 Evergreen Hospital Bond election was the only bond or levy-related issue since 2002 that did not meet the 40% threshold following a non-presidential general election. This levy garnered only 36% of the previous year's non-presidential election turn-out. However, one would expect that an annexation ballot measure would likely generate more voter interest than a hospital bond issue. These results indicate that the City Council has flexibility in

determining the timing of the annexation ballot measure, but that it would be prudent to avoid placing the annexation measure on a special election ballot following the November 2008 presidential election. This is consistent with the annexation timeline scenarios that the Council is currently considering which anticipate a 2008 annexation election that would be validated by the 2007 general election turn-out threshold.

Table 1 Potential Annexation Area Election Turn-Out for Bond and Levy Issues

Date	Election Issue	PAA Turn-Out	40% Threshold	Met Threshold?
May-03	Special Election - King County Parks Levy	4555	4059	YES
Nov-03	General Election	11470	4588	YES
May-04	Special Election Evergreen Hospital Bonds	4108	4588	NO
Sep-04	Primary Election - Woodinville Fire Levy	1408	829*	YES
Nov-04	2004 General Election - Presidential	16052	6421	YES
May-05	Special Election Fire District 41 Levy	3679	5164*	NO
Nov-05	2005 General Election -Human Services Levy	9767	3907	YES
Feb-06	Special Election School District Levy and Bond Issues	5059	3907	YES

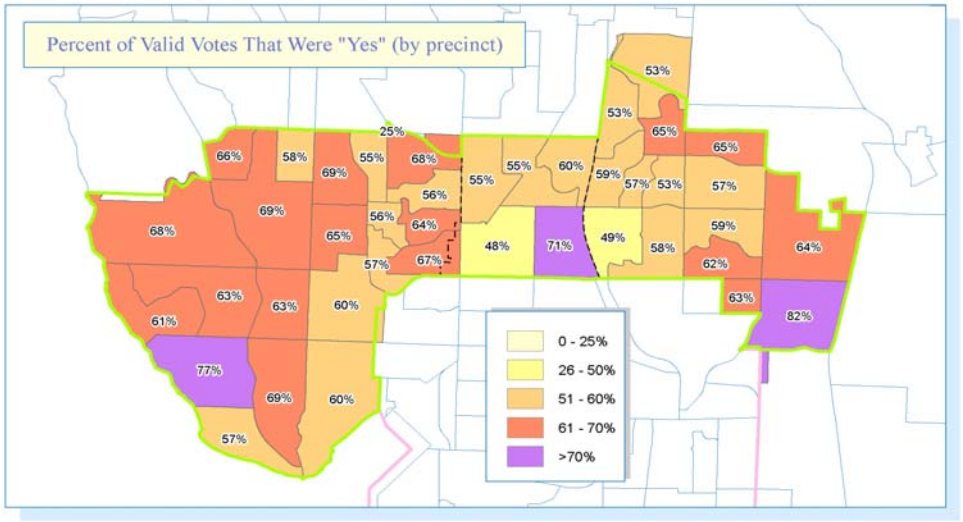
*Pro-rated to reflect precincts voting in the Fire District Levy Election

Potential Annexation Area Support for Bond and Levy Measures

The voters in Kirkland's Potential Annexation Area have demonstrated support of levy and bond measures in recent elections. The maps below show, by voting precinct, the levels of support for the 2003 King County Parks Levy, the 2005 Initiative 912 proposal to repeal the gas tax increase, and the 2006 Lake Washington School District bond measure. None of the PAA voting precincts supported the repeal of the gas tax, with the Finn Hill neighborhood precincts voting most consistently against the repeal. The Parks Levy and School District bond measures garnered strong support in the PAA, with 61% support of the Parks Levy and 64% support for the Lake Washington School District Bond. For both those measures, the precincts with the strongest levels of support tended to be in the Finn Hill and Kingsgate neighborhoods.

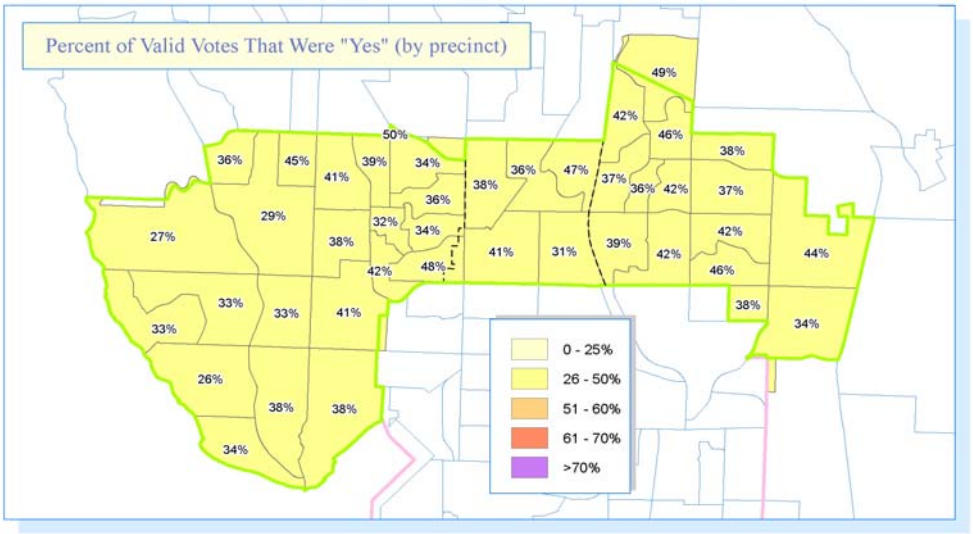
The voters in the PAA also voted to support the 2003 Woodinville Fire and Life Safety Levy (53% yes in the PAA, while this measure failed overall in the Fire District with a 48% yes vote), the 2004 Evergreen Hospital Bonds (69% yes), the Fire District 41 levy (63% yes), and the Veteran and Human Services Levy (55% yes). The precinct by precinct results of these elections are displayed on maps that are available in the Council Study.

PAA Summary: 61% of valid votes on this measure were "Yes"



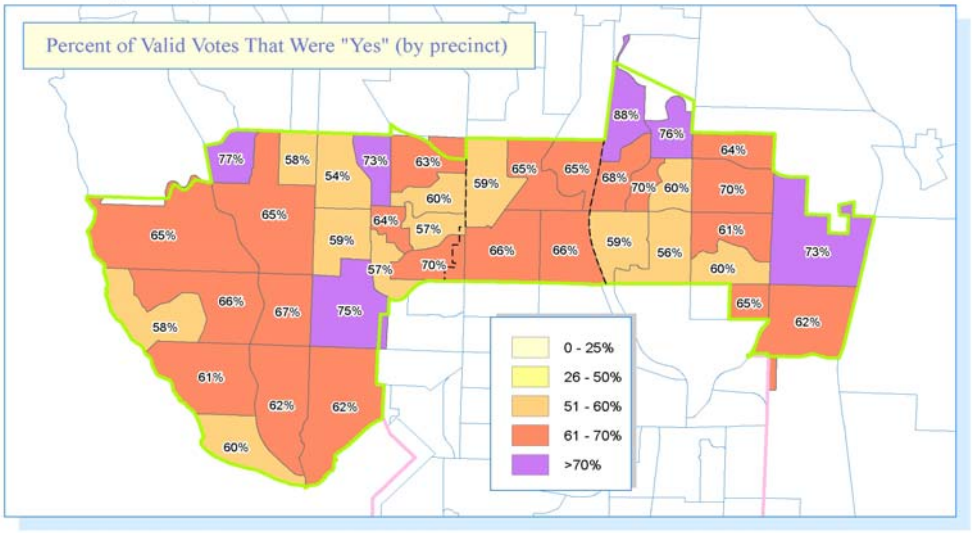
5/2003 Special Election
Proposition 1
King County Parks Levy

PAA Summary: 38% of valid votes on this measure were "Yes"



11/2005 General Election
Initiative 912
Repeal Gas Tax Increase

PAA Summary: 64% of valid votes on this measure were "Yes"



2/2006 Special Election
Proposition 3
Lake Washington School
District Bond

Recent election returns from the PAA indicate that the voting patterns in the annexation area are very similar to voting patterns of the current residents of Kirkland. Annexation area vote results were generally within one to two percentage points of the City of Kirkland results. The proposed gas tax repeal was the only measure where the voting patterns were more distinct. 67% of Kirkland residents opposed the repeal compared to 62% of annexation area residents. Table 2 shows the comparison of Kirkland and Potential Annexation Area (PAA) voters on various fiscal measures.

Table 2 Comparison of Kirkland and Annexation Area Voting Patterns

Date	Election Issue	Jurisdiction	Yes Votes	No Votes	% For	% Against
May 2003	King County Parks Levy	Kirkland	4,081	2,762	59.6%	40.4%
		PAA	2,797	1,758	61.4%	38.6%
May 2004	Evergreen Hospital Bonds	Kirkland	8,480	3,596	70.2%	29.8%
		PAA	5,686	2530	69.1%	30.9%
Nov. 2005	Vet. & Human Services Levy	Kirkland	7,073	5,515	56.2%	43.8%
		PAA	5,086	4,235	54.6%	45.4%
Nov. 2005	Gas Tax Repeal	Kirkland	4,365	8,931	32.8%	67.2%
		PAA	3,720	6,047	38.1%	61.9%
Feb 2006	LWSD Bond Issue	Kirkland	4,306	2,148	66.7%	33.3%
		PAA	2,865	1,628	63.8%	36.2%

Conclusion

The pattern of voter turn-out in the annexation area indicates that an annexation ballot measure would likely meet the validation requirements, even if the measure were on a special or primary election ballot. The exception to this would be a special or primary election following the 2008 presidential election. Because of the high voter turn-out for the presidential election, there is the potential that a 2009 non-general annexation election would not meet the 40% voter turn-out threshold.

Voting patterns on fiscal issues in the annexation area show that annexation area residents typically vote very consistently with current Kirkland residents. The area is generally supportive of bond and levy measures. This would indicate that including the question of taking on a proportionate share of the City's voted debt would not likely be the determining factor on the outcome of the annexation measure itself.

Attachment D

City of Kirkland Annexation Dialogue
Phase 2 Communications Plan

Submitted to:

City of Kirkland
City Hall, 123 5th Avenue
Kirkland, WA 98033

Prepared by:

EnviroIssues
101 Stewart Street, Suite 1101
Seattle, WA 98101

Background

The City of Kirkland is considering annexing the neighborhoods of Kingsgate, Juanita, and Finn Hill. The City Council is engaged in a careful, deliberate process to consider whether annexation of these potential annexation areas (PAAs) is right for the City of Kirkland. There are many key decisions to make and much information needed to help inform the decisions.

Currently, the Council has agreed to move on to Phase 2, continuing to explore annexation while involving both Kirkland and PAA in the process. At the end of Phase 2, the Council will decide whether to initiate Phase 3, which would put annexation on the ballot for residents of the PAA.

The first phase consisted primarily of exploring current City of Kirkland residents' concerns and questions about annexation, as well as initial staff work regarding how annexation might be accomplished (e.g., reviewing potential funding, etc.). In Phase 1, the City completed a financial analysis, hosted four open houses, and presented at neighborhood and community associations focused on the Kirkland community.

This communications plan addresses Phase 2 of the annexation dialog. If the Council decides to proceed with subsequent phases of decision-making, the plan will be amended to support future phases. If a no-go decision is made, no further amendments will be necessary.

For the purpose of Phase 2, the target audiences will be:

- Neighborhood groups within the City of Kirkland and the PAA
- Local and county elected officials
- Media
- General public and newcomers to the area
- Local institutions

This plan is a living document that communications staff will continue to adapt and change to reflect new information and lessons learned.

Communication Strategies

Phase 2 Goal

The goal of Phase 2 is to continue to create diverse and meaningful opportunities to share information with the public about the important annexation decision facing the City of Kirkland. By creating and implementing a robust communications strategy, the Kirkland City Council wants to extend the dialogue to the PAA and continue to involve Kirkland before deciding whether to place annexation on the ballot. By eliciting and identifying as many community concerns and questions as possible, the Council will be better prepared to decide if pursuing Phase 3 is the right decision for the City.

Communications Objectives

- Implement and support an open and transparent decision-making process.
- Provide continuing multiple and meaningful opportunities for residents of Kirkland to participate in the decision-making process.
- Provide multiple and meaningful opportunities for residents of the PAA to participate in the decision-making process.
- Inform Kirkland and PAA residents about annexation and the annexation dialog and provide tools to enable informed participation in the dialog.
- Ensure Kirkland and PAA residents understand the complexity and all the factors being weighed in the decision.
- Educate PAA residents in a neutral manner about what joining the City of Kirkland means.
- Demonstrate to Kirkland residents how their issues, concerns and questions have been and will continue to be used in the decision-making process.
- Ensure Kirkland and PAA residents clearly understand the objectives of Phase 2 and the decision to be made.
- Inform Kirkland and PAA residents about the Phase 1 decision and the rationale for it.
- Demonstrate to Kirkland and PAA residents that all decisions will be made openly.
- Demonstrate how Council is balancing obligations to current and possibly future Kirkland residents through this process.

Key Assumptions

The City Council and city staff will rely on many assumptions to inform their decisions. Sharing these assumptions with the community is important so that a deeper understanding of the decision-making process can be built to support substantive dialog about annexation. Mutually exploring assumptions will also support the key objective of an open and transparent decision-making process.

Below is a list of assumptions that apply to the issue of annexation in Kirkland:

- Annexing Juanita, Kingsgate and Finn Hill would essentially "complete" the annexation picture.
- When Kirkland annexed the Totem Lake business area, many in the PAAs felt that Kirkland was annexing the best revenue-producing areas without annexing residential areas that supported them.
- The City Council will not support the annexation under discussion if it cannot be done in a fiscally prudent manner.
- City of Kirkland residents value their small-town atmosphere.
- City of Kirkland residents appreciate a consistent, high level of service and do not want it to change.
- The City Council and city staff will strive to maintain high levels of service and to mitigate disruptions to existing services resulting from annexation if it is pursued.
- Kirkland residents expect and appreciate being substantively involved in city decision-making.
- City of Kirkland residents will participate in public forums and other public means of engagement to discuss important city issues.
- The City is better equipped to provide urban-level services than King County.
- King County supports the annexation of Juanita, Kingsgate, and Finn Hill neighborhoods.

Assumptions not yet validated by City Council

The following assumptions have been expressed at various times, but have not been formally agreed upon.

- If the City Council decides to approve the annexation, they will annex all three neighborhoods rather than just one.
- The City Council will maintain zoning that prohibits gambling establishments within City limits.
- If annexation is implemented, the City Council size will not change; boards and commissions may have membership adjusted to include PAA representation.
- If a ballot measure on annexation proceeds, the PAA will be asked if they want to be annexed and assume a prorated share of Kirkland's current debt.
- If annexation is implemented the City will assume the fire station debt.

Key Messages

- With new funding available, now is the right time to thoroughly consider annexation.
    - This is a difficult decision, and the City Council is approaching the issue thoughtfully and deliberately to make sure we are making good decisions for the community.

    - The dialog is wide open – the decision to put annexation to a vote has not been made yet.
- City Council is considering annexation as a way to welcome our neighbors into the Kirkland community – we already function as one community by sharing commercial areas, a school district, parks and infrastructure.
    - Kirkland is a city built by annexation.
    - Officially consolidating the city might be the "right and responsible" thing to do according to sound growth management principles.
- City Council understands that economic health is a top priority for Kirkland citizens, and will not support annexation if it cannot be done in a fiscally prudent manner.
    - The recent financial study indicates that annexation is either revenue neutral or may slightly improve Kirkland's long-term financial outlook, depending on which strategies the City uses to shrink the anticipated long-term budget deficit.
    - An assessment of the current infrastructure in the PAA will be an important part of Phase 2.
- City Council will continue to consult with Kirkland in Phase 2.
    - After extensive public involvement with Kirkland residents in Phase 1, the City Council unanimously decided to move on to Phase 2 and continue to explore annexation further.
    - As part of Phase 2, City Council will expand the discussion to PAA communities to discover all of the questions that need to be answered, and all potential concerns that need to be addressed, before making any decisions to put annexation on the ballot.

Look and Feel

Kirkland offers diverse opportunities for citizens to participate in civic decisions, and competing for public attention will be a challenge. As such, developing a consistent look and feel for all materials and media addressing annexation will help the project team compete for "mindshare." The City will continue to use the graphic header and tagline "Annexation? Let's Talk." in Phase 2 materials to help citizens recognize the ongoing efforts to engage them in a public dialog about annexation.

City and County Council and Staff Roles

During Phase 2, City staff will continue to be key presenters and sources of information for all activities. City Council members will again be actively listening and taking note of concerns, issues and questions from Kirkland and PAA residents. During Phase 2 outreach in the PAA, King County Council members and/or King County staff may expect to play a speaking role at public meetings or neighborhood group meetings. Coordination with City and County representatives will be necessary, and agendas may be adjusted on a case-by-case basis to accommodate requests. Kirkland City Council

members may be asked to introduce meetings and staff. If so, a script will be provided. City Council members will have an opportunity to publicly present their thoughts about Phase 2 in public meetings to be held near the end of the phase.

What the Project Team Can Expect

Strengths & Opportunities

- The project team, City Council, and city staff are committed to making communications a priority in this effort.
- Many Kirkland residents did share their thoughts and participated in the project and the City can expect them to continue to engage in the process.
- Kirkland residents appreciate the City Council's deliberate decision-making process and inclusion thus far of Kirkland citizens.

Potential Challenges

Challenges Identified in Phase 1

- Kirkland residents worry about financial risks for the city and taxpayers.
- Some Kirkland residents worry about how annexation affects land use, zoning, services, and Kirkland's small town atmosphere.
- For annexation to be considered seriously, some Kirkland residents expect to see clear benefits from annexation. Many residents did not see the Growth Management Act goals as strong enough incentive to drive annexation, and do not see how the goals may benefit the region.
- Because Kirkland residents do not have a vote on this issue, the City Council must clearly understand and respect the Kirkland community's stance in their decision-making.
- Annexation may be seen negatively because of similar, more contentious processes taking place in White Center and other areas around the Puget Sound region.

Potential Phase 2 Challenges

- There are fewer organized neighborhood groups within the PAA than Kirkland, which may make it more difficult for the City to present information to targeted groups.
- The PAA consists of three distinct neighborhoods and the City will have to listen carefully to recognize differences and not treat the PAA as one entity with one voice.
- The casino located within the PAA may be a strong issue for citizens participating in the annexation dialogue and City Council may be asked to make a stance on this issue.

- City Council needs to clearly understand the condition of PAA infrastructure before making the decision on whether to move to Phase 3.
- Despite the public involvement process, some Kirkland residents may still not feel they've had an adequate voice in the decision-making.
- There are competing timing pressures – the desire to have an unhurried, deliberative public dialog and the need to move forward smartly in order to meet the state deadline to qualify for funding.

Tools

Communications staff proposes the following tools to achieve the goals and objectives of Phase 2. Each is described in more detail below:

- Stakeholder Briefings/Speakers Bureau for Kirkland and the PAA
- Introductory Packets for Institutional Stakeholders for the PAA
- Public Meetings / Open Houses
- Opening Mailer Announcing Phase 2
- Focus Groups
- Informal Outreach in Kirkland and PAA
- Static Display Board
- Listening Log
- Informational Materials
- Annexation Webpage
- Annexation Listserv
- Mailing List
- Media Relations

Stakeholder Briefings/Speakers Bureau

Presentations to stakeholder groups in Kirkland and the PAA will be a key part of outreach in Phase 2. Project liaisons will present general information about annexation, offer updates, and provide feedback to the project team on the group's questions and concerns. City of Kirkland staff will need to develop a team of liaisons, or a speakers bureau, to reach the large number of community groups in Kirkland and the PAA. A training session prior to Phase 2 will ensure consistent messages. Phase 2 will also require a subset of speakers (subject matter experts) who can address specific issues such as police services or financial information.

The focus of briefings for Kirkland residents will be to provide an update on the Council's decision to move to Phase 2 and the activities planned for this dialogue. PAA residents should understand how annexation would affect them and what changes they can expect if annexation were implemented. Specialty speakers, such as for police services, will be scheduled in advance according to a group's stated interest. Summaries of each briefing will be prepared following the meetings to inform the City Council and city staff. Updates will be made to the Listening Log as necessary. Action items will be identified and completed by a member of the team.

Target Groups

Council subcommittee and staff will brainstorm a list of stakeholders to talk to which may include:

- Neighborhood Associations
- Service clubs
- Chamber of Commerce
- Downtown Business Association
- Other groups identified

Format of Presentations

Offer a 10 to 15 minute presentation that covers:

City of Kirkland

- Overview of what annexation is
- History of Kirkland's previous annexations
- Overview of why time is right to consider annexations now (e.g., legislation, funding, etc.)
- Overview of fiscal analysis from Phase 1
- Overview of decision-process Council is using (i.e., phased approach and "go / no-go" decision points
- Council's decision to move on to Phase 2 and what that entails
- Intention and need to gather questions and concerns Council and staff should include in process (review listening log, see below)
- Entertain questions, though many answers may not yet be available

PAA

- Overview of what annexation is
- Overview of why time is right to consider annexations now (e.g., legislation, funding, etc.)
- Overview of decision-process Council is using (i.e., phased approach and "go / no-go" decision points
- Overview of fiscal analysis from Phase 1
- Council's decision to move on to Phase 2 and what that entails
- The process to implement annexation
- How annexation would affect PAA residents
- Intention and need to gather questions and concerns Council and staff should include in process (review listening log, see below)
- Entertain questions, though many answers may not yet be available

Materials Needed

- PowerPoint presentation
- Fact sheets

- Meeting agenda
- Map of Kirkland's annexations through the years
- Map of Kirkland and PAA
- Board with the phasing timeline presented
- Comment form

Who

- Core group of presenters from city staff including city manager, assistant city manager, and key staff
- City Council and King County council members informed of all outreach engagements and invited to attend to "listen actively"
- King County staff as needed
- Consultants provide one staff member to assist with listening log, capture comments and produce summary
- City staff and the consultant will share responsibilities for scheduling stakeholder briefings based on strategic considerations. The consultant will develop a list of targeted groups to brief and ask for guidance from the City about responsibilities for contacting each.

Introductory Mailing for Institutional Stakeholders in the PAA

The project team will create a packet of information to introduce the annexation process, including a cover letter that will provide an overview, invite comments and questions, and offer staff resources if a presentation or briefing is requested. Fact sheets and other informative materials will be included as appropriate.

Target Groups

Large employers and other institutional entities in the PAA

Packet Contents

- Letter introducing annexation and inviting participation
- Fact sheets providing additional details about the process and involvement opportunities

Who

- Consultant will draft list of institutions to target for city staff approval and will draft packet contents and prepare final materials based on city comments
- City staff will review draft materials, approve final packet, and produce and mail packet to target list

Public Meetings/Open Houses

Public forums will be used to provide an opportunity for the community to conceptualize annexation and to offer comment or input. Open houses will be

advertised through various information materials, including mailings, posters, display advertisements, press releases, and the City of Kirkland webpage. All materials from open houses will be made available on the city webpage, including a summary of public input received at the meetings.

Schedule and Location

- Two rounds of public meetings will be held. The first round will consist of three meetings in late June in each of the PAA neighborhoods. The second round will be held near the end of Phase 2, one in Kirkland and one in the PAA.
- The first round of public meetings will focus on introducing annexation to the PAA and explaining how annexation may affect PAA residents.
- The second round of public meetings will report out to residents on the comments and questions gathered to date, information gathered about the PAA infrastructure, and provide the final opportunity for public comment before the next "go/no go" decision.
- Meetings will be held on different week nights to maximize community participation.

Format of Meetings

Provide a 20 to 30 minute presentation that expands on the Speakers Bureau presentation and covers:

- What annexation is
- History of Kirkland's previous annexations
- Overview of why time is right to consider annexations now (e.g., legislation, funding, etc.)
- Overview of decision-process Council is using (i.e., phased approach and "go / no-go" decision points
- The implication of activities planned for Phase 3
- Intention and need to gather questions and concerns Council and staff should include in process
- Overview of common questions and concerns heard so far through Phase 1 and 2
- Review of listening log

The presentation will conclude with a facilitated "listening session" when the public can ask questions and make comments. Questions will not necessarily be answered, but all will be recorded. The facilitator will use the listening log as a tool to highlight questions that have been answered.

Who

- EnviroIssues facilitator introduces meeting, introduces city staff
- King County and City elected officials introduced as "actively listening from the audience" in the first round of public meetings
- King County and City elected officials will have opportunities to make closing remarks at the end of public meetings in round two.

- City staff member provides presentation
- Facilitator and EnviroIssues staff fields questions and records comments

Materials Needed

- PowerPoint presentation
- Meeting advertisements (various media)
- Fact sheets
- Meeting agenda
- Map of Kirkland's annexations through the years
- Board with the phasing timeline presented
- Comment form

Opening Mailer Announcing Phase 2

The project team will create a one page flyer/mailer to notify all PAA and Kirkland residents of the City Council's recent decision to move to Phase 2 and the opportunities for public involvement throughout the decision-making process. The mailer will also highlight the June public meetings and note that Kirkland residents can stay tuned for a public meeting near the end of Phase 2.

Target Groups

- One mailer to all Kirkland and PAA residents

Purpose

- Notify residents that the City is in Phase 2 of a four phase decision-making process
- Provide a summary of the activities completed and information gathered in Phase 1 (i.e. public involvement activities and financial analysis)
- Highlight comments from Phase 1 listening log
- Provide information about activities planned for Phase 2
- Direct residents to the Annexation Webpage and listserv

Who

- Consultant will develop a first draft of the mailer for the City's review and final comments.
- Consultant will handle logistics and costs of printing and mailing

Focus Groups

Information gathered in a focus group should not be considered a statistically valid sample of public opinion. However, focus groups can help Council better understand different group's perceptions, expectations and concerns about annexation. Questions and issues that arise in focus groups can be used as the basis for other public involvement work such as educational efforts, surveys and public workshops.

Kirkland

For Phase 2, focus groups are recommended as a means to explore, in Kirkland, what values lie behind people's attitudes towards annexation of the PAA. Does a responsibility to manage growth resonate? Must there be obvious, significant benefits for Kirkland for annexation to occur? Does control of future growth and land use in the PAAs resonate as a potential future benefit? Are there community values that have not yet been expressed or addressed in the informational materials and presentations?

PAA

In the PAA, focus groups can help develop an understanding of what information residents would need to make an informed decision. What do residents want to know about annexation and what do they think they need to know in order to form an opinion? Do they understand the issues of assuming a portion of Kirkland's debt? What concerns do they have about being annexed by Kirkland? What information about Kirkland's practices, processes and values are they seeking?

Format

Conduct two focus groups in Kirkland and three in the PAA (one in each separate PAA). Time them to occur prior to planning for end-of-Phase 2 public forums so as to inform the contents and structure of the forums. Use a hosting firm to ensure appropriate recruitment and observation practices are followed. EnviroIssues will facilitate the focus groups and produce a summary.

Materials needed

- Focus group plan
- Recruitment script
- Focus group script
- Participant compensation

Informal Outreach

The project team will staff information tables and distribute information at other community gathering places in order to educate and involve as many interested parties as possible. Staffing a table at local events will allow the project to reach a number of people in a short time frame and add more members to the project mailing list. Consultant will research events and opportunities in the PAA to conduct informal outreach.

Targeted events

- Kirkland Farmers Market, Wednesdays, 10:00 a.m. to 4:00 p.m.
- Friday evening Farmers Market at Juanita Beach
- Denny Creek Neighborhood Alliance annual picnic
- Other events and locations to be identified

Format
Informational booth with display boards and handouts

Who
Core group of presenters from city staff including city manager, assistant city manager, and key staff

Materials Needed
- Display boards
- Fact sheets
- Sign-up sheets to be added to project mailing list
- Comment forms

Static Display Board

Project staff will develop an informational display board about Phase 2 to place in high-traffic public areas. It is a cost-effective way to reach people because it does not require staffing, and can be easily updated from existing display boards. The board will be simple, visually-appealing, and promote the City's annexation webpage as the source for the latest information.

Potential Locations
- Kingsgate Library
- Peter Kirk Community Center
- Saint Edward State Park

Listening Log
Project staff will maintain a cumulative flip-chart list of questions and concerns heard at various public presentations and engagements, and build upon the list at every subsequent meeting. This "living document" will demonstrate the breadth of outreach and input received over the life of the project. If there are answers available for questions, they will be inserted on the log; if not, that will be indicated. The listening log will be carried to and posted at each presentation (including the open houses), with participants invited to review and add any questions or concerns they don't already see reflected. An electronic version of the log will also be posted and updated on the annexation webpage.

Who
- The City will close out Phase 1 of the listening log, which will be available on the Annexation Webpage
- Consultant will develop and maintain a joint Kirkland and PAA listening log during all Phase 2 events, as well as the electronic version for posting on the Webpage
- City staff will be responsible for reviewing the listening log and updating the log with answers to questions if possible

- City staff will be responsible for recording comments and questions on the listening log if consultants are not present at a relevant meeting or briefing

Informational Materials

A suite of project materials will be developed to support all outreach activities, and to leave at popular public gathering places (e.g., churches, athletic clubs, etc.)

Fact Sheets/Brochure

Handouts will be developed that focus on specific areas of the process or provide more general information. Examples include:

- Introductory Brochure (Update for Phase 2)
- Frequently asked questions (Update for Phase 2)
- Financial Fact Sheet/Dollars and Cents (Update for Phase 2)
- How will my services change (Create for Phase 2)

Handouts will be distributed at informal outreach events.

Posters/Postcards

Posters and postcards will be used to advertise public forums and other outreach events. Postcards will be mailed to carrier routes throughout the project area and to the project mailing list.

Newsletters

Informational articles about the annexation dialogue will be inserted into the City of Kirkland's update in the Kirkland Courier.

Webpage

The Annexation Webpage will be maintained on the City of Kirkland server. The Webpage will include current information about the project and a project library with materials from briefings and public meetings. The site will also direct users to an e-mail address for the project so they may submit comments electronically. Comments gathered will receive individual responses and will be entered in the public comment database. The listening log would also be posted on the Webpage.

Annexation Listserv

Periodic quick facts or updates on the annexation dialog will be sent to the existing (and growing) annexation listserv. This listserv already exists, and will be a low-cost way to update interested community members on project process. Messages could include answers to common questions being asked; an outreach calendar where the project team will be available, etc.

Mailing List

A mailing list will be maintained throughout the life of the project. The mailing list will be generated using existing neighborhood, business, and interested parties mailing lists from the City of Kirkland. Attendees at public events and community briefings will be asked whether they would like to be added to the mailing list. There will be a postal mailing list and e-mail distribution list so that announcements can also be sent out via mail and e-mail.

Media Relations

To ensure that local media have accurate information and opportunities to engage in the annexation dialog, several tools will be developed.

Press Releases/Press Kits/Press Briefings

A press briefing will be held early in Phase 2 to inform the media about the process and enlist assistance from the press to help stimulate community dialog. Press releases may be published prior to key milestones such as the public forums to notify media and the public about project decisions and opportunities for involvement. The project will use existing media lists and distribution system to distribute press releases.

Format

To be determined in consultation with city staff.

Who

To be determined in consultation with city staff.

Key Media Contacts

Seattle P-I

- Gordy Holt, 425-646-7900 or gordyholt@seattlepi.com

Seattle Times

- Karen Gaudette: 206-515-5618 or kgaudette@seattletimes.com

Puget Sound Business Journal

- Reporter TBD

Daily Journal of Commerce

Kirkland Courier Reporter
***now a weekly publication under new ownership**

- Reporter TBD

Schedule of Activities *(to be refined when strategy is approved)*

May 2007

- Develop list and schedule of community and neighborhood groups
- Begin scheduling briefings with groups (city staff)
- Update communication plans (EnviroIssues)
- Update webpage (project team)
- Create information materials (project team)
- Community briefings (City Council, King County and project team)
- Informal outreach (project team)

June 2007

- Council approves communications strategy (City Council)
- Press briefing (project team)
- Opening mailer sent to Kirkland and PAA residents (project team)
- Ongoing briefings (City Council, King County and project team)
- Ongoing informal outreach (project team)
- First round of public meetings (one in each PAA neighborhood) (City Council, King County and project team)

July – August 2007

- Ongoing briefings (City Council, King County and project team)
- Ongoing informal outreach (project team)
- Focus groups in Kirkland and PAA

September – October 2007

- Second round of public meetings (one in the PAA and one in Kirkland) (City Council, King County and project team)
- Decision on whether to initiate Phase 3 (City Council)

Looking to Phase 3 – if Go decision is made

While no formal planning has begun for Phase 2, and will not be made until the go-no go decision is made, one topic of discussion has been the need for a Citizen Committee comprised of PAA citizen representatives. In previous City of Kirkland annexation processes, Citizen Committees have been established to work with City staff to explore issues such as zoning, planning, public safety, etc. and how the City's processes match (or not) with the County's practices. The decision about a Citizen Committee as well as other communications strategies and tools will be made only if City Council decides to move to Phase 3.

Attachment E

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

MEMORANDUM

To: David Ramsay, City Manager

From: Tracy Burrows, Intergovernmental Relations Manager
Tracey Dunlap, Finance Director

Date: May 24, 2007

Subject: Annexation Policy Issues

When the City began the annexation study last year, we identified a number of policy issues that would need to be addressed by the City Council. In order to create an accurate and responsive communications strategy, we are requesting preliminary policy direction on several key policy issues. These particular policy issues were either the subject of citizen inquiries in Phase 1 or are expected to be frequently-asked questions in Phase 2. Some of the policy areas are very complex and have far-reaching implications. Although we do not expect the Council to make a final decision, we wanted to validate certain assumptions that are implicit in our annexation study or that need to be addressed to better define our work program.

The Size of the City Council

At a number of the Phase I community meetings, Kirkland residents raised the question of whether the size of the City Council would increase and whether the Council would be elected by district after annexation. Because Washington State law clearly establishes the number of councilmembers for Code cities such as Kirkland, this is not a discretionary Council policy issue. RCW 35A.13.010 states that "The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members." Therefore, Kirkland would continue to have seven councilmembers if annexation occurs.

Washington State law does permit district elections for municipal positions. However, Kirkland has undertaken major annexations in the past and continued to maintain at-large elections. Even in larger cities in Central Puget Sound, city council members are typically elected at-large. Seattle voters recently rejected a ballot measure calling for district elections.

If annexation is implemented, there would be an opportunity to expand the membership of selected Boards and Commissions so that new City residents from the annexation area would have an immediate opportunity to play an active role in the development of City policy decisions. In particular, expansion of the membership of the Planning Commission and Parks Board would permit new residents from the annexation area to have an influential role in shaping important city issues. This expansion, with membership seats specifically designated for annexation area residents, could be done on a temporary basis. Over time, annexation area residents would have opportunities to apply for open membership seats,

just as would any other City resident. It should be noted that some City commissions, such as the Transportation Commission and Cultural Council, already include residents from the annexation area.

Assumption: If annexation moves forward, the City Council will have the same number of positions that are elected at-large. To ensure immediate representation for annexation residents, the Council would create new positions on selected Boards and Commissions that are designated for annexation area residents. The designation of these positions specifically for annexation area residents would be phased out over time.

The Overall Boundaries of the Potential Annexation Area

The City of Kirkland has recently received requests for annexation area boundary adjustments from some small residential pockets that adjoin the Potential Annexation Area (PAA.) These residential pockets may logically belong within Kirkland's PAA because they are integrally connected to the network of residential streets that are comprised with the annexation area or because they would be left as very small, isolated pockets of unincorporated area if annexation were implemented.

The overall boundaries of the PAA are established in the County-Wide Planning Policies (CPPs) that are adopted by the King County Growth Management Planning Council (GMPC.) The GMPC is a formal body of elected officials, chaired by County Executive Sims with representatives from King County, Seattle, Bellevue, cities and towns in King County, the Port of Seattle, and special districts. Any change to Kirkland's PAA boundaries would have to be approved by the GMPC.

Because the GMPC meets only on a quarterly basis, the process of changing the boundaries of the PAA could take six to nine months to accomplish. This timeframe for adjustment of the PAA boundary does not integrate well with the timeframe for the annexation process, whereby the boundary of the annexation area must be firmly set for the Boundary Review Board's consideration approximately six to eight months before an annexation election. If an annexation election were to be scheduled in 2008, there simply would not be adequate lead time to implement changes to the PAA boundary.

This is not to suggest that these isolated pockets should be left in limbo indefinitely. The annexation process could go forward with the boundaries as they are currently established. If annexation is implemented, then the City could go through the process of adding these small islands to the Potential Annexation Area. Once this is accomplished, these areas could be annexed through the petition method or through an inter-local agreement with King County under the island annexation provisions of state law.

Recommendation: Because of the lead time needed to effect changes to the PAA boundary, it is recommended that any potential boundary changes be implemented after an annexation election. If annexation is implemented, then these small pockets could be added to the City boundaries through the petition method of annexation or through an inter-local agreement with King County under the island annexation provisions of state law.

Maintenance of Prohibition on Card Rooms

Under Washington State law, cities have little discretion to regulate gambling. Gambling, like liquor sales and use, is an activity that is generally controlled by state law, and cities are quite limited in their ability to regulate it locally. However, cities are authorized to: (1) enact as local ordinances any of the state gambling statutes the violation of which constitutes a misdemeanor or gross misdemeanor; (2) impose taxes on gambling activities; and/or, (3) prohibit any or all gambling activities for which licenses are required.

Kirkland has chosen to exercise all three of these local powers. The Kirkland Municipal Code (1) adopts the state gambling statutes as they relate to the definition and licensing requirements for different types of gambling; (2) establishes tax rates for gambling activities; and, (3) prohibits "social card games as a commercial stimulant." The term "commercial stimulant" means an activity operated in connection with an established business, with the purpose of increasing the volume of sales of food or drink for consumption on that business premises. KMC 7.48.017. These types of gambling establishments are more commonly known as card rooms or mini-casinos.

The State Gambling Commission is authorized to license card rooms to operate up to 15 separate house-banked tables. In house-banked games, the players play against the "house" which pays winnings or collects losses, rather than playing against each other. There is one house-banked card room that is currently operating with a State license in the annexation area. This establishment would not be permitted to operate under Kirkland's current gambling regulations.

What Happens After Annexation?

Unless the Kirkland City Council takes an affirmative action to change its Municipal Code provisions related to gambling, then the City's current regulations pertaining to gambling will apply to persons, associations, businesses and organizations within the annexation area. Since the Kirkland Municipal Code currently prohibits "social card rooms as a commercial stimulant," this prohibition would also apply in the annexation area. The Washington Administrative Code establishes that "A city that prohibits any or all forms of gambling must notify the gambling commission in writing so that the commission will not issue or renew a license, which is valid for one year, for the type of gambling prohibited within that jurisdiction. WAC 230-04-500." Under this provision, it would appear that the Gambling Commission would not renew the license for a commercial card room located within Kirkland and the card room would effectively be required to cease operation once its current license expired.

It is very important to note that, under current State law, the City of Kirkland would not have to take an affirmative action to prohibit commercial card rooms after annexation, since the current city laws would apply in the annexation area. During this year's State legislative session, there was gambling legislation that was nearly adopted that would have required the Council to take an affirmative action to prohibit card rooms in the annexation area. If the Council is required to take an affirmative action, this action would almost certainly be challenged by the gambling establishment so that the establishment could continue operations during the ensuing legal process.

The experience of the City of Kenmore may be illustrative of a scenario the City of Kirkland would likely face if it were required to affirmatively enact an ordinance banning card rooms in the annexation area. When the Kenmore City Council adopted the card room ban in December 2005, the owner of the card

room immediately filed suit in federal district court seeking, among other things, to prevent the enforcement of the ordinance. Since that time, the litigation has been winding its way through the judicial system and the card room has been allowed to remain in operation, pursuant to court order. Currently, the dispute is being considered at two levels, one in the Ninth Circuit Court of Appeals and one in King County Superior Court. The Ninth Circuit has not yet scheduled a date for hearing on the appeal. Trial in the Superior Court action is set for March 2008. Kenmore's card room ban will not be enforceable until these cases are resolved, and resolution does not appear likely in the foreseeable future.

Revenues Associated with Gambling Activities

Kirkland currently imposes taxes on the types of gambling activities that are allowed within the City, including bingo, raffles, punch boards and/or pull tabs, amusement games, social card games (not commercial card rooms), and contests of chance. Revenues from local gambling taxes must be used "primarily for the purpose of enforcement of the provisions of this chapter [9.46 RCW] by the county, city or town law enforcement agency." RCW 9.46.113. The state supreme court has indicated that "primarily," as used in this statute, means that a city must first use these revenues for gambling law enforcement purposes. It does not mean that most or a substantial amount of the revenue must be used for that purpose. So, if a city needs only 10 percent of the tax revenues to enforce the gambling laws, then it need not spend more than that for enforcement.

As reported to the Gambling Commission, the 2006 annexation area tax revenues from gambling activities that are not prohibited in Kirkland are $102,560. This revenue is associated with punch boards, pull tabs, bingo and raffles that would likely continue to operate after annexation. The establishments with permitted gambling in the annexation area include the SnoKing Hockey Association's Bingo Hall and a small number of local taverns.

The potential tax revenue from currently prohibited gambling activities is significant. According to 2006 figures from the State Gambling Commission, the house-banked card room in the annexation area had $5,274,539 in annual gross receipts and paid $577,999 in local gambling taxes. If the City were to apply its current 20% tax rate for social card games to this establishment, then the annual revenues from the card room would be approximately $1,000,900. If the City were to apply the 11% tax rate that the County currently applies to the card room, then the annual revenues would be approximately $600,000 annually.

Options

As stated above, Kirkland has limited discretion in regulating gambling. The City can either allow a gambling activity as licensed by the State Gambling Commission, or absolutely prohibit the gambling activity. Once the activity is prohibited, then the Gambling Commission has the sole authority to revoke or refuse to renew an existing license for that activity within the City.

The Washington State Court of Appeals in *Edmonds Shopping Center Assoc. v. City of Edmonds* June 2003, 117 Wn. App. 344 ruled that cities are prohibited from: (1) declaring a gambling establishment a legal nonconforming use; (2) limiting the expansion of a gambling establishment; (3) requiring the cessation of operations of a gambling establishment upon revocation or failure to renew license issued by the Washington State Gambling Commission; and (4) phasing out the operation of a gambling establishment. Under this ruling, the City of Kirkland could not "grandfather in" an existing gambling

establishment while prohibiting card rooms in all other locations in the City. Likewise, the City could not phase out the operation of a card room over time.

Therefore, if the City were to implement an annexation where an existing card room is located then, under current law, it would have two options:

(1) To take no affirmative action, thus applying the current prohibition on commercial card rooms to the annexation area; or,

(2) To repeal the City's ban on commercial card rooms in its entirety.

State Legislative Proposals

While the City's options are very circumscribed at this time, there may be changes to State law within the next year or two that could expand the city's options or could negatively impact its ability to successfully prohibit card rooms. During the 2007 legislative session, the Association of Washington Cities worked with the Gambling Industry on SB 5558. The proposed bill would have capped the number of card rooms in the state to those that exist today and those that were currently in the pipeline. These provisions would have "grandfathered in" existing card rooms and prohibited new establishments. The bill also would have given local governments additional authority to exert zoning controls over card rooms. Therefore, this bill would have given Kirkland the option to grandfather in the existing card room establishment in the annexation area without opening up the potential for new card rooms to locate within the City.

However, SB 5558 would have had a negative impact on the City's ability to successfully ban card rooms in the annexation area. It would have given a card room within Kirkland's annexation area an 18-month grace period during which it could operate regardless of the City's ban on these types of establishments. More importantly, the bill would have required Kirkland to enact a new ordinance prohibiting gambling in the annexation area. This new ordinance would very likely be challenged by the existing card room owners and, just as has happened in Kenmore, the City could face years of legal battles over the ordinance banning card rooms in the annexation area.

While SB 5558 was not passed by the legislature in 2007, it did make it through the Senate and into the House Rules Committee. It is very likely that there will be legislative proposals during the next session that could have a significant impact on Kirkland's options as they relate to regulation of card rooms.

Recommendation: It is recommended that the Council provide direction on the issue of commercial card room regulations.

Phasing of the Annexation

The Kirkland annexation area consists of the neighborhoods of Finn Hill, Juanita, and Kingsgate with an overall population of approximately 32,600 residents. During the Phase I annexation analysis, the issue of phasing in the annexation of these neighborhoods was considered, but was not definitively resolved by the City Council.

Kirkland could pursue a strategy to phase in the annexation of this area over time. However, the State annexation funding legislation provides a significant incentive to complete annexation by 2010. In addition, the State annexation funding legislation favors large annexations. It provides .10% in sales tax revenues if the City annexes an area with a population of at least 10,000 people, and a .20% in sales tax revenues for an area with a population of 20,000 or more. Therefore, it would be to be most advantageous to Kirkland if the City were to annex at least 20,000 in population. To achieve this threshold, the annexation would need to include two or all three areas in the PAA at one time, one of which would need to be Finn Hill in order to obtain the highest funding level of .20%. The following table shows the populations of the three annexation areas:

Neighborhood	Population
Kingsgate	11,700
Juanita	5,600
Finn Hill	15,300

The table shows that the City would be eligible for the .20% sales tax credit if it annexed all three areas at once, or if it annexed the Finn Hill and Juanita areas at once. While annexing Finn Hill and Kingsgate together does exceed the 20,000 population threshold, this option would be very impractical because it divides Kirkland's PAA, leaving Juanita as an unincorporated island between the Finn Hill and Kingsgate areas. This would unduly complicate service delivery in these areas and is not considered a viable option.

Financial Considerations in Phasing Annexation

The City's financial analysis of annexation has focused on the overall financial impacts of annexing the entire PAA at once. This option takes advantage of the economies of scale that can be achieved by annexing the entire PAA and it takes advantage of the state annexation funding to the fullest extent possible.

On the other hand, if the City were to phase in annexation, then the table below summarizes the fiscal impacts in a very general way:

Costs/Revenues	Impacts
Costs to serve the annexation area	Likely to be disproportionately higher because City would not likely realize staffing economies of scale
Revenues associated with annexation	May be disproportionately lower, but would depend on the exact annexation boundaries and the exact application of the state funding formula

This general analysis would indicate that the phasing option is not favorable to the City. However, there are additional considerations that could influence the decision on the phasing question.

The first consideration is the complication of the Fire District Boundaries. The Kingsgate neighborhood includes portions of three different fire districts: Fire District 41, the Woodinville Fire & Life Safety District,

and, in much smaller part, Fire District 34 (operated by the Redmond Fire Department.) If Kingsgate is annexed to Kirkland, Woodinville Fire & Life Safety District would no longer have jurisdiction to serve the area, creating significant service-delivery issues that would need to be resolved. In addition, the Woodinville has indicated that they may relocate Fire Station 34 out of the Kingsgate area. These service delivery issues may well be resolved through a contract for services with Woodinville Fire & Life Safety. However, there is the potential that the Kirkland Fire Department would incur significant one-time and annual expenses related to the operation of Fire Station 34 (currently operated by Woodinville Fire & Life Safety) in the Kingsgate area. These potential expenses could impact the fiscal forecast for the Kingsgate neighborhood annexation and have not been factored into the financial model to date.

It is important to point out that these service-related issues would probably need to be resolved between Fire District 41 and Woodinville Fire & Life Safety even if there were no annexation. Woodinville may relocate Station 34 in either case since the station is outdated and does not provide the optimum location for response.

A second consideration is the application of the State annexation funding. There are still a number of outstanding issues in how the sales tax credit is calculated, particularly if the annexation is not completed all at one time. The Department of Revenue has clarified that to qualify for the .20% credit, a city must annex at least 20,000 in population all at one time. However, the Department of Revenue has not clarified all of the issues related to the annexation funding and there could be financial impacts of phasing in annexation that are not known at this time.

It is also important to note that the City is not bound to designate its annexation area to coincide with the neighborhood boundaries. For operational reasons, the City could choose to phase in annexation and designate an initial boundary that coincides with the Fire District boundary or with the boundaries of the service precincts that the Police Department has designated. One caution to this approach is that the Boundary Review Board does have the authority to adjust the boundary if it determines that the boundary does not follow a logical geographic pattern. For example, the Boundary Review Board could require the annexation boundary to comprise the entire PAA, even if the City submitted an annexation proposal that did not include the entire area.

Recommendation: It is recommended that the City Council establish its intent to annex the Finn Hill, Juanita, and Kingsgate neighborhoods all at one time.

Annexation Area Assumption of a Prorated Share of Kirkland's Current Debt

Washington State law establishes that a city may include on the annexation ballot the question as to whether the annexation area residents are willing to share in the City's bonded indebtedness. This question can be placed on the ballot as a separate ballot measure, or it can be combined with the annexation ballot measure itself so that annexation area residents are voting on one question: whether to annex to the City of Kirkland *and* assume a prorated share of the City's current debt. If the City Council's acceptance of the annexation area depends on the residents' willingness to share in the City's debt, then the ballot measure should be combined into one issue. Otherwise, the City Council could be faced with the scenario where the annexation area residents vote to annex to Kirkland, but vote against the acceptance of a share of the debt. However, the Council should be aware that this combined ballot measure has

different majority vote requirements than would a separate annexation election, which could have bearing on the outcome of an annexation election.

If the annexation ballot includes the debt issue, then the election will be subject to Washington State's validation requirements. The number of votes cast on the measure must be a minimum of 40% of the voter turn-out from the previous general election in order to be validated. The pattern of voter turn-out in the PAA indicates that the 40% threshold is not likely to be a barrier to validation, unless the annexation vote were to occur during a special election following a presidential year general election. In addition, a 60% majority of election voters must vote to assume the debt.

The City of Kirkland has a current voted debt balance of approximately $10,130,000 which equates to an annual cost of $59.44 on a $400,000 home. If this cost is shared by the annexation area residents, then the annual cost for a current Kirkland resident with a $400,000 home would decline to $41.47 (an annual savings of $17.97). By taking on a share of Kirkland's current voted debt, the annual debt costs for an annexation area resident with a $400,000 home would be $41.47. These debt costs have always been included in the comparison of the taxes and fees that annexation area residents would pay to Kirkland versus those that they currently pay to King County that is featured on the City's web-site.

The City's bonded indebtedness is primarily associated with parks and, to a lesser extent, public safety improvements. These parks currently serve both Kirkland residents and residents of the annexation area. If annexation is implemented, annexation area residents will benefit from the public safety improvements that the City has invested in. For these reasons, there is a clear rationale for requiring that the annexation area residents share in the City's bonded debt.

To sum up, if the issue of the annexation vote and the issue of sharing the debt are combined on the same ballot question, then the pro-annexation voter does not have the discretion decline the share of the City's debt. This combination vote also raises the base threshold for the annexation vote to 60% "yes."

Assumption: The annexation ballot measure would be one measure that combined the issues of annexation and assumption of a pro-rated share of Kirkland's debt.

Kirkland's Assumption of Fire District 41's Debt

King County Fire District #41 contracts with the City of Kirkland for fire and emergency medical services. Under the terms of the contract between the City and the District, the District owns fire facilities located in the District boundaries and the City owns facilities within the City limits. Construction of new fire facilities is the financial responsibility of the jurisdiction within which the facility will be located. In 2005, the District decided to consolidate the current facilities located in North Finn Hill and at Holmes Point to a more central location that will improve response times in the area due to the accessibility it provides. The new fire station location is on property owned by the Lake Washington School District and is part of the Finn Hill Junior High campus site. The District is currently in negotiations with the school district for a land lease (to which the school district has already agreed in principle).

At the time the station consolidation plan was approved, the City and District agreed to add fire suppression staffing to the Forbes Creek fire station that responds within the City and the District. The combination of the relocated Finn Hill station and the additional fire suppression capability at the Forbes

Creek station provides better coverage for the City and District overall. The operational savings from the fire station consolidation would provide the ongoing funding for the fire suppression coverage at Forbes Creek. Since the actual savings won't be realized until the new station is constructed and in service, the City and District agreed to provide "bridge funding" for the fire suppression capability at Forbes Creek. The City budgeted one-time funds for 2005 and 2006, with the understanding that the new station would be in service by early 2007. A variety of issues have delayed the construction of the station and the prospect of the potential annexation of the fire district area into the City of Kirkland caused the District to question the timing and appropriate financing mechanism.

If the City did not annex the Fire District, the District would be responsible for financing the new fire station. As an independent governmental entity, the District has financing options similar to those available to cities including use of cash resources or debt. Voted debt would take the form of a bond issue and would require a sixty percent majority approval. If approved, the District would be authorized to levy property taxes sufficient to retire the debt as presented in the bond measure. Non-voted debt could take the form of limited tax general obligation bonds (LTGO bonds) or a bank loan. If the District chose non-voted debt, they would retire the debt from their existing revenue streams. In the District's case, their only source of revenue is their regular property tax levy.

If the City did annex the Fire District (assuming that the District was annexed in its entirety) all of the District's assets and liabilities would transfer to the City and the District would cease to exist. However, if the District has outstanding debt at the time of annexation, the City would be able to continue imposing a property tax levy on the former district residents in order to retire the debt. This provision would be in place regardless of whether the debt was voted or non-voted. That being said, the City Council could choose to retire the debt through means other than taxation including defeasing the outstanding debt (paying it off with cash resources), retiring the debt through general City revenues or refunding (refinancing the debt).

The most recent estimates for the cost of the consolidated fire station is $5.5 million. The Fire District expects to have cash available in reserve and from the proceeds of the land sale that totals approximately $2 million, resulting in the need to fund $3.5 million using long-term debt. The annual debt service commitment would be about $265,000 (assuming 20 year bonds at 4.4%). Our understanding is that the debt will be non-voted and paid from the District's operating levy. If the City opts to assume that debt and pay the debt service through other general fund resources, the annual debt service of $265,000 is additive to the impacts of annexation.

The Fire District Commissioners have met with the Public Safety Committee regarding the size and completion schedule of the station. The Commission and the Public Safety Committee are scheduled to meet again in June to discuss the project. In the meantime, the District has asked whether the City Council intends to impose a tax or absorb the debt service if annexation were to occur.

Recommendation: It is recommended that the City Council give preliminary direction to assume the District's debt, provided that: (1) the PAA voters agree to accept a share of the City's voted debt; and, (2) the District and City reach an agreement on the issue of the fire station consolidation. The City would address payment of that debt in one of the following ways: use general City revenues, defease the debt with existing City cash resources, or refinance the debt, potentially by including it as part of a future (possibly voted) bond issue.

CITY OF KIRKLAND
Development Services
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Tom Phillips, Building Services Manager
Rob Jammerman, Development Engineering Manager
Nancy Cox, Development Review Manager

Date: May 24, 2007

Subject: **PERMIT PROCESS IMPROVEMENT PROJECT**

RECOMMENDATION

Authorize staff to proceed with Phase I of a Permit Process Improvement project that will assess the single family building permitting process. The project will include hiring a consultant and backfilling with staff to assist the consultant. Approve funding as detailed in the attached Fiscal Note.

BACKGROUND DISCUSSION

Need for the Project
A similar project was requested in the 2007-2008 budget and the annexation budget and was not funded pending development of this project plan. There are four reasons why this is an ideal time to undertake this project:

1) Potential Annexation
If annexation proceeds permit loads will increase substantially. It is important to be working as efficiently and collaboratively as possible if this occurs. One outcome of the project is an analysis of the steps to approve a single family building permit including identification of constraints in the system and recommendations for improvement.
2) Permit Tracking System Replacement
The existing Advantage permit tracking software used by Development Services will not be supported by the manufacturer a few years from now. The Information Technology department needs to know the system requirements when “shopping” for a new system. One outcome of the study will be to layout those system requirements.
3) Upcoming Fee Study
Before the end of the year, the City will be conducting another Development Permit Fee Study (these occur every 3 years). One aspect of the current single family process is third-party review where applicants pay for expedited service provided by outside consultants. The study will identify all components involved in the single family permitting process to ensure adequate cost recovery and analyze the pros and cons of bringing the third-party process in-house.

4) Continuous Improvement
Overall Kirkland's permit system runs smoothly. However, staff is committed to seeking ways to improve services. This study will enable staff to identify performance improvement opportunities.

The Consultant and Scope of Work
After looking at several firms staff has identified The Latimore Company to do the work. The Latimore Company has successfully performed similar studies for twenty Washington counties and cities. Kurt Latimore proposes to undertake the study personally and anticipates needing .5 FTE Permit Technician (or equivalent staff hours from all three line departments) over the 3 month study period for in-depth work. The six tasks of Phase I include: interviewing the team, observing interactions and workflow, collecting applicant feedback, mapping the single family process, analyzing the existing process, and findings and recommendations. The consultant cost of Phase I is $20,000 and the cost to backfill for the .5 FTE Permit Technician is $11,500.

Future Phases
Other phases have been identified which include implementation and similar studies for commercial/multifamily and land use permits. The cost of future phases may exceed $100,000. As part of the development permit fee study, staff will look at establishing a system component to provide some portion of that funding. The decision to proceed with future phases will be brought forward with the mid-biennium budget for Council's consideration.

ATTACHMENT
Fiscal Note

PCD File: MIS07-00018

ATTACHMENT A

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Development Services Managers

Description of Request

Request for funding of $31,500 from the Contingency Fund for a Permit Process Improvement project (phase 1). This phase of the project will assess the single family building permit process with intended outcomes of: identify system constraints with recommendations for improvements; determine technology system requirements in order to replace the current permit tracking software that will no longer be supported by the vendor; identify process components to ensure adequate cost recovery; and analyze the pros and cons of bringing the expedited review process in-house.

This project was requested as a 2007-08 Service Package and again with Annexation phase 2 service packages but was not funded either time in order to clarify the purpose and outcomes of the review. Now that the scope has been defined, phase 1 of the project is recommended for funding.

Fiscal Impact

One-time use of $31,500 from the Contingency Fund. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
Reserve	Contingency	3,193,826	0	0	31,500	3,162,326	3,285,172
		0	0	0	0	0	0
Revenue/ Exp Savings							
Other Source							

Other Information

Prepared By	Sandi Hines, Financial Planning Manager	Date	May 23, 2007

Council Meeting: June 5, 2007
Agenda: New Business
Item #: 11. b.

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

MEMORANDUM

To: David Ramsay, City Manager

From: Janice Soloff, AICP, Senior Planner
Eric R. Shields, AICP, Planning Director

Date: May 23, 2007

Subject: ADOPTION OF ORDINANCE 4097 AMENDING THE KIRKLAND ZONING CODE FOR MISCELLANEOUS CHANGES RELATED TO THE REORGANIZATION OF DESIGN REGULATIONS IN CHAPTER 92, FILE ZON07-00002

RECOMMENDATION

Consider the enclosed Planning Commission recommendation and adopt ordinance 4097 amending the Zoning Code regarding miscellaneous code amendments related to the reorganization of Chapter 92, Design Regulations.

BACKGROUND DISCUSSION

The goals of this code amendment project were to reorganize chapter 92 to make it easier to use during the design review process, reduce the amount of searching in the Zoning Code for various regulations pertaining to developing a site, and to consolidate the design regulations with similar requirements found elsewhere in the code. As a result, sections of chapter 92 were moved to other chapters of the Zoning Code depending on the subject area. For example, parking lot and pedestrian access design standards for both design districts and general commercial areas are now together in chapter 105. Most of the amendments are not substantive. Where there are new changes they are minor in scope such as establishing a minimum number of required bicycle parking spaces, or increasing the amount of required internal parking lot landscaping.

Staff also took the opportunity to update the design review threshold criteria in chapter 142 that determines when projects are reviewed by the Design Review Board rather than Administrative Design Review. We also made changes that will expand the scope of Administrative Design Review and streamlined the review process to be concurrent with a building permit or other discretionary permit.

The Planning Commission held a public hearing on May 10, 2007 (continued to May 24). The Houghton Community Council held a courtesy hearing on March 26, 2007 for the proposed amendments relevant in Houghton. No public comments were received. Key issues discussed by both groups are described in the Planning Commission recommendation.

Enclosures: O-4097 including proposed Zoning Code amendments contained in Attachment A.
cc: Planning Commission
File ZON07-00002

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

MEMORANDUM

To: Kirkland City Council

From: Karen Tennyson, Chair Planning Commission

Date: May 22, 2007

Subject: PLANNING COMMISSION RECOMMENDATION ON PROPOSED ZONING CODE AMENDMENTS RELATED TO REORGANIZATION OF CHAPTER 92, DESIGN REGULATIONS AND MISCELLANEOUS CODE AMENDMENTS, FILE ZON07-00002

RECOMMENDATION

On behalf of the Planning Commission I am transmitting our recommendation to the City Council for approval of the proposed code amendments related to the reorganization of Zoning Code Chapter 92- Design Regulations. As a result of the reorganization, miscellaneous code amendments are necessary to Chapters 5, 92, 95, 105, 110, 115, 142, 162, 180 and a few use zone charts located in design districts. This memo describes the proposed changes and key issues discussed with these code amendments.

BACKGROUND DISCUSSION

The original goals of this project were to improve the format of the design regulations in Chapter 92 to make the regulations easier to use during the administrative design review process and reduce redundancies between similar development standards in other sections of the Zoning Code. As the city added business districts subject to design review with their unique design regulations, Chapter 92 became difficult to navigate. For example, under the existing regulations, when designing or reviewing a project in a design district, the user must flip back and forth between Chapter 105 and 92 to determine which parking, pedestrian access or landscape standards apply for the design of a parking lot. With the proposed reorganization effort, similar regulations have been moved from the design regulations to other areas of the code by subject area (i.e. parking, landscaping, pedestrian access, overhead weather protection) regardless of the location in a design district or general commercial area.

Changes to a few use zone charts are necessary to insert the locations for required pedestrian routes in a particular zone. Standards for the installation of pedestrian improvements will be in Chapter 105. Maps for pedestrian and vehicular circulation within design districts were moved from Chapter 92 to plates 34 in Chapter 180.

The majority of the changes are not substantive. The most substantive change involves updating the design review threshold criteria in Chapter 142 for determining when Design Board Review is required rather than Administrative

Design Review. One of the criteria, the $10,000 dollar figure, needed updating because it had not been increased since 1992. Staff began an evaluation of updating the remaining criteria to clarify when DBR is required. What we found was a dollar figure is not a good indicator of when Design Board review should be required. Thresholds such as new construction, the percentage of change to an existing building, or the number of stories are better criteria because they measure relative change in bulk and scale. We also expanded the scope of Administrative Design Review and streamlined the A.D.R. process to do concurrent review with building permits. This will simplify the A.D.R. application and require general compliance to the regulations for remodels and additions to the extent feasible based on the scope of the project.

Code amendments that will apply city wide involve the following changes:

- Criteria for approving the design and location for drive through facilities (originally adopted for the Rose Hill Business District and Totem Lake). (105.96)
- Establishing a minimum number of bicycle parking spaces based on a percentage of required vehicle parking stalls, and providing more detail on the location and design for the bicycle parking (section 105.32)
- Blending the parking lot design requirements of the design districts and other commercial areas by slightly increasing the amount of internal landscaping to 25 sq ft. of landscaping per parking stall and requiring raised pedestrian walkways through large parking lots (95.40.7).

City wide amendments were presented to the Houghton Community Council for a courtesy hearing on March 26, 2007. The key area of concern was a staff proposal to apply city wide, the current design regulations option of a low wall or hedge as an alternative to the 5' wide landscape buffer for the perimeter parking lot buffers. The Community Council disagreed with the proposal because it would have eliminated a green buffer surrounding a parking area and potentially create a safety concern. The Planning Commission agreed and therefore, no change is proposed to the 5' wide perimeter landscape buffer for parking areas.

The Planning Commission held a study session on April 10, 2007 and a public hearing on May 10, 2007. The hearing was continued to May 24th so staff could return with revised design review threshold process changes (see discussion above on Chapter 142 changes). No public comments were received. The staff memo to the Planning Commission for the public hearing describes the key issues and questions discussed by the Houghton Community Council and Planning Commission during this code amendment process (contained in the File).

ORDINANCE NO. 4097

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AMENDING PORTIONS OF CHAPTERS 5, 92, 95, 105, 110, 115, 142, 162, 180, USE ZONE CHARTS IN CHAPTERS 20, 48, 52, 53, 55, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON07-00002.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and as reviewed by the Houghton Community Council dated May 22, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 10, 2007 held a public hearing and was continued to May 24, 2007, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on March 26, 2007, held a courtesy hearing, 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 by the responsible official pursuant to WAC 197-11-600; 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment 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. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland 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 5th day of June, 2007.

SIGNED IN AUTHENTICATION thereof this 5th day of June, 2007.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

New Chapter 5 Definitions

Section 5.10.202 Design Districts – Use zones subject to the Design Review process described in Chapter 142 KZC.

Section 5.10.647 Pedestrian Oriented Street – A street that is designed to encourage pedestrian movement and pedestrian orientation in relationship to buildings in Design Districts. Plate 34 of Chapter 180, designates the locations of pedestrian oriented streets.

Section 5.10.649 Pedestrian Pathway – A public or private pedestrian way. Pedestrian pathways are designated in Plate 34 of Chapter 180, Chapter 105 or elsewhere in the Zoning Code, the Nonmotorized Transportation Plan, Design Guidelines, or the Comprehensive Plan.

Section 5.10.495 Major Pedestrian Sidewalk – A public sidewalk in a Design District that is designated in Plate 34 of Chapter 180.

Section 5.10.924 Through Block Pathway – A public or private pedestrian way located in a Design District. Through block paths are designated in Plate 34 of Chapter 180, Chapter 105 or elsewhere in the Zoning Code, the Nonmotorized Transportation Plan, Design Guidelines or the Comprehensive Plan.

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5. Dedication
6. Design Districts in Rose Hill Business District

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8. ~~Building Corners in the CBD~~
9. ~~Street Corners in the RHBD and TLN~~

92.05 INTRODUCTION

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD) and in Totem Center (TC).

   Special provisions that apply to a particular Design District ~~only the CBD, the JBD, the TLN, RHBD, NRHBD or Totem Center~~ are noted in the ~~margins and text~~ section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each design district refer to the Design Guidelines applicable to that D~~d~~esign D~~d~~istrict adopted by reference in Chapter 3.30 of the KMC.

3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.

4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.

   ~~**ALL**~~ ~~4~~a. ~~.~~ Landscaping – Chapter 95 describes ~~Various places in this chapter require that landscaping be installed and maintained. The following provisions apply to~~ the installation and maintenance of ~~all~~ landscaping requirements on the subject property~~, including street trees, installed under the provisions of this chapter unless otherwise specifically indicated~~.~~:~~

   ~~a. At the time of planting, deciduous trees must be three to four inches in diameter, as measured using the standard of the American Association of Nurserymen, and coniferous trees must be six to eight feet in height at the time of planting.~~

   ~~b. Shrubs must be 18 inches high at the time of planting.~~

   ~~c. Drought-tolerant plants are encouraged.~~

   ~~d. The City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval. Where appropriate, the City will apply the provisions of KZC 95.40(5)(b)(3) to require additional or more mature landscaping.~~

   ~~**RHBD** e. Varieties of rose shrubs or ground cover, along with other plant materials, shall be included in the on-site landscaping.~~

   b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC, describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.

   c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection– Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180.

d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.

e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.

~~ALL~~ 5~~5~~. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.

~~RHBD~~ 6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three design districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

Design Districts within the Rose Hill Business District

FIGURE 92.05.A

7. Design Districts in the Totem Lake Neighborhood – Various places in this chapter refer to either the Totem Center (TC) design district or the larger Totem Lake Neighborhood (TLN). Figure 92.05.B below describes where the Totem Center design district is located within the larger Totem Lake Neighborhood. For a more information on the design guidelines for each area see the Totem Lake Neighorhood Design Guidelines and the Guidelines for Pedestrian Oriented Business Districts that apply in the Totem Center adopted by reference in Chapter 3.30 KMC.

Totem Center within the Totem Lake Neighborhood

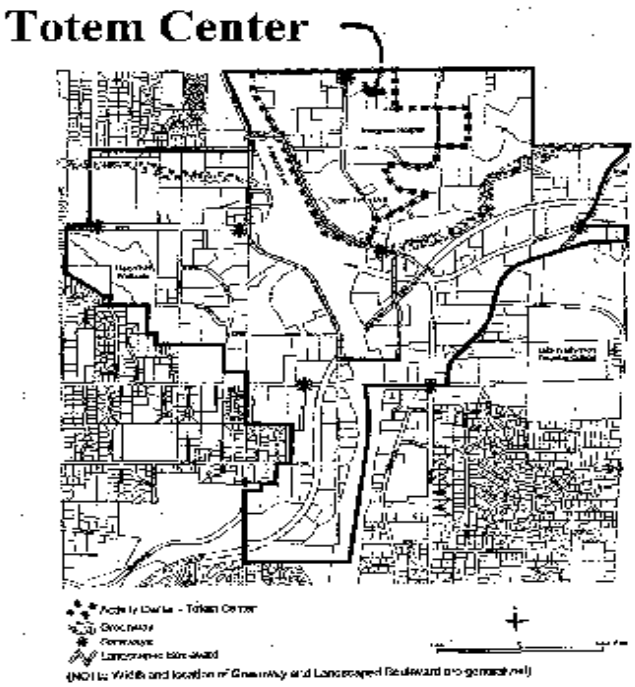


FIGURE 92.05.B

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~~require various~~ 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).

~~1. Installation of Sidewalks –~~

~~**ALL** a. *Pedestrian-Oriented Street* – The applicant shall install a sidewalk constructed of concrete or unit pavers, at least 10 feet in width (or as specified in the public improvement and site feature master plan), along the entire frontage of the subject property adjacent to each *pedestrian-oriented street*. If the required improvements cannot be accommodated within existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line. (See Figures 92.10.A, B, C, D and E.)~~

~~**RHBD** b. Property Fronting NE 85th Street – The applicant shall install a 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with tree grates may be permitted or an easement established over private property. If the required improvements cannot be accommodated within existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.~~

~~**ALL** c. *Major Pedestrian Sidewalks* – If the subject property abuts a street designated to contain a *major pedestrian sidewalk* on Figure 92.10.A, 92.10.B, 92.10.C, 92.10.D, or 92.10.E, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:~~

~~1) The *major pedestrian sidewalk* must be installed in the approximate location shown on Figures 92.10.A, 92.10.B, 92.10.C, 92.10.D and 92.10.E, and make the connections shown on the figures.~~

~~2) The *major pedestrian sidewalk* must be paved with concrete or unit pavers and have a minimum width of at least eight feet, unless otherwise noted in Figure 92.10.A. If the required improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.~~

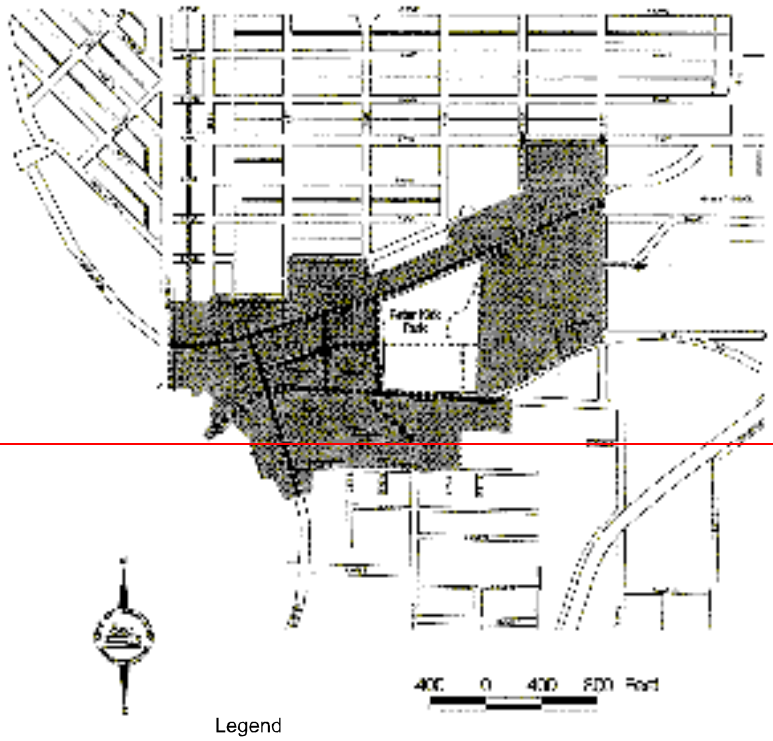
~~3) The *major pedestrian sidewalk* must have adequate lighting with increased illumination around building entrances and transit stops.~~

~~4) If parcels are developed in aggregate, then alternative solutions may be proposed.~~

~~**ALL** d. Pedestrian-Oriented Elements Provisions Supersede – If the provisions of subsections (1)(a) and (1)(c) of this section both apply to improvements within and/or adjacent to a street, the provisions of subsection (1)(a) of this section, and not subsection (1)(c) of this section, must be followed.~~

~~**ALL** e. All other streets shall meet the standards specified in Chapter 110 KZC.~~

~~Pedestrian Circulation in the CBD~~



Legend

Pedestrian-Oriented Street

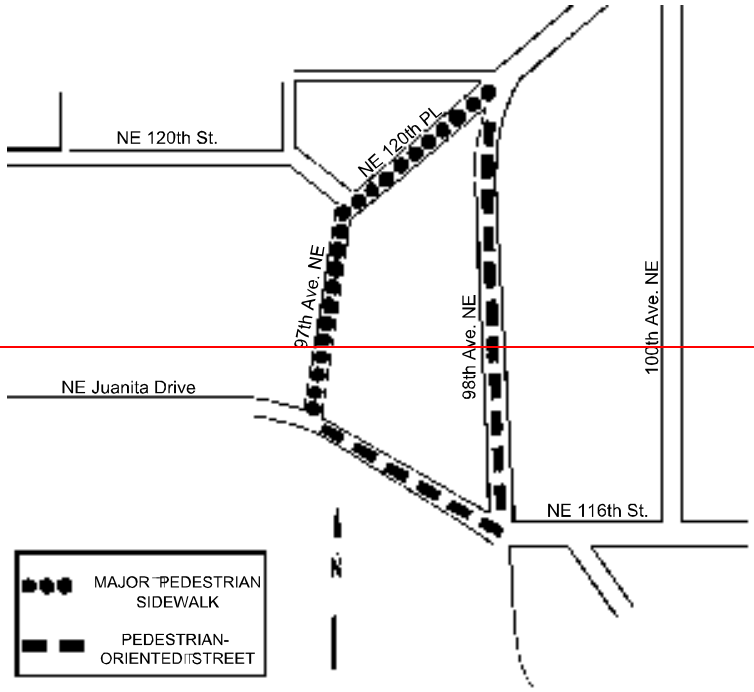
Major Pedestrian Sidewalk

Central Business District

Note: The Lakefront Boardwalk (see downtown masterplan in Comprehensive Plan) may vary in width from the eight feet required for *major pedestrian sidewalks*.

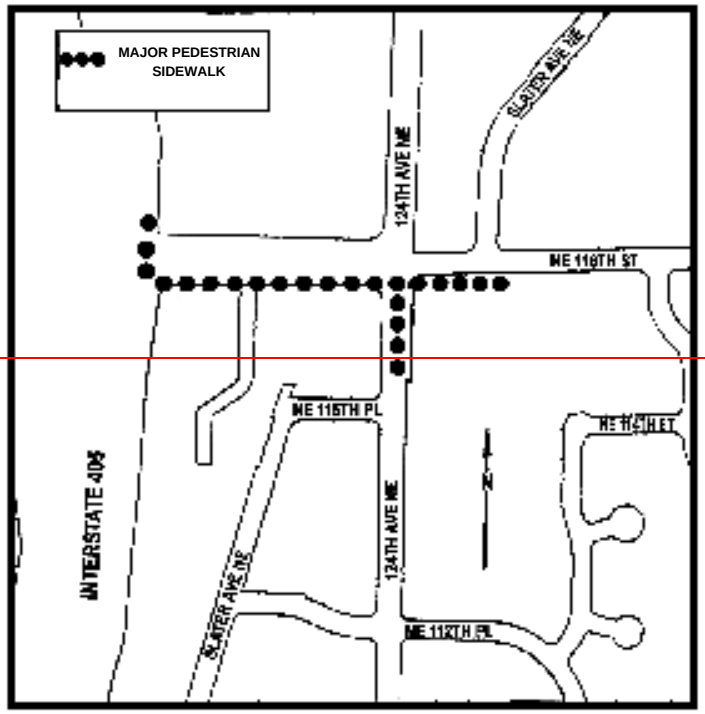
~~FIGURE 92.10.A~~

~~Pedestrian Circulation in the JBD~~



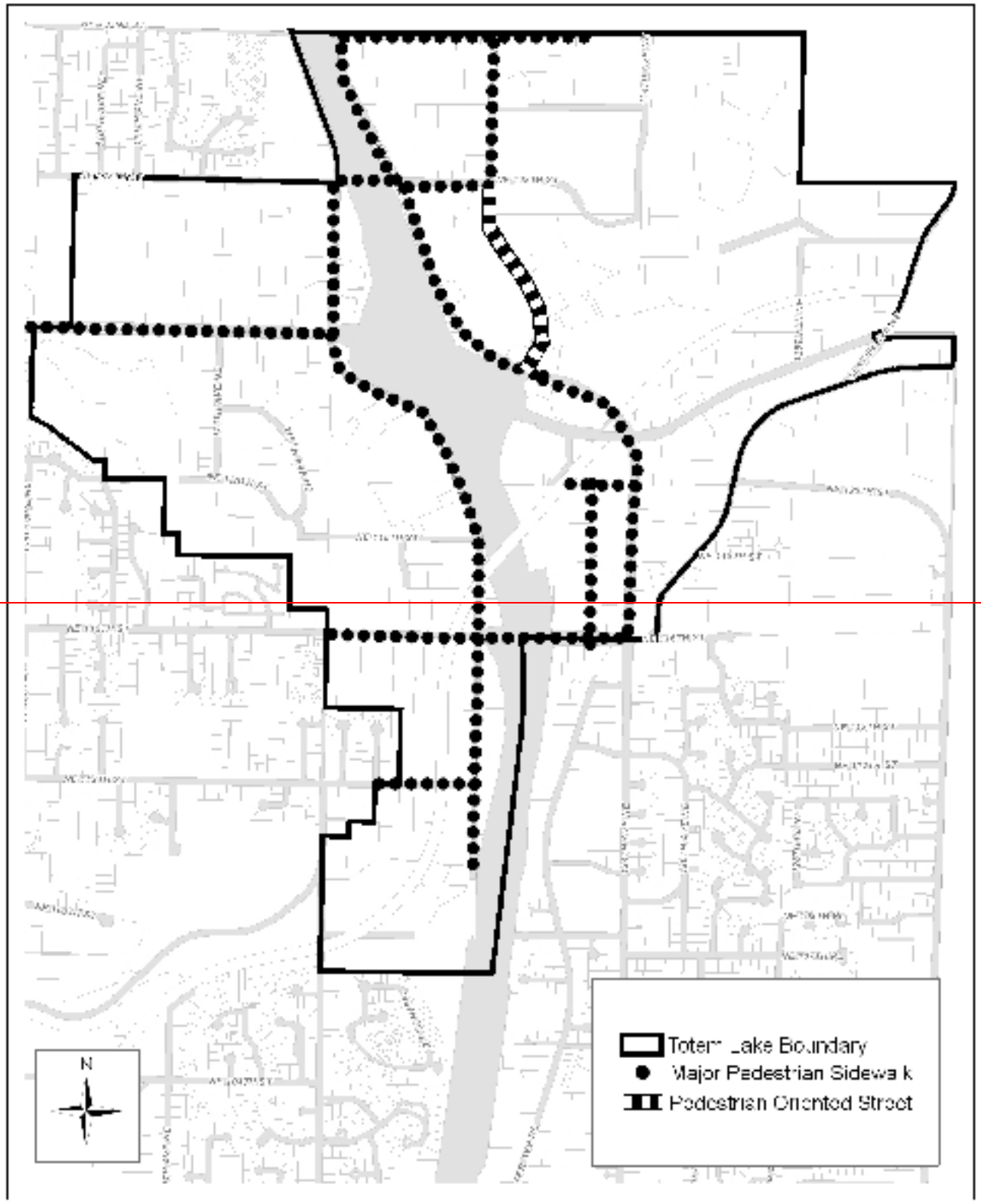
~~FIGURE 92.10.B~~

~~Pedestrian Circulation in the NRHBD~~



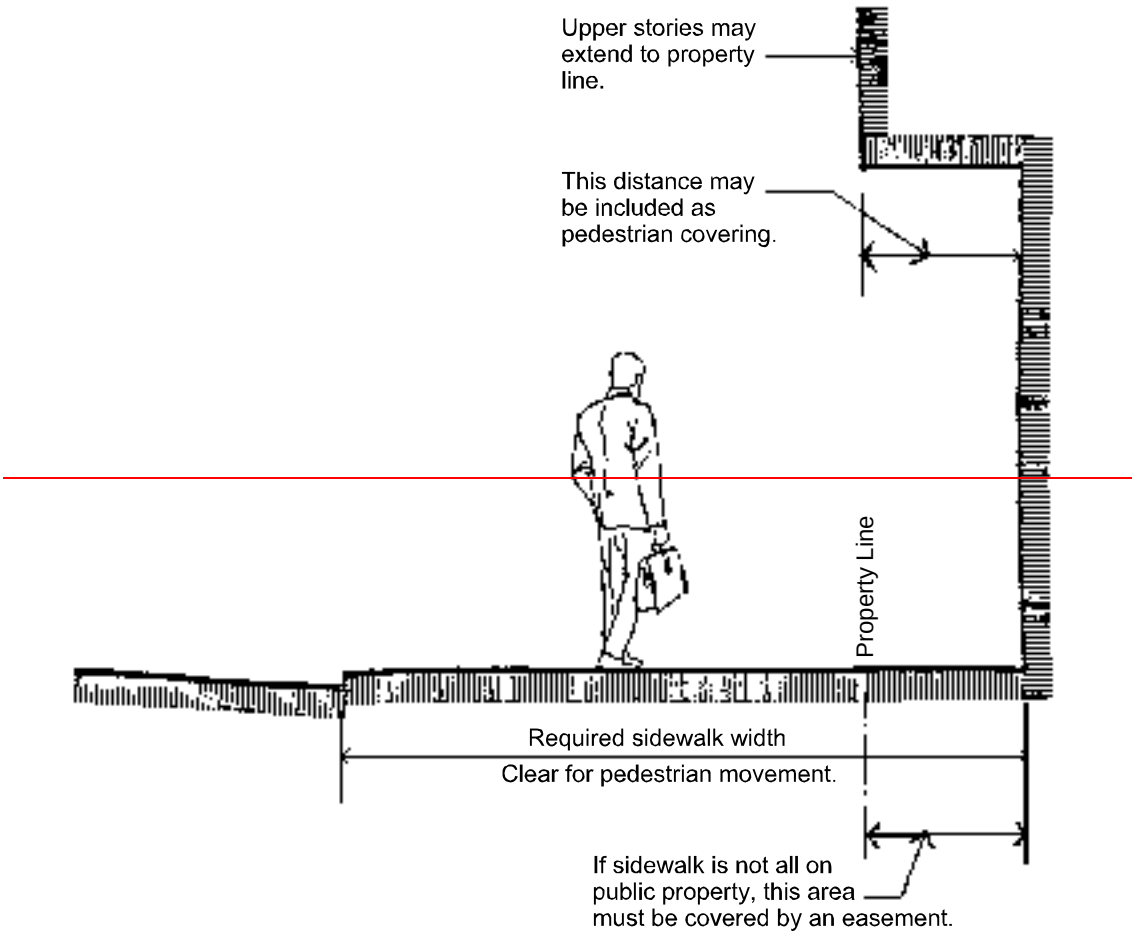
~~FIGURE 92.10.C~~

~~Pedestrian Circulation in Totem Lake~~



~~FIGURE 92.10.D~~

2~~Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks~~



~~FIGURE 92.10.E~~

~~**ALL** 2. *Through-Block Pathways*~~

~~a. *Through-block pathways* refer to interior on-site pedestrian walkways that are not located within a public right-of-way (but may be located on public property (i.e., in CBD)). The alignment of these pathways, where required, shall take into account pedestrian connections shown in the Comprehensive Plan, proposed and existing buildings and, to the extent possible, extend along building fronts or property lines to enhance the pedestrian environment and connections to adjacent property. *Through-block pathways* must be constructed to the following standards unless otherwise noted herein:~~

~~1) A minimum unobstructed pavement width of eight feet, paved with concrete or unit pavers.~~

~~2) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area. Exceptions:~~

~~a) Pedestrian-scaled light fixtures, at 12 feet in height and placed no more than 30 feet on-center, may be used in place of some of the required trees.~~

~~b) To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to major building entries; however, no less than one tree per 60 lineal feet of the required walkway shall be provided.~~

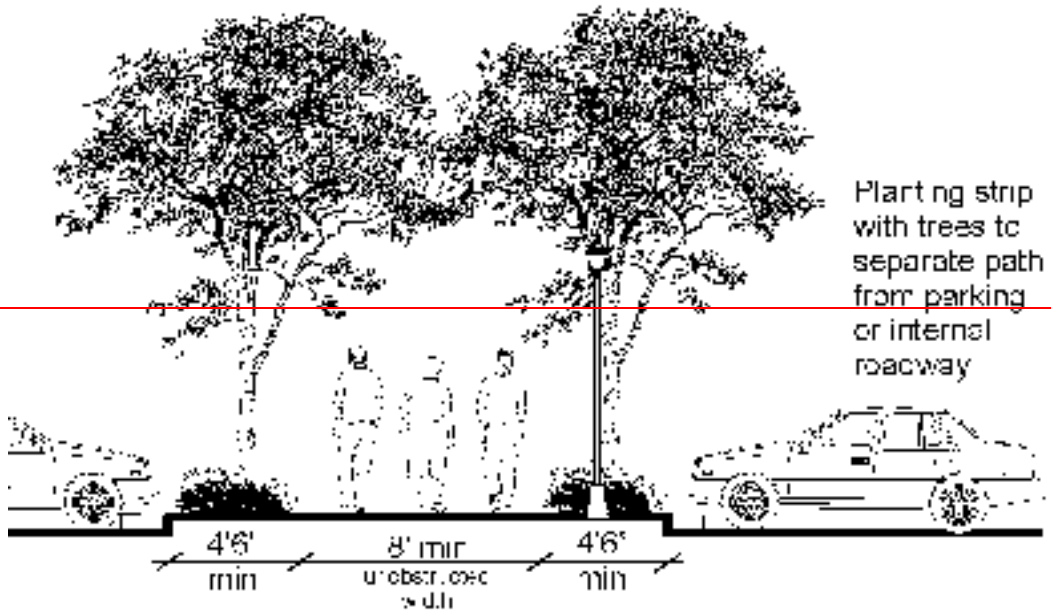
~~c) The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.~~

~~**ALL** 3) Adequate lighting with increased illumination around building entrances and transit stops. Pedestrian-scaled lighting fixtures, at 12 feet in height, are encouraged along the pathway.~~

~~**ALL** 4) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.~~

~~**ALL** 5) If applicable parcels are developed in aggregate, then alternative solutions may be proposed.~~

~~Through-Block Pathway~~



~~FIGURE 92.10.F~~

~~**JBD** b. *Through-Block Pathways* in the JBD – The applicant shall install a *through-block pathway* extending from the north end to the south end of JBD 1 of the Juanita Business District. Two *through-block pathways*, spaced far enough apart to provide maximum accessibility for the whole block, will also extend from the east side to the west side of JBD 1 (see Figure 92.10.B).~~

~~The alignment of these pathways will take into account proposed and existing buildings and, to the extent possible, will extend along building fronts or property lines.~~

~~1) The applicant must install pathways that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The pathways shall be located to provide a direct continuation of the existing or future *through-block pathway* on adjacent properties. When possible, the pathways shall be located to create view corridors and reinforce connections to Lake Washington. During the Design Review process, the City may determine that a *through-block pathway* is not required if a suitable *through-block pathway* exists on adjacent properties.~~

~~2) *Through-block pathways* adjacent to the front of buildings must be 10 feet wide with a six-inch vertical curb, and paved with concrete or unit pavers. Sidewalks that are not adjacent to the front of buildings must have a minimum width of eight feet and be differentiated from underlying pavement with texture or material, unless otherwise determined through Design Review.~~

~~3) The *through-block pathways* must have adequate lighting with increased illumination around building entrances and transit stops.~~

~~4) If parcels are developed in aggregate, then alternative solutions may be proposed.~~

5) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

TC c. *Through-Block Pathways* in TL 2 – The applicant shall install at least one *through-block pathway* from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary, to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone should also be provided.

1) *Through-block pathways* in TL 2 shall be developed according to the following standards:

a) The minimum width, curb specifications and paving materials for through-site connections shall be established through the Conceptual Master Plan review.

b) Through-site connections must have adequate lighting, with increased illumination around building entrances and at street crossings.

c) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

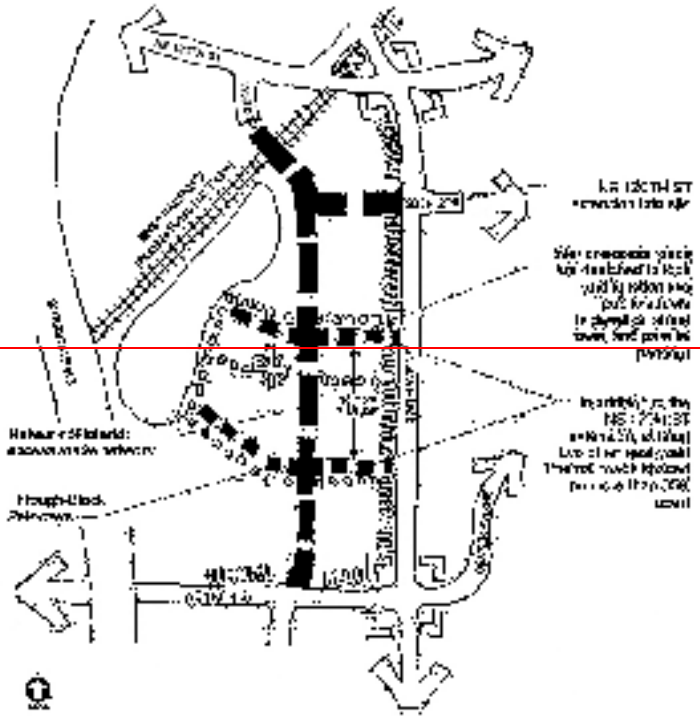
TLN d. *Through-Block Pathways* in the TLN – The applicant shall install a *through-block pathway* or pathways to link streets and/or activities in the following zones and locations described in the Transportation and Totem Lake Neighborhood Plan chapters of the Comprehensive Plan:

1) On parcels located in TL 5: In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street, designated as *major pedestrian sidewalks* in Figure 92.10.G), a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors.

2) On parcels located in TL 6B (Figure 92.10.H): Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors.

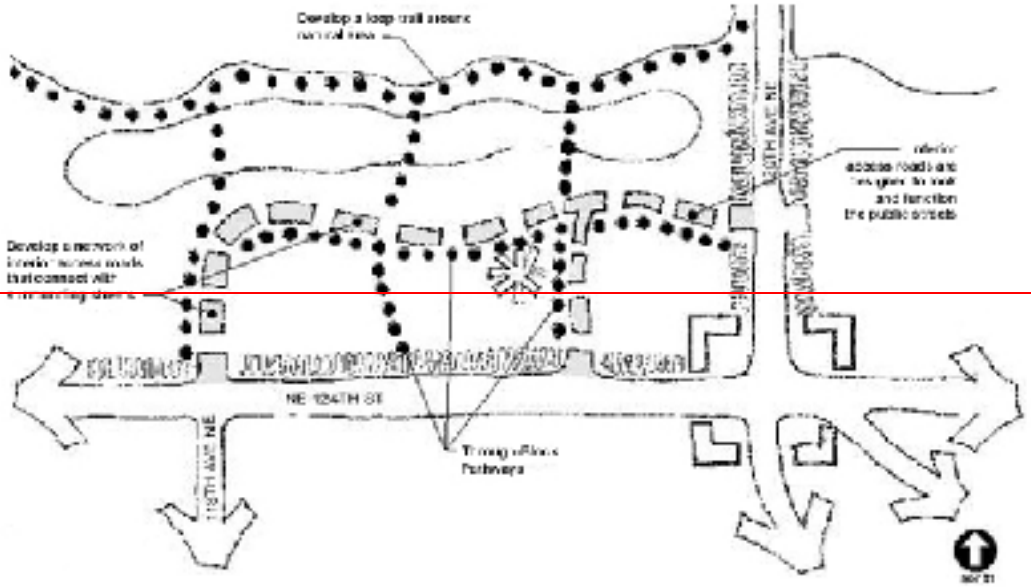
3) Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

Vehicular Access and Pedestrian Through-Block Pathway Concept for TL 5



~~FIGURE 92.10.G~~

~~Internal Access Roads and Through-Block Pathways Concept for TL 6B~~



~~FIGURE 92.10.H~~

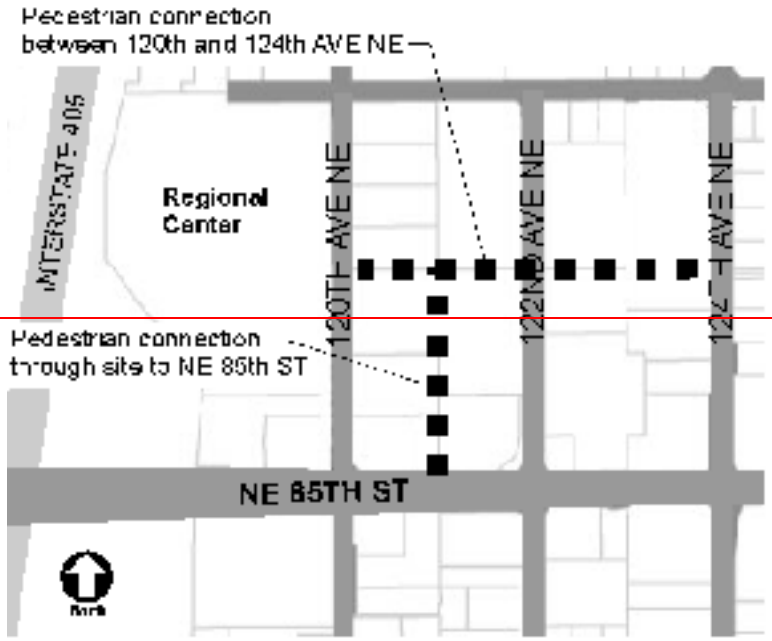
~~**RHBD**~~ ~~c. *Through Block Pathways* in RHBD – The applicant shall install a *through-block pathway* per the standards in subsection (2)(a) of this section to link streets and/or activities in the following zones and locations described in the Transportation and NE 85th Street Subarea chapters of the Comprehensive Plan:~~

~~1) On parcels located north of NE 85th Street in the RM 3.6, LIT and RH 3 zones, the applicant shall install a *through-block pathway* in an east/west direction between 120th Avenue and 124th Avenue.~~

~~2) On parcels located in the RH 3 zone, the applicant shall install a pedestrian pathway connecting the north portion of the RH 3 zone to NE 85th Street on the south.~~

~~3) Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres.~~

~~**Approximate Location for Through-Block Pathways in the RHBD**~~



~~**FIGURE 92.10.I**~~

~~2~~. Pedestrian Oriented Facades Defined For RHBD and TLN - To meet the definition of a *pedestrian-oriented facade* (see Figure 92.10.A~~K~~):

a. The building's primary entrance must be located on this façade 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

a. Building Location Featuring *Pedestrian-Oriented Facades* in RHBD and TLN Zones- Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE), if they contain a *pedestrian-oriented façade* along that street frontage pursuant to the standards in subsection 92.10.2 above. 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 façade* 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, Chapter 95.40.5.b.

~~d.As part of the Design Review process required, yard setbacks or other development standards may be modified (see Chapter 142 KZC).~~

~~3. Other Internal On-Site Pathways~~

~~**RHBD, TLN**a. Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE) if they contain a *pedestrian-oriented façade*2As part of the Design Review process, required yard setbacks or other development standards may be modified along the street frontage.).~~

Pedestrian-Oriented Facade

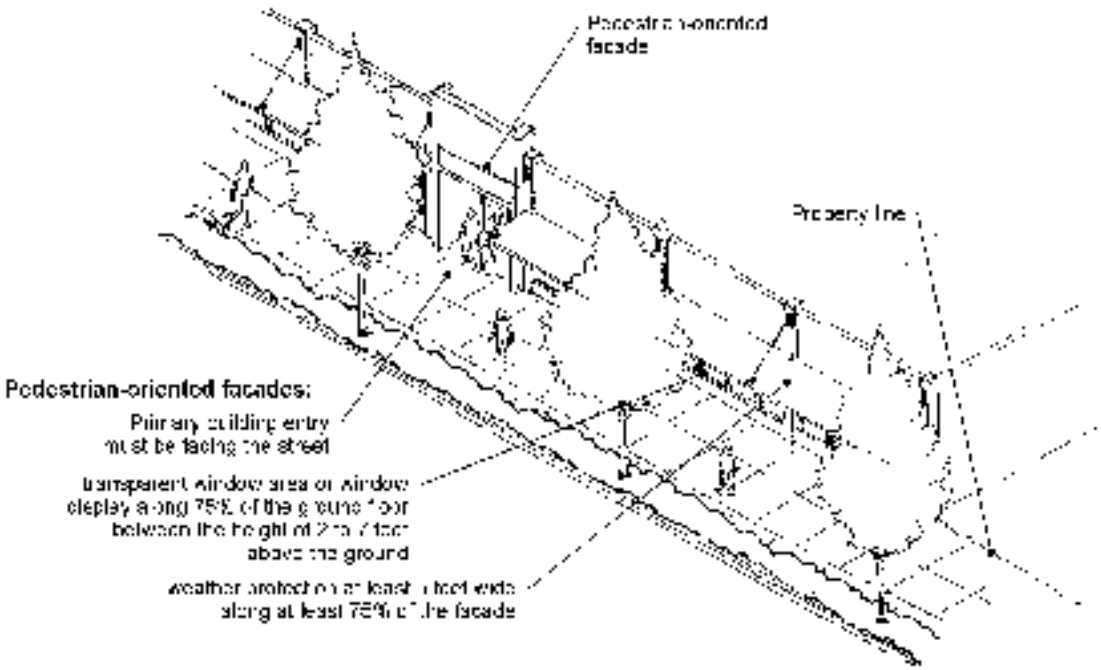


FIGURE 92.10.A

b.~~d.~~ For All Other ~~B~~building ~~F~~facades in RHBD and TLN zones (non-*pedestrian-oriented façade*)~~.~~, Building facades not featuring a *pedestrian oriented façade* described in section 92.10.2 must provide at least three feet of landscaping ~~shall be required~~ between any vehicular access area or walkway and the building ~~and any building facade not meeting *pedestrian-oriented facade* requirements as noted above~~. (See Figure 92.10.~~L~~B.)

Exceptions:

1)~~-~~ Alleys and other areas generally not visible to the public, as determined by the City;

2) Other design options may be considered through the Design Review process, provided they meet the intent of the guidelines.

Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping

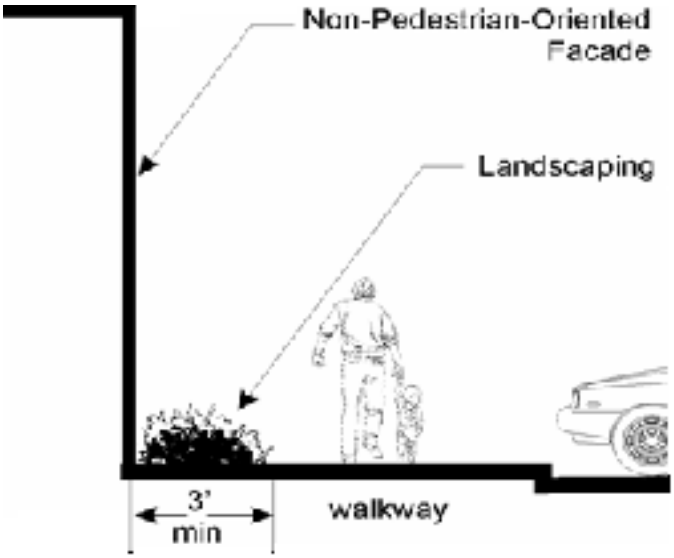


FIGURE 92.10.B

~~For options b and c above the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval. Where appropriate, the City will apply the provisions of KZC 95.40(5)(b)(3) to require additional or more mature landscaping.~~

~~**RHBD, TLN** b. Internal Pathways Not Along Building Facades – For all other internal on-site pedestrian pathways, the applicant must successfully demonstrate to the City that the proposed walkway is of sufficient width, materials, and design to accommodate the anticipated number of users. At a minimum, pathways shall feature five feet of unobstructed width.~~

~~**CBD, JBD, TC, RHBD, TLN** 4. Pedestrian Weather Protection – The applicant shall provide overhead weather protection, consistent with the following standards:~~

~~**CBD** a. In the CBD, along at least 80 percent of the frontage of the subject property on each *pedestrian-oriented street*;~~

~~**RHBD, TLN** b. In the RHBD and the TLN, buildings must feature weather protection at least five feet wide along at least 75 percent of the *pedestrian-oriented facade*;~~

~~**TLN, RHBD** c. Weather protection is required over the primary exterior entrance to all buildings, including residential units. Weather protection features must cover the width of the entry at a depth of at least three feet from the building entry. This may include covered porches, overhangs, awnings, marquees, recessed entries or other similar features;~~

~~**JBD** d. In the JBD, along 100 percent of the front of the building;~~

~~**ALL** e. The overhead weather protection may be composed of awnings, marquees, canopies or building overhangs;~~

~~ALL~~ ~~f. It must cover at least five feet of the width of the sidewalk. The width may vary (not less than three feet) to accommodate street trees, streetlights, etc.;~~

~~ALL~~ ~~g. The lowest element of the overhead weather protection must be at least eight feet above the ground immediately below it;~~

~~ALL~~ ~~h. The City will specifically review and approve the color, material and configuration of all overhead weather protection as part of the Design Review decision. See KZC 92.35(5), Awnings.~~

~~JBD~~ ~~5. Building Frontage – In the JBD, all buildings must front on a right-of-way or *through-block pathway*.~~

~~6. Pedestrian Access to Buildings~~

~~CBD~~ ~~a. In the CBD, all buildings on property abutting *pedestrian-oriented streets* must have direct access from the sidewalk of the *pedestrian-oriented street* to the main building entrance.~~

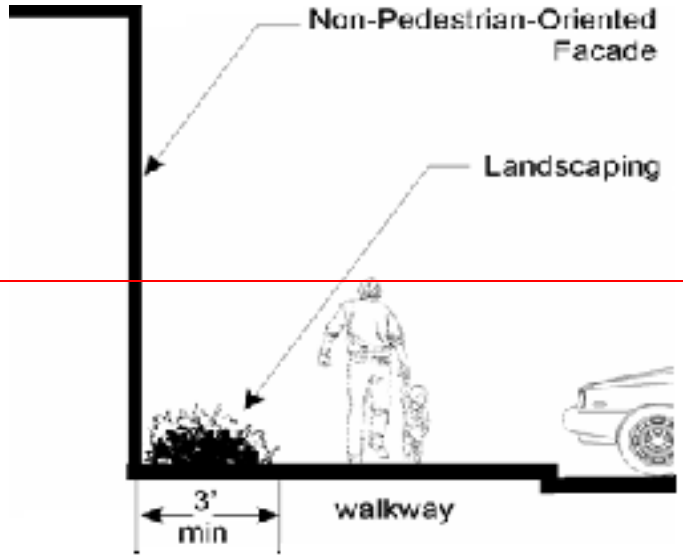
~~JBD, RHBD TLN~~ ~~b. In the JBD, RHBD and TLN, all buildings must have convenient access from the street sidewalk or the *through-block pathway* to the main building entrance.~~

~~NRHBD~~ ~~c. In the NRHBD, all buildings on property abutting *major pedestrian sidewalks* must have direct access from the sidewalk to the main building entrance.~~

~~TC~~ ~~d. In Totem Center, all buildings on property abutting a *major pedestrian sidewalk* or a *pedestrian-oriented street* must have convenient access from the sidewalk or the *major pedestrian sidewalk* or *pedestrian-oriented street* to the main building entrance.~~

~~3) Weather protection feature(s) at least five feet wide over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.~~

~~**Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping**~~



~~**FIGURE 92.10.L**~~

c.~~c.~~ RHBD Neighborhood Center Frontage~~:~~ At least 50 percent of the NE 85th Street property frontage must contain *pedestrian-oriented facades* located directly on the sidewalk. Vehicle sales uses are exempt as long as their showroom faces the street and is sited within 10 feet of the sidewalk.

d.~~d.~~ Vehicle sales showrooms in RHBD and TLN Zones- Vehicle sales uses are encouraged to locate their showrooms toward the street (and toward NE 85th Street in RHBD) with parking to the side or rear.

e. ~~g.~~ RHBD East End – NE 85th Street Building Frontage Options and Preferences:

1) Preferred Option: Buildings may be located adjacent to the sidewalk on NE 85th Street if they contain a *pedestrian-oriented facade* (see Figure 92.10.A~~K~~);

2) Second Option: Locate and orient building towards the sidewalk on NE 85th Street. In this option, the development features a 10-foot minimum landscaped front yard, a clear pathway between the sidewalk and the building, and a building entry and windows facing the street.

3) Least Preferred Option: Locate the building at the rear of the property with parking between NE 85th Street and the building as long as the following standards are applied:

a) Provide a perimeter parking landscape buffer ~~strip~~ between the sidewalk and parking area per Chapter 95 KZC.

b) Provide clear pedestrian access from the sidewalk to the building entry.

c) Provide a walkway along the building facade meeting *through-block pathway* standards as described in Section 105.19, KZC.

~~c) Provide a walkway along the building facade meeting *through-block pathway* standards as described in subsection (2)(a) of this section.~~

g.~~RHBD i.~~ RHBD East End – Rear Yard Building Placement: Pursuant to KZC 95.40, in most cases, commercial uses shall install a required landscaped buffer adjacent to single-family properties. By requesting a modification to these provisions, the property owners may negotiate an agreement to reduce the landscape buffer/setback in a way that can benefit both parties.

Where buildings are sited towards the rear of the property, the applicant must utilize one of the following standards to minimize impacts to adjacent residential areas (see Figure 92.10.C~~M~~ and options below):

1) Meet the required landscape buffer pursuant to KZC 95.40.

2) Provide a blank wall no taller than 15 feet in height with no openings placed at the rear property line (building itself serves as a wall, uses are inside the building, shielded from adjacent residential uses). To qualify for this method, the treatment must be agreed to by the adjoining property owners per the modifications section of Chapter 95 KZC.

3) Provide a combination of both methods above. For example, provide a blank wall no taller than 15 feet in height between zero and 15 feet from the property line and landscape the applicable area between the building and the property line. In addition, an unfenced design option would effectively enlarge the adjacent homeowners' rear yard (a mutually beneficial arrangement). To qualify for these methods, the treatment must be agreed to by the adjoining property ~~o~~owners per the landscape buffer modifications section of Chapter 95 KZC.

Rear Yard Building Placement Options in the RHBD

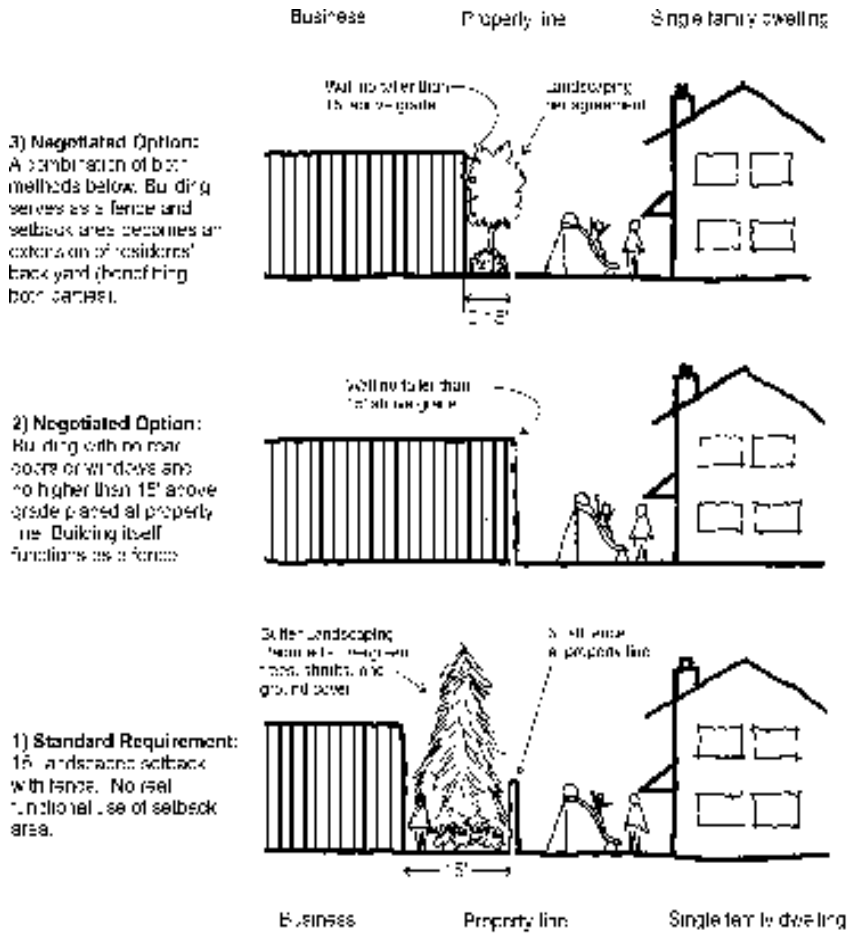


FIGURE 92.10.CM

~~Internal Pathways Along Building Facades in RHBD~~

~~1. Nonresidential uses that do not front directly onto a public sidewalk must provide a pathway along their *primary building facade (a "primary building facade" means the facade contains the building's primary entry)* in accordance with the *through-block pathway* standards noted in Section 105.xx above in subsection (2)(a) of this section (see Figure 92.10.J). As part of Design Review the City may provide exceptions in the following circumstances:~~

~~a)New nonresidential developments with less than 2,000 square feet of gross floor area that feature a landscaped front yard area and parking off to the side or rear are only required to have direct pedestrian access from the sidewalk.~~

~~b)For uses that require vehicle service bays or where the requirement conflicts with other City goals, policies or regulations.~~

~~2. Internal Pathways Not Along Building Facades in RHBD – For all other internal on-site pedestrian pathways, the applicant must successfully demonstrate to the City that the proposed~~

~~walkway is of sufficient width, materials, and design to accommodate the anticipated number of users. At a minimum, pathways shall feature five feet of unobstructed width.~~

4. Multi-story buildings on sites adjacent to a low density zone in RHBD and TLN shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.

5. Multifamily buildings located in TLN adjacent to NE 120th Street must be oriented toward this street. To meet this requirement, common and/or individual unit entries must face the street. The building must include windows that face the street. Parking areas between the building and the street are prohibited. Alternative configurations may be considered in the Design Review process.

6. Building Location at Street Corners in the RHBD and TLN Zones

   a. General Standards- For development at street corner sites, the applicant must incorporate one or more of the following site treatments:

      1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.

      2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).

      3) Provide a "*pedestrian-oriented space*" at the corner leading directly to a building entry or entries (see Section 92.15. and Figure 92.10.D).

      4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).

   b. RHBD Properties located at the 124th, 126th, and 128th Avenue NE intersections- Buildings must be located at the street corner and provide *pedestrian-oriented facades* along both streets. Exceptions:

      1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a *pedestrian-oriented space* An example is shown in Figure 92.10.D.

      2) Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.

Building located directly on a street corner with direct pedestrian access and *pedestrian-oriented facades*.

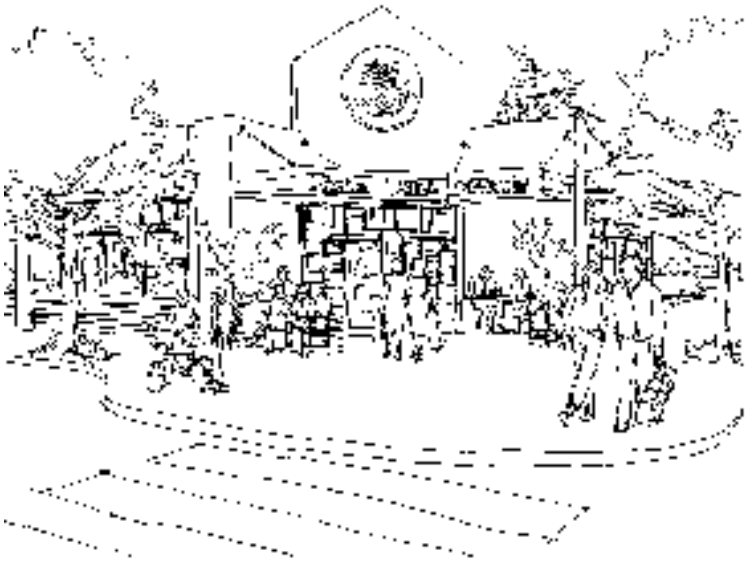


FIGURE 92.10.D

7. Building Location at Street Corners In CBD

a. Building Corners in the CBD – If the subject property is adjacent to the intersection of two streets, at least one of which is a *pedestrian-oriented street*, the applicant shall use one or more of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the *pedestrian-oriented street*. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the design guidelines and the provisions of the Comprehensive Plan.

~~1.~~1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under KZC 110.52 pedestrian oriented street ~~92.10(1)~~ (see Figure 92.10.D~~35.A~~).

~~2.~~2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.10.E~~35.B~~).

~~3.~~3) Provide a pedestrian pathway, at least eight feet in width, that connects to another street, public feature or building (see Figure 92.10.E~~35.B~~).

~~4.~~4) Provide one or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two building facades (see Figure 92.10~~35~~.F~~C~~):

a) A bay window or turret.

b) A roof deck.

c) Balconies above the ground floor.

d) A building corner setback notch or curved facade surface.

e) Sculpture or artwork, either bas-relief or figurative.

f) Distinctive use of facade materials.

~~5.~~5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

Options for Corner Setback Configurations

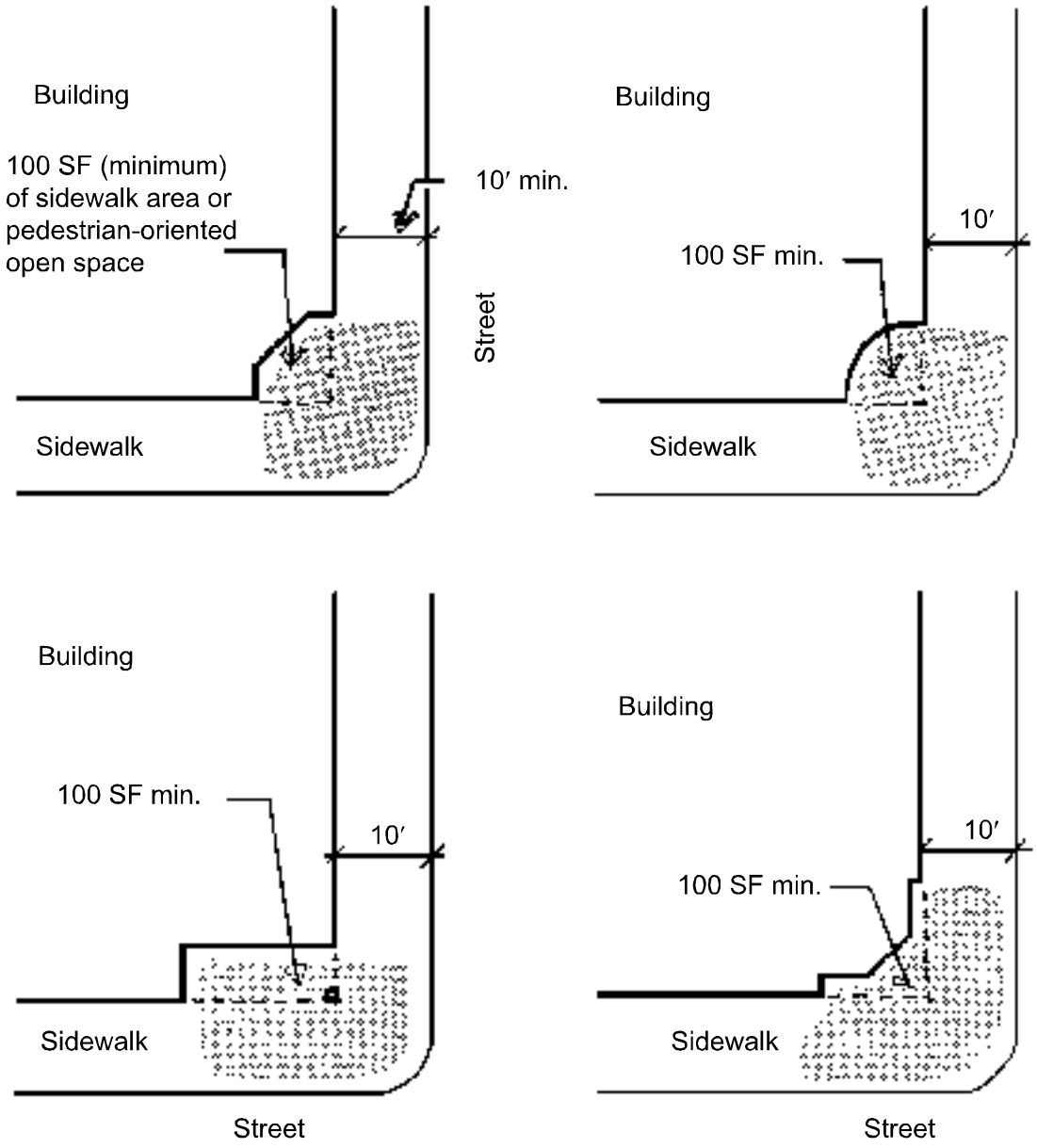


FIGURE 92.10.D

Options for Corner Entry Elements

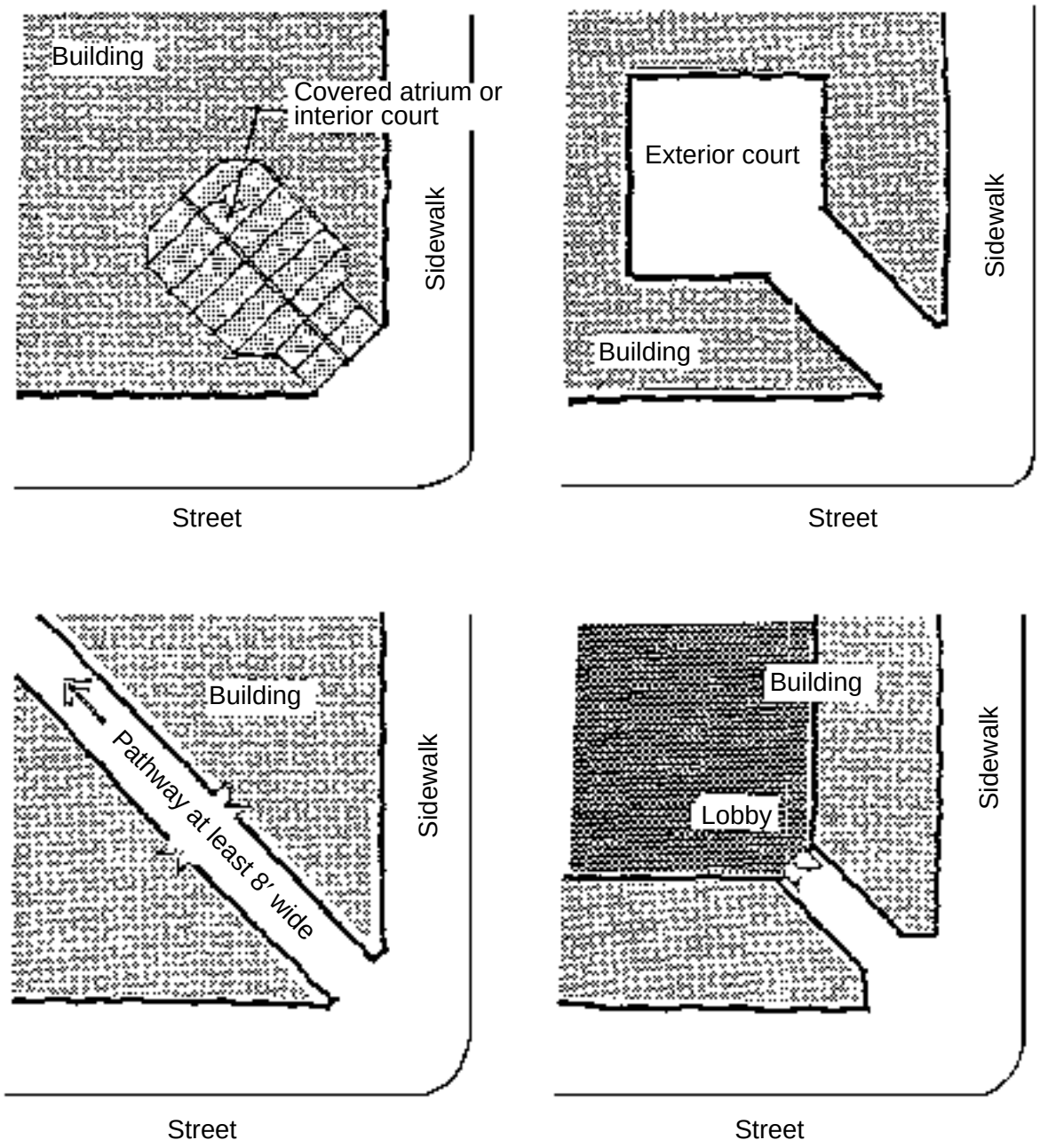


FIGURE 92.10.E~~35.B~~

Architectural Elements for Corners

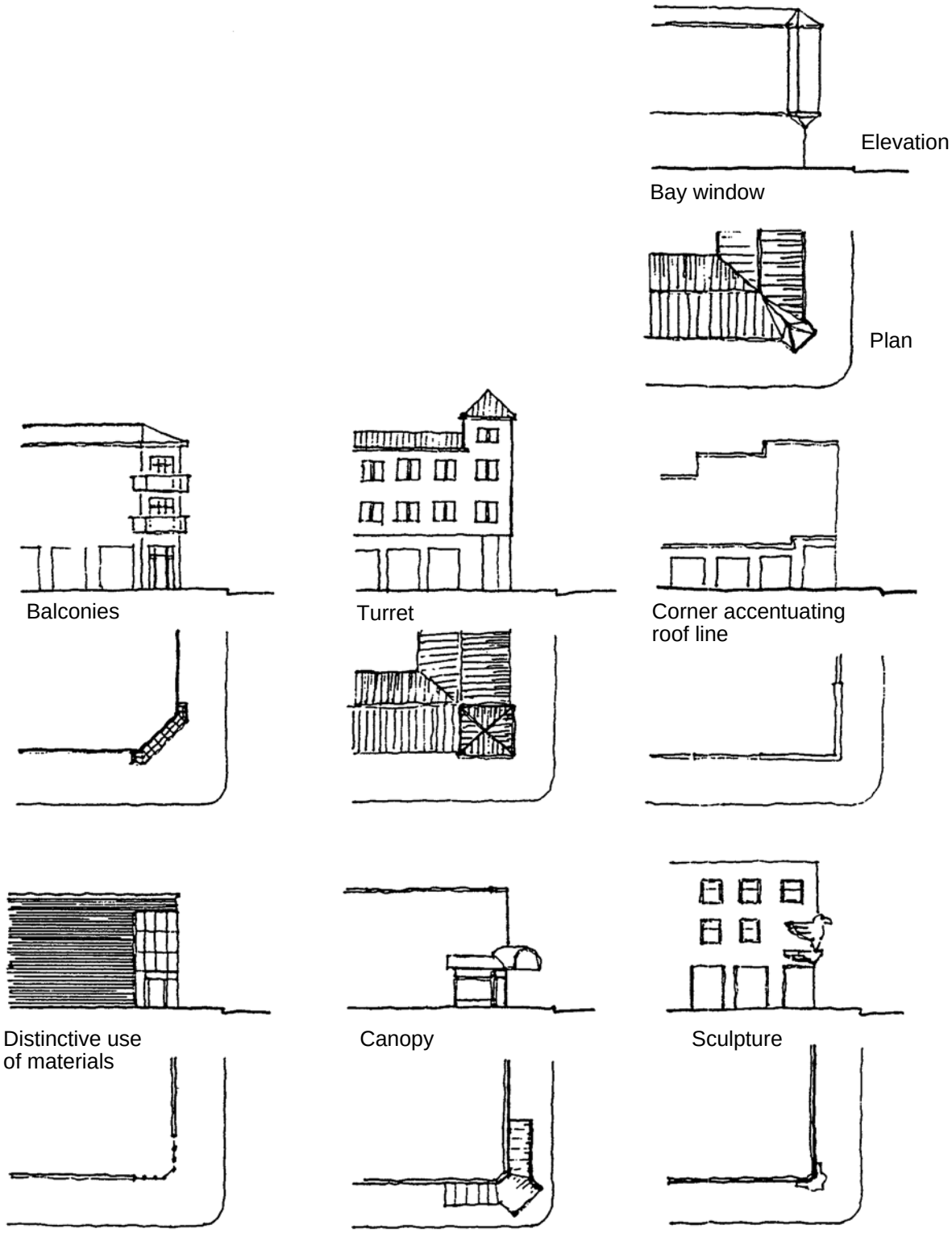


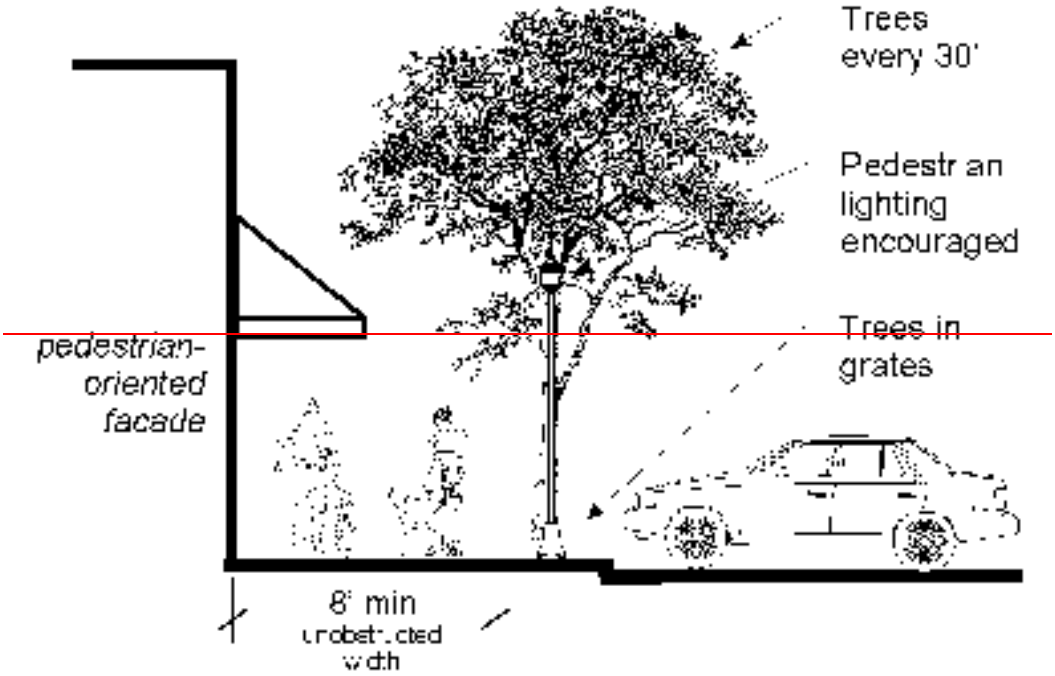
FIGURE 92.10.F~~35.C~~

~~Internal Pathways Along Building Facades In RHBD and TLN Zones – Nonresidential uses that do not front directly onto a public sidewalk must provide a pathway along their *primary building facade (a "primary building facade" means the facade contains the building's primary entry)* in accordance with the *through-block pathway* standards noted above in subsection (2)(a) of this section (see Figure 92.10.J). As part of Design Review the City may provide exceptions in the following circumstances:~~

~~1) New nonresidential developments with less than 2,000 square feet of gross floor area that feature a landscaped front yard area and parking off to the side or rear are only required to have direct pedestrian access from the sidewalk.~~

~~2) For uses that require vehicle service bays or where the requirement conflicts with other City goals, policies or regulations.~~

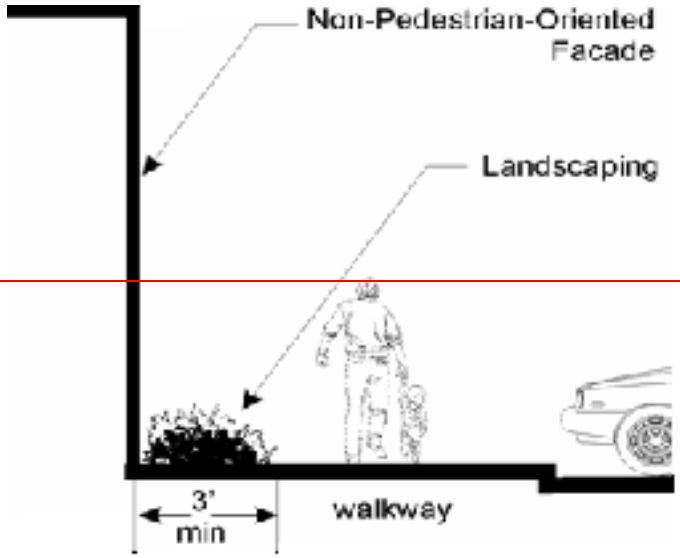
~~Pathway Along Building Facade and Parking Area~~



~~FIGURE 92.10.J~~

~~11. Internal Pathways Not Along Building Facades in RHBD and TLN Zones – For all other internal on-site pedestrian pathways, the applicant must successfully demonstrate to the City that the proposed walkway is of sufficient width, materials, and design to accommodate the anticipated number of users. At a minimum, pathways shall feature five feet of unobstructed width.~~

~~Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping~~



~~FIGURE 92.10.L~~

92.15 PEDESTRIAN ORIENTED IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY

1. All Zones- Pedestrian Oriented Space and Plazas in Parking areas- tThe applicant must provide at least 175 square feet of *pedestrian-oriented space* at the main building entrance, in a central location, or adjacent to a parking area. This area must be raised at least six inches above the parking lot surface and must be paved with concrete or unit pavers.

2. *Pedestrian-Oriented Space* and Plazas In TC, CBD, NRHBD, RHBD and TLN Zones- NRHBD RHBD, TLN

CBD, TC a. In the CBD or in Totem Center- I, if the subject property abuts a *pedestrian-oriented street* (see Plate 34 in Chapter 180) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.

2) Contain paved walking surface of either concrete or approved unit pavers.

3) Contain on-site or building-mounted lighting which provides adequate illumination.

4) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.

5) Contain landscaping such as trees, shrubs, trellises, or potted plants.

6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection 3.(9) of this section, blank wall treatment.

7) An alternative solution for the *pedestrian-oriented space* may be established through a Conceptual Master Plan in TL 2.

NRHBD b. In the NRHBD Zones-, iIf the subject property abuts a *major pedestrian sidewalk* on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.

2) Contain paved walking surface of either concrete or approved unit pavers.

3) Contain on-site or building-mounted lighting which provides adequate illumination.

4) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.

5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.

6) In the alternative, the *pedestrian-oriented space* can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with criteria (1) through (5) above.

~~**RHBD, TLN**~~ c. In the RHBD and TLN Zones- A~~, a~~ll nonresidential uses must provide *pedestrian-oriented space* in conjunction with new development according to the formula below. For the purposes of this section, required pathways shall not count as *pedestrian-oriented space*. However, as part of Design Review, the City may allow those portions of pathways widened beyond minimum requirements to count towards the required *pedestrian-oriented space* as long as such space meets the definition of *pedestrian-oriented space*.

1) Size: One percent of the applicable lot area plus one percent of the nonresidential building gross floor area. (See Figure 92.15.A~~0.N~~.)

a) The City may exempt uses that are likely to generate very little customer/pedestrian activity and have few or no employees. These may include warehouse, storage, industrial, and other similar uses.

Pedestrian-Oriented Space Requirement for Large Nonresidential Buildings Served by Surface Parking

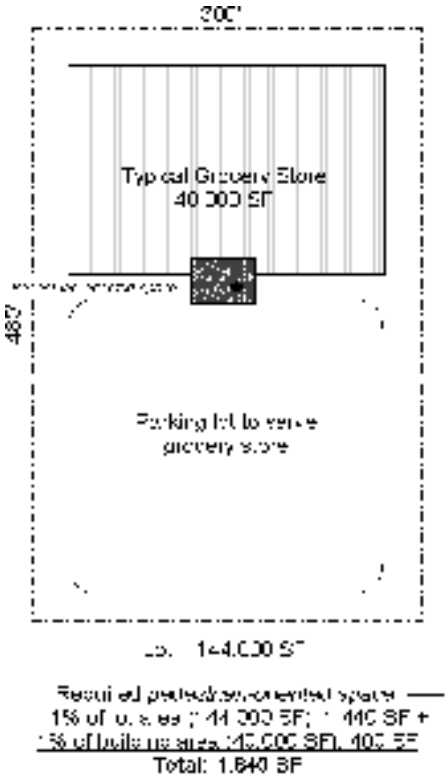


FIGURE ~~-~~92.15.A~~10.N~~

2) Design: To qualify as a *pedestrian-oriented space*, an area must have all of the following (see Figure ~~92.10.~~92.15.B~~O~~):

   a) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.

   b) Paved walking surfaces of either concrete or approved unit paving.

   c) Pedestrian-scaled lighting (no more than 15 feet in height) at a level averaging at least two foot-candles throughout the space. Lighting may be ground- or building-mounted lighting.

   d) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.

   e) Spaces must be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.

   f) Landscaping covering at least 20 percent of the space (some of this may include potted plants). Such landscaping components must add seasonal interest to the space.

3) The following features are encouraged in a *pedestrian-oriented space* and may be required by the City:

   a) Pedestrian amenities such as a water feature, a drinking fountain, tables, and/or distinctive paving or artwork.

   b) Provide *pedestrian-oriented facades* on some or all buildings facing the space.

   c) Consideration of the sun angle and the wind pattern in the design of the open space.

   d) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.

   e) Movable seating.

4) The following features are prohibited within *pedestrian-oriented space*:

   a) Asphalt or gravel pavement.

   b) Adjacent unscreened parking lots.

   c) Adjacent chain link fences.

   d) Adjacent “blank walls.”

   e) Adjacent dumpsters or service areas.

   f) Outdoor storage or retail sales that do not contribute to the pedestrian environment.

An Example of a Pedestrian-Oriented Space

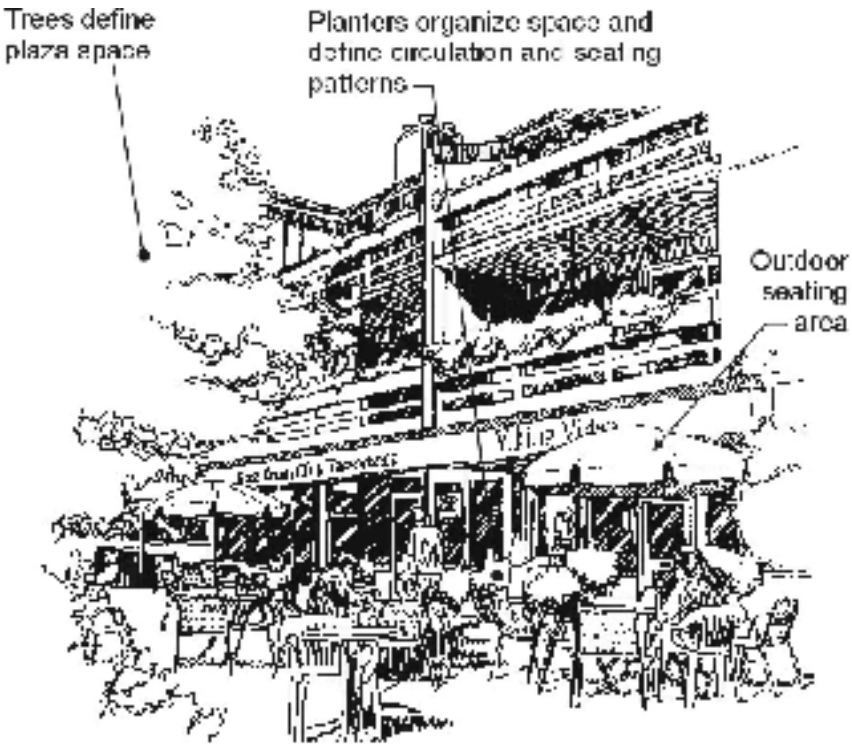


FIGURE 92.15.B~~0.O~~

3.~~9.~~ Blank Wall Treatment

~~ALL~~ a. Blank Wall Defined - All Zones - A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.15.C):

1) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

2) Any wall or portion of a wall between four feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

b. Blank Wall Treatments All Zones - ~~Each wall or portion of a wall that is closer than 50 feet to any exterior property line of the subject property and is visible from any right-of-way or is adjacent to a *through-block pathway* must be screened or treated in at least one of the ways listed in subsection (9)(d) of this section if it meets the criteria for a blank wall under subsection (9)(c) of this section.~~

~~RHBD, TLN~~ b. Each blank wall ~~or portion of a wall~~ that is visible from any right-of-way, internal access road, *pedestrian-oriented space*, or *through-block pathway* must be screened or treated in at least one of the ways listed in subsection 3.~~(9)~~(c.~~d)~~ of this section if it meets the criteria for a blank wall under subsection 3.~~(9)~~(a.~~c)~~ of this section. Internal roadways used primarily for service access and not visible from a street, *pedestrian-oriented space* or *through-block pathway* are exempt from this requirement.

~~**ALL**~~ ~~c. A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.10.P):~~

~~1) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10 feet without a window, door, building modulation at least one foot in depth or other architectural feature.~~

~~2) Any wall or portion of a wall between four feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one foot in depth or other architectural feature.~~

Designating Blank Walls

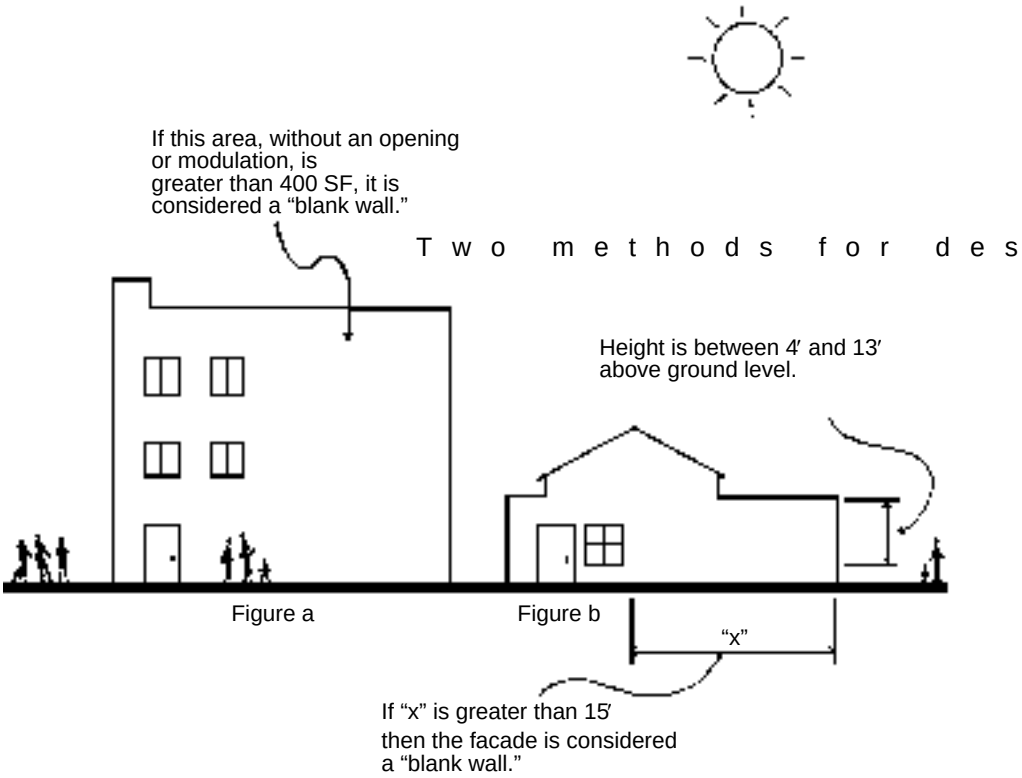


FIGURE 92.15.C~~0.P~~

~~ALL~~ c~~d~~. Blank Wall Treatment Standards In All Zones - At least one of the following techniques must be used to treat or screen blank walls:

1) By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.

2) By providing a landscaped planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50 percent of the blank wall within two years.

3) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.

4) By proposing alternative techniques as part of the Design Review process.

d. All Zones - Modifications- The provisions of this subsection 3. may be modified or eliminated as part of the Design Review decision if they conflict with the International Building Code.

Pedestrian-Friendly Building Facade Requirements

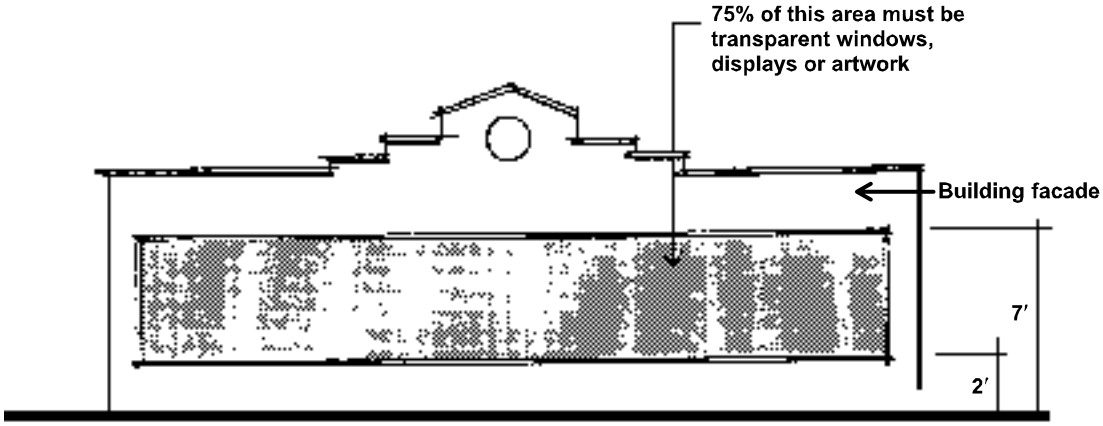


FIGURE 92.15.D~~0.Q~~

~~CBD~~ e.~~10.~~ Treatment of Building Facades In CBD – In the CBD, each facade of a building facing a *pedestrian-oriented street* or public park must contain or be treated with at least one of the following elements:

1) ~~a.~~ It must contain transparent windows or window displays comprising at least 75 percent of the area of the facade between two feet and seven feet above ground level (see Figure 92.15~~0~~D~~.Q~~).

2) ~~b.~~ It must contain sculptural, mosaic or bas-relief artwork comprising at least 75 percent of the area of the facade between two feet and seven feet above ground level (see Figure 92.15~~0~~D~~.Q~~).

3) ~~c.~~ The area next to the facade must be developed such that for every 10 linear feet of the facade, at least 20 square feet of this area must be developed with landscaping consistent with subsection 3.c.1) or 2)~~(9)(d)(1) or (2)~~ of this section, depending on the location, dimensions, and size of the area.

~~ALL11. Screening of Certain Areas – All loading areas, service areas, and outdoor storage areas of more than 100 square feet; areas containing waste storage and disposal facilities or containers; and similar areas must be:~~

~~a. Located on the subject property so that they are not visible from any street, *through-block pathway*, or public park. If the City determines that this is not physically possible, then these areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the Design Review decision.~~

~~b. Screened from on-site ground floor uses using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the Design Review decision.~~

~~92.15 Entry Features in the JBD, RHBD, NRHBD and TLN~~

~~JBD In the JBD, RHBD, NRHBD and TLN, if the subject property includes an area designated for an~~

~~RHBD entry feature in the Comprehensive Plan or design guidelines, the applicant shall provide the City~~

~~NRHBD with a publicly maintained easement or dedication of property for this purpose. The size of the entry~~

~~TLN feature area will be at least 100 square feet. The applicant shall propose and install landscaping for the area that will be reviewed by the City and decided upon as part of the Design Review for the proposed development.~~

~~92.20 Public Improvements and Site Features~~

~~ALL1. Vehicular Circulation~~

~~TLN: TL 5 a. Development must provide a grid of internal access roads (see Figure 92.10.G):~~

~~1) A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.~~

~~2) An east/west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.~~

~~3) Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.~~

~~4) Suggested cross-sections for each of these roads would include:~~

~~a) Two travel lanes (one lane each way);~~

~~b) On-street parallel parking;~~

~~c) Wide sidewalks (eight to 12 feet) on each side of the street with street trees placed toward the curb, 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.~~

~~TL6B b. Development must provide a grid of internal access roads (see Figure 92.10.H) per the following:~~

~~1) A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.~~

~~2) Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.~~

~~3) Suggested cross-sections for each of these roads:~~

~~a) Two travel lanes (one lane each way);~~

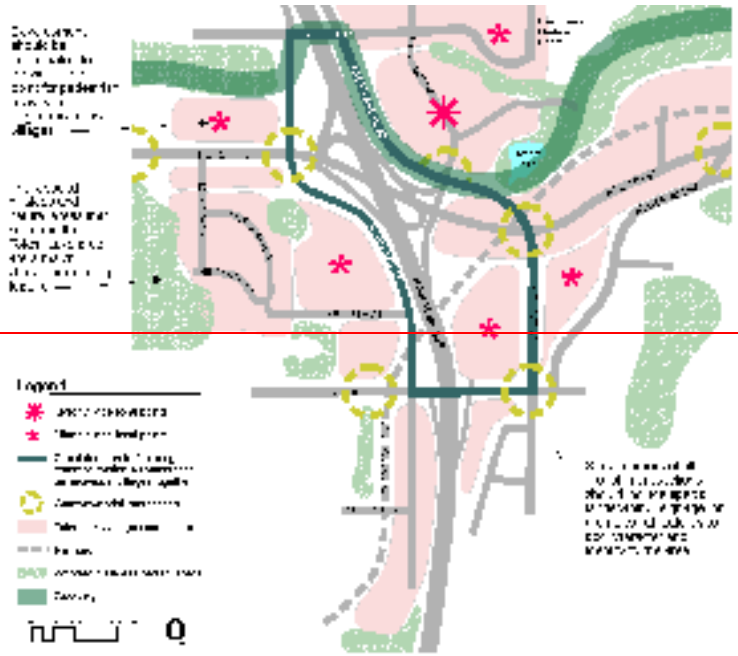
~~b) On-street parallel parking;~~

~~c) Wide sidewalks on each side of the street with street trees placed toward the curb, 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.~~

~~The above access roads may be private or public.~~

~~TLN c. Streets designated as *major pedestrian sidewalks* on Figure 92.10.D in the Totem Lake Neighborhood that are also shown to be within the landscaped boulevard alignment or "Circulator" may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.~~

~~The Designated "Circulator" in the Totem Lake Neighborhood~~



~~FIGURE 92.20.A~~

~~ALL2. Public Improvement and Site Feature Standards and Masterplan for Public Property~~

~~a. The Public Works Director, in consultation with the Planning Director, shall administratively adopt and publish public improvement and site feature standards for the placement, installation, construction and maintenance of the following features to be constructed on and adjacent to major pedestrian pathways, streets, alleys and public parks:~~

~~1) Street trees and street tree grates.~~

~~2) Landscape plant materials.~~

~~3) Paving materials.~~

~~4) Lighting fixtures for streets, pedestrian areas and special areas.~~

~~5) Public signs.~~

~~6) Benches and seating areas.~~

~~7) Trash receptacles.~~

~~8) Drinking fountains.~~

~~9) Sidewalk widths and details.~~

~~10) Bicycle racks.~~

~~11) Bollards.~~

~~12) Crosswalks.~~

~~Until the public improvement and site feature standards are adopted and published for each area of the City subject to Design Review, the City shall, as part of the Design Review decision, specifically review and approve the placement, installation, construction and maintenance of these features.~~

~~b. The City shall adopt a masterplan for public spaces for each commercial district. The masterplan shall discuss the placement of the features noted in subsection (1)(a) of this section, present a long-range and coordinated plan for public property, and further implement the Downtown Plan chapter, the JBD plan, and NE 85th Street Subarea Plan provisions of the Comprehensive Plan.~~

~~c. Once adopted and published, the City may allow departure from the public improvement and site feature standards or the masterplan as part of the Design Review approval where compliance with those standards or masterplan is not feasible or where major development warrants special design emphasis.~~

~~ALL3. On-Site Improvements~~

~~a. Mixed use centers, residential projects and office buildings shall provide bicycle racks which are conveniently located for bicyclist use and provide secure storage for bicycles.~~

~~b. Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.~~

~~92.25 Parking Area Location and Design~~

~~1. Location of Parking Lots~~

~~CBD, TC a. In the CBD and in Totem Center:~~

~~1) On *pedestrian-oriented streets*, parking lots shall not be located between the *pedestrian-oriented street* and a building unless specified in the public improvement and site feature masterplan or in a Conceptual Master Plan in TL 2.~~

~~2) 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.~~

~~JBD, NRHBD b. In JBD 2 and the NRHBD, parking lots shall not be located between the street and the building unless no other feasible alternative exists on the subject property.~~

~~TLN c. For properties in the following areas, parking lots and other vehicular access areas may not occupy more than 50 percent of the applicable street frontage (see Figure 92.25.A). Conversely, this means that buildings and/or open space must occupy at least 50 percent of the street frontage. Landscaping buffers between the sidewalk and the parking lot will not qualify as "open space."~~

~~1) TL 4, only properties fronting on 120th Avenue NE;~~

~~2) TL 5;~~

~~3) TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;~~

~~4) TL 6B, only properties fronting on NE 124th Street;~~

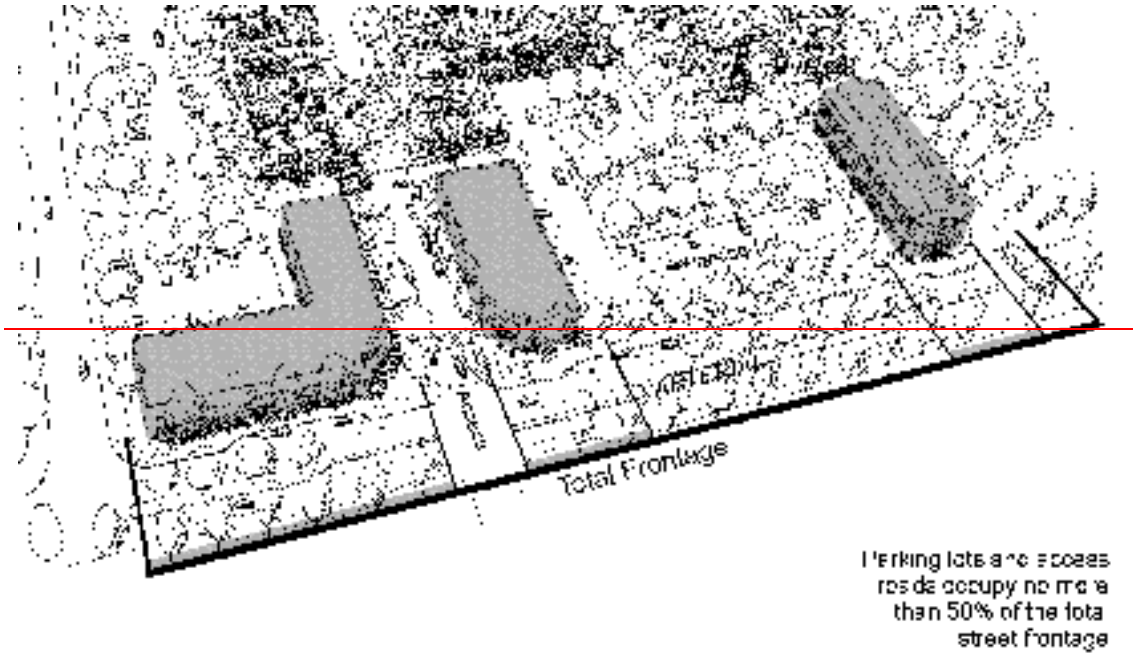
~~5) TL 10E.~~

~~Alternative configurations may be considered through the Design Review process, provided the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.~~

~~RHBD d. For parcels over two acres in size within the RHBD Regional Center, parking lots and other~~

~~Regional vehicular access areas may not occupy more than 50 percent of the NE 85th Street property~~

~~Center frontage (see Figure 92.25.A). Alternative configurations will be considered through the Design Review process, provided the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.~~



~~FIGURE 92.25.A~~

~~ALL2. Parking Lot Entrances and Driveways – As part of Design Review, the City may impose additional restrictions on the width, number and location of driveways to and from the subject property to improve vehicle circulation or public safety or to enhance pedestrian movement or desirable visual characteristics. Parking lot entrances and driveways must be shared between properties whenever possible, especially along NE 85th Street.~~

~~ALL3. Parking Lots – Pedestrian and Vehicular Access~~

~~a. Any property adjacent to a right-of-way or park must contain a pedestrian walkway from the right-of-way or park to the main entrance of the building, or to a central location if the building has multiple entrances, even if this pathway must cross a parking lot (see Figure 92.25.B).~~

~~b. As determined through Design Review, the walkway shall be:~~

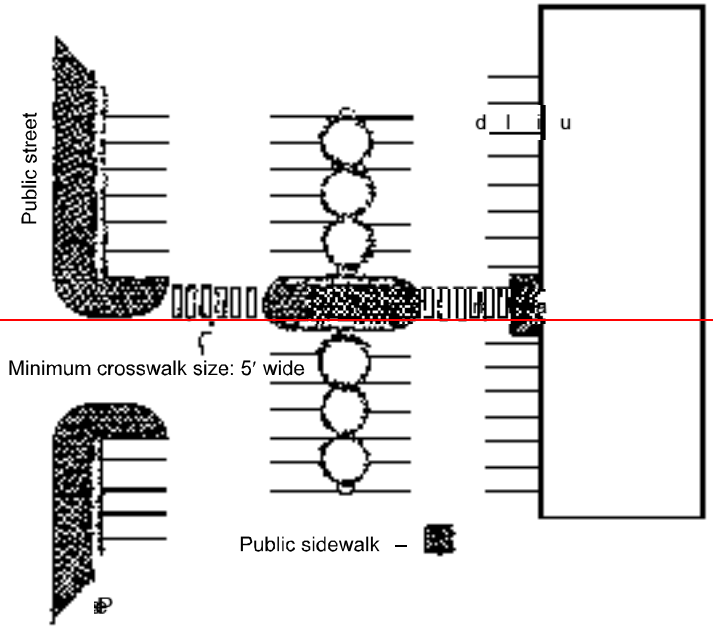
~~1) Centrally located within the parking lot.~~

~~2) Delineated by painted markings, distinctive pavement, or by being raised six inches above the parking lot pavement.~~

~~3) At least five feet wide.~~

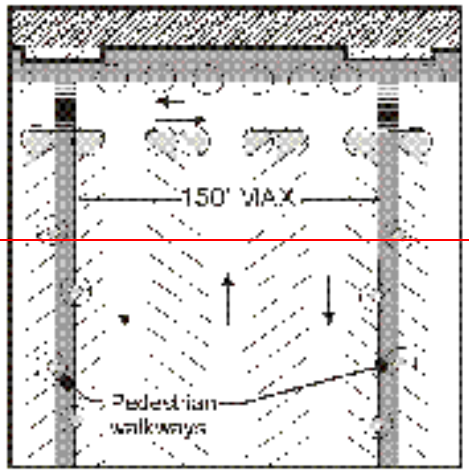
~~4) Handicapped accessible.~~

~~Pedestrian Walkway~~



~~FIGURE 92.25.B~~

~~c. All parking lots which contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location. At minimum, pathways must be provided for every three parking aisles or at a distance of not more than 150-foot intervals, whichever is less.~~



~~FIGURE 92.25.C~~

~~Pathways must be provided through parking lots.~~

~~d. In addition to the walkways required under subsections (4)(a) and (4)(b) of this section, the applicant must provide at least 175 square feet of *pedestrian-oriented space* at the main building entrance, central location, or adjacent to a parking area. This area must be raised at least six inches above the parking lot surface and must be paved with concrete or unit pavers.~~

~~e. Convenient pedestrian access must be provided on the subject property to adjacent properties. Barriers which will limit future pedestrian and vehicular access are not permitted.~~

~~ALL4. Internal Parking Lot Landscaping – The following provisions apply to each parking lot or portion thereof containing more than 14 parking stalls within 100 feet of a street, *through-block pathway* or public park. The provisions do not apply to parking lots that are not visible from a street, *through-block pathway* or public park.~~

~~a. The parking lot must contain 25 square feet of landscape area per parking stall planted as follows (see Figure 92.25.D):~~

~~1) At least one tree for every six parking stalls.~~

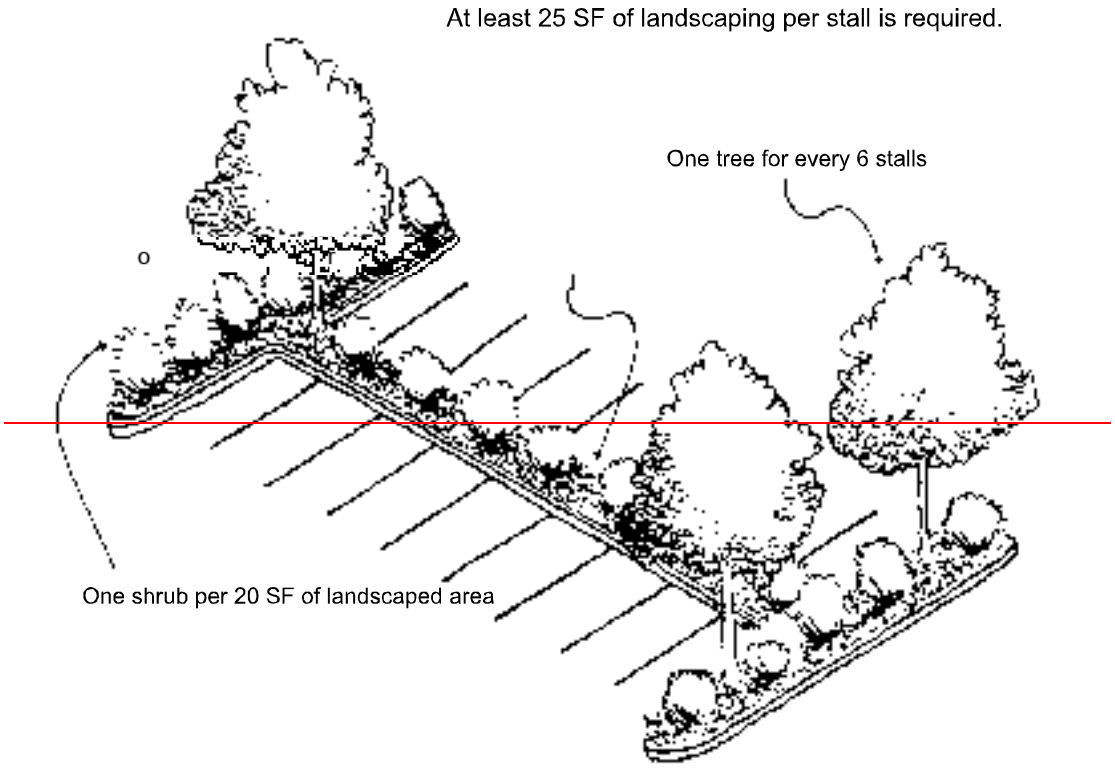
~~2) At least one shrub for every 20 square feet of landscaped area. Up to 50 percent of the shrubs may be deciduous.~~

~~3) Groundcover shall be selected and planted to achieve 90 percent coverage within two years.~~

~~4) The location of the landscaping will be reviewed through Design Review.~~

~~b. As part of the Design Review, the City may require or permit a modification to the provisions of subsection (5)(a) of this section to use existing vegetation for internal parking lot landscaping.~~

~~Internal Parking Lot Landscaping~~



~~FIGURE 92.25.D~~

~~ALL5. Perimeter Parking Lot Landscaping – Each side of a parking lot that abuts a street, *through-block pathway* or public park must be screened from that street, *through-block pathway* or public park using one or a combination of the following methods:~~

~~a. By installation of a compact evergreen hedge or wall consistent with the following standards as applicable (see Figures 92.25.F.1 and F.2):~~

~~1) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.~~

~~2) The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC 92.35(1)(g)(1), in building material, color and detail, or of wood if the design and materials match the building on the subject property.~~

~~RHBD3) The hedge or wall per subsections (6)(a)(1) and (2) of this section is not an option for uses that display vehicles for sale, or uses in the Regional Center fronting on NE 85th Street.~~

~~TLN4) The hedge or wall per subsections (6)(a)(1) and (2) of this section is not an option for uses that include vehicular sales, inventory, service, or repair in the TLN.~~

~~JBD5) In the JBD, if the street is a *pedestrian-oriented street*, the wall may also include a continuous trellis or grillwork, at least five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines consistent with KZC 92.05(4), Landscaping. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.~~

~~JBD6) In the JBD, if the wall abuts a *pedestrian-oriented street*, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.~~

~~b. By providing a landscaped strip, consistent with KZC 92.05(4), Landscaping, at least five feet wide planted as specified below. In the RHBD Regional Center, a 10-foot perimeter landscape strip along NE 85th Street is required and planted as follows (see Figure 92.25.E):~~

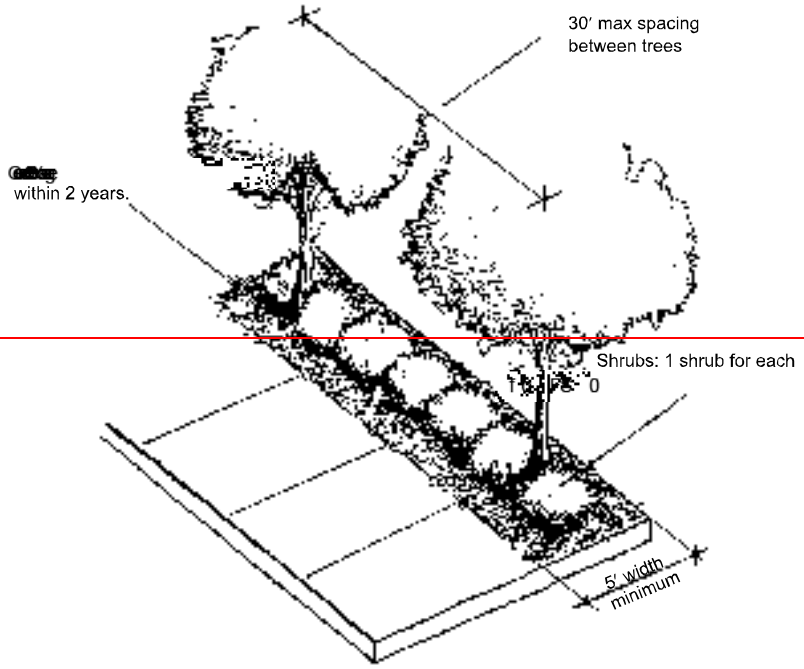
~~1) Trees planted 30 feet or closer on center.~~

~~2) At least one shrub for every 20 square feet of landscaped strip.~~

~~3) Groundcover selected and planted to achieve 90 percent coverage of the remaining landscaped strip within two years.~~

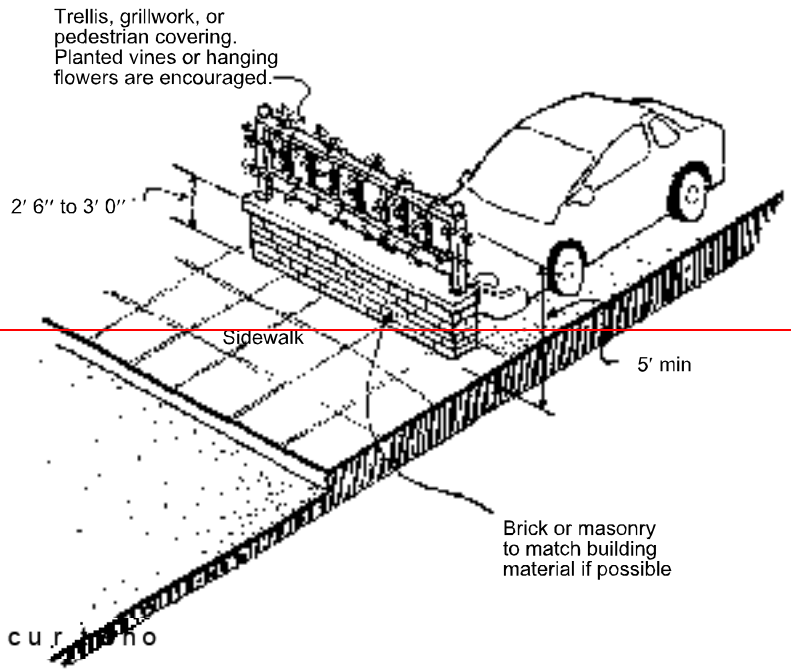
~~c. As part of Design Review, the City may require or permit a modification to the provisions of subsection (6)(b) of this section to use existing vegetation for perimeter parking lot landscaping.~~

~~Perimeter Parking Lot Landscaping~~



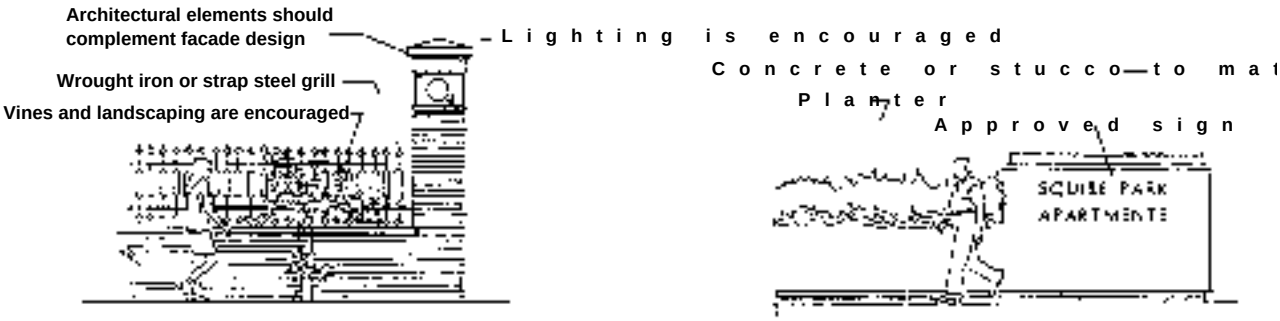
~~FIGURE 92.25.E~~

~~Perimeter Parking – Examples of Various Screen Wall Designs~~

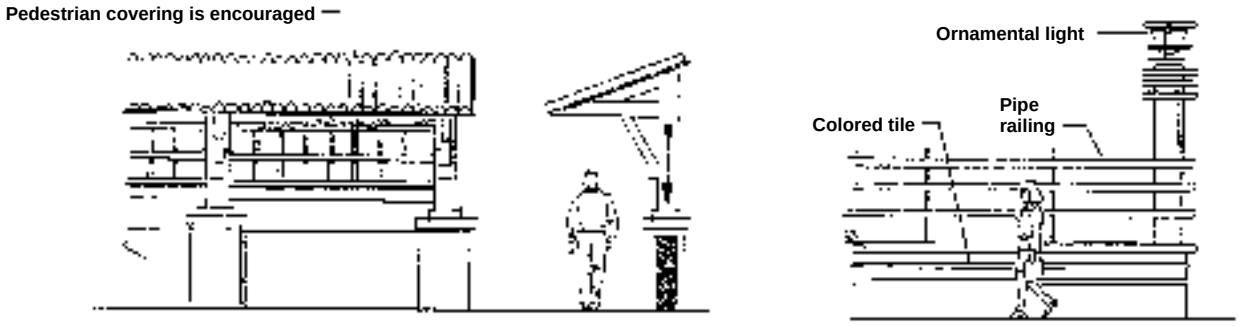


~~FIGURE 92.25.F.1~~

~~Perimeter Parking – Examples of Various Screen Wall Designs~~



Traditional **Contemporary**



Mission Style with Canopy **Deco-Moderne Style**

~~FIGURE 92.25.F.2~~

~~ALL6. Perimeter Parking Lot Landscaping – Adjacent Properties~~

~~a. Each side of the perimeter of a parking lot containing more than 14 parking stalls, that is within 10 feet of any adjacent property and that is not regulated under the provisions of this subsection (7), shall be screened using a combination of the following methods:~~

~~1) By installing a solid, continuous fence or wall at least five feet in height constructed of wood and/or masonry.~~

~~2) By installing a compact evergreen hedge designed to reach at least five feet in height.~~

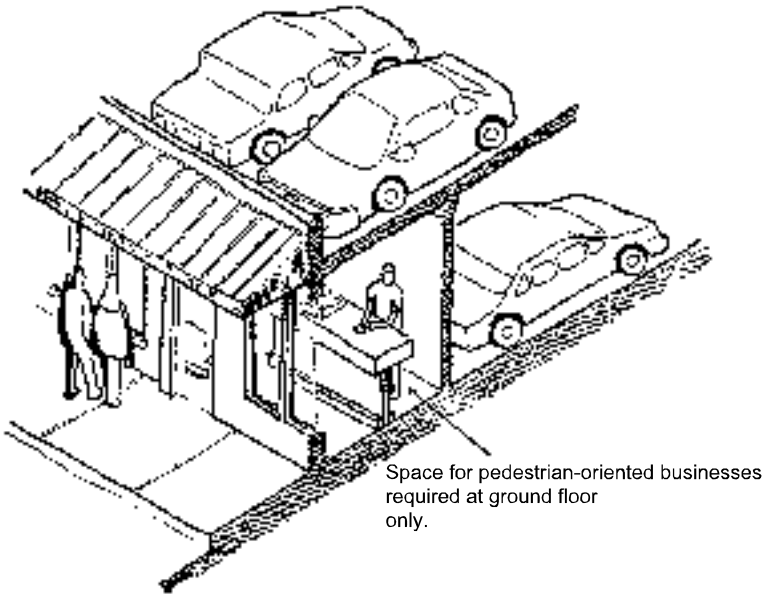
~~3) As part of Design Review, the City may require or permit a modification to the provisions of this subsection for any side of the parking lot which abuts or is connected to a parking lot on an adjacent property if the parking lots have internal vehicular or pedestrian connections.~~

~~ALL7~~4. Parking Garages

a. All zones - Each facade of a garage or a building containing ground floor parking must either:

1) Provide and maintain a ground floor area of the garage or building extending along the entire facade of the garage or building (excluding vehicle access points) which is developed as and made available for pedestrian-oriented businesses (see Figure 92.15~~25~~.E~~G~~); or

Providing Space for Pedestrian-Oriented Business



Providing space for pedestrian-oriented business along parking garage frontage facing *pedestrian-oriented street*.

FIGURE 92.15.E~~25.G~~

2) Provide and maintain a *pedestrian-oriented space*, at least 10 feet in depth and extending along the entire facade of the garage or building (excluding vehicle access points); or

3) Treat the facade consistent with KZC 92.15.3.e. 1) 2) or 3)~~0(10)(a), (b), or (c)~~, Treatment of Building Facades; or

4) A combination of methods described above.

b. All zones - There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented streets*, *through-block pathways* and *major pedestrian sidewalks*.

c~~b~~. RHBD and TLN Zones - Structures containing parking on the ground floor:

1) Parking structures on designated *pedestrian-oriented streets* shall provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width. The entire facade facing a *pedestrian-oriented street* must feature a *pedestrian-oriented facade*.

~~**RHBD**~~ 2) Parking structures adjacent to non-*pedestrian-oriented streets* may be located adjacent to a sidewalk where they provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width and include a *pedestrian-oriented facade* along the applicable frontage.

~~**TLN, RHBD**~~ 3) Parking structures adjacent to non-*pedestrian-oriented streets* and not featuring a *pedestrian-oriented facade* shall be set back at least 10 feet from the sidewalk and feature substantial landscaping between the sidewalk and the structure. This includes a combination of evergreen and deciduous trees (one per 20 lineal feet), shrubs (one per 20 square feet), and ground cover (sufficient to cover 90 percent of the area within three years). Other treatments will be considered in the Design Review process.

~~**TLN, RHBD**~~ 4) Parking garage entries shall be designed and sited to complement, not subordinate, the pedestrian entry. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.

~~**TLN, RHBD**~~ 5) The design of structured parking at finished grade under a building shall minimize the apparent width of garage entries.

~~**TLN, RHBD**~~ 6) Parking within the building shall be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.

~~**TLN, RHBD**~~ 7) Parking garages shall be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.

~~**TLN, RHBD**~~ 8) Parking structure service and storage functions shall be located away from the street edge and generally not be visible from the street or sidewalks.

~~**ALL**~~ ~~8. Miscellaneous Parking Area Design Details~~

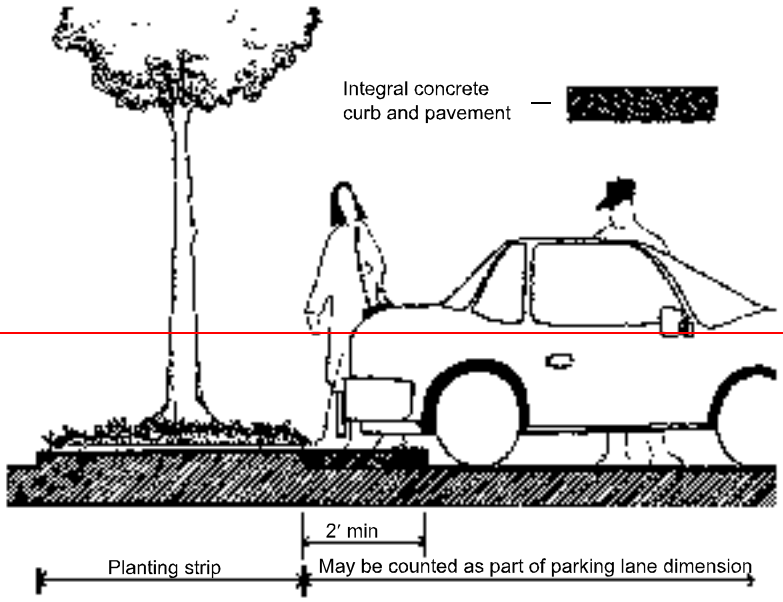
~~a. All parking areas must have adequate lighting. Lights in parking lots must be nonglare and must be mounted no more than 20 feet above the ground (unless otherwise stated in each district subject to Design Review).~~

~~b. All landscape and pedestrian areas shall be protected from encroachment by parked cars. At a minimum, the parking area must be designed and constructed so that car wheels are kept at least two feet from landscape and pedestrian areas. Freestanding wheel-stop bumpers must be replaced or repaired if cracked or broken (see Figure 92.25.H).~~

~~c. No freestanding or wall-mounted signs for individual parking spaces are permitted to extend more than three feet above the ground. Provisions in the UBC for handicapped stalls supersede this requirement.~~

~~d. Moveable parking area equipment, such as barrels and sawhorses, may not be visible from a street when not in use. Parking areas and accessory components, areas and facilities must be well-maintained and kept in a clean, neat and litter-free manner at all times.~~

~~**Extended Curb Used To Protect Landscape Strip**~~



Note: This method is preferable to freestanding wheel-stop bumpers because it will not catch debris and is more durable.

~~**FIGURE 92.25.H**~~

92.30 ARCHITECTURAL AND HUMAN SCALE

~~CBD~~ 1. Techniques To Moderate Bulk and Mass in the CBD

a. General – This section establishes required techniques to be used in the design and construction of building facades in specific areas of the CBD. The applicant shall comply with the techniques listed below in order to reduce the perceived bulk and mass of large structures by dividing the building mass into smaller-scale components. As an alternative, the City may approve other techniques, elements, or methods if consistent with the following criteria:

1) The alternative is generally consistent with the downtown plan provisions of the Comprehensive Plan and the design guidelines.

2) The alternative clearly provides superior moderation of the architectural bulk and mass than would result from strict application of the required techniques.

b. Vertical Definition – The applicant shall comply with the following requirements to moderate the horizontal scale of buildings:

1) All CBD Zones – The maximum length of any facade facing a street is 70 feet without vertical definition. Vertical definition may be in the form of changes in color and materials, modulations of sufficient width and depth to define the vertical element, or some combination of these techniques. This vertical element should carry through all floors of the building.

2) CBD 4, CBD 6, CBD 8 – Along First Street, Second Street South, First Avenue South, and Fifth Street, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements (see Figure 92.30.A):

a) Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.

b) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.

c) Decks and roof overhangs may encroach up to three feet (per side) into the modulation.

Vertical Definition: CBD 4, 6, and 8

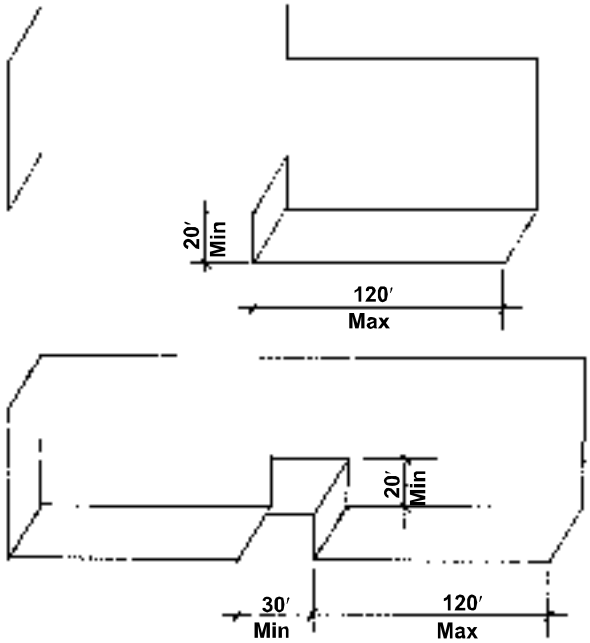


FIGURE 92.30.A

3) CBD 6, CBD 8: Along the axes of all buildings which are predominantly east-west and/or most closely parallel to Central Way, Third Avenue, Fourth Avenue, or Sixth Avenue, the maximum length of a building is 120 feet. The following exceptions apply (see Figure 92.30.B):

   a) Portions of buildings which are below the elevation of Third Avenue, Fourth Avenue, or Sixth Avenue, as measured at the midpoint of the frontage of the subject property on the applicable right-of-way, may exceed the 120-foot limitation.

   b) Portions of the building above Third Avenue, Fourth Avenue, or Sixth Avenue shall be divided into two or more distinct building masses with a maximum length of 120 feet separated by at least 20 feet in width.

   c) Decks, bay windows, roof overhangs, and chimneys may encroach up to three feet (per side) into the separation.

Vertical Definition: CBD 6 and 8

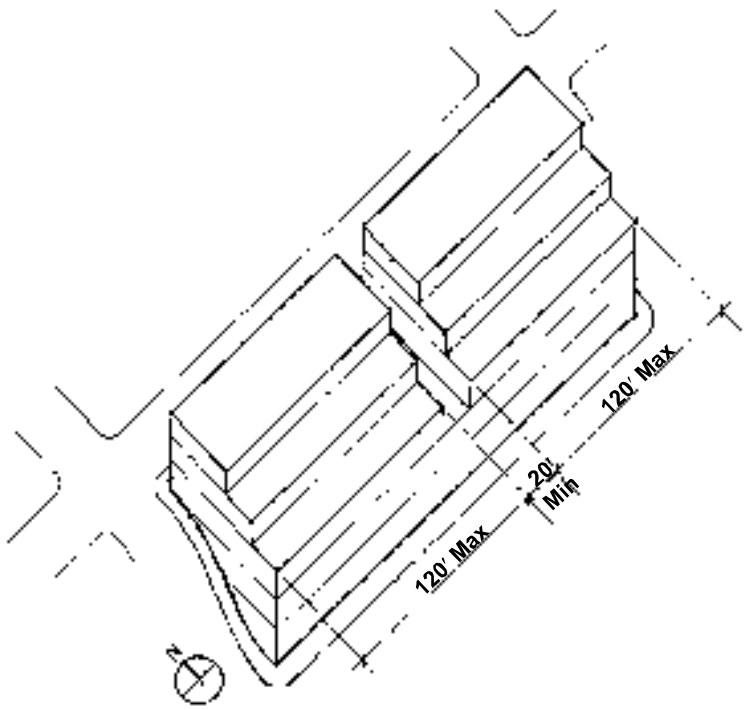


FIGURE 92.30.B

2. ~~c.~~ Horizontal Definition in All Zones ~~the CBD~~ – The applicant shall comply with the following requirements to moderate the vertical scale of buildings. All buildings ~~in the CBD~~ shall include design techniques which clearly define the building's top, middle, and bottom (see Figure 92.30.C). The following techniques are suggested methods of achieving vertical articulation:

   1) Top: Sloped roofs, strong eave lines, cornice treatments, horizontal trellises, or sunshades, etc.

   2) Middle: Windows, balconies, material changes, railings, and similar treatments that unify the building design.

   3) Bottom: Pedestrian-oriented storefronts, pedestrian-scale building details, awnings, arcades, "earth" materials such as concrete stone, stucco, etc.

   Where appropriate, the applicant should coordinate the horizontal elements (i.e.~~,~~ cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings.

Horizontal Definition: Articulation of Buildings' Top, Middle and Bottom

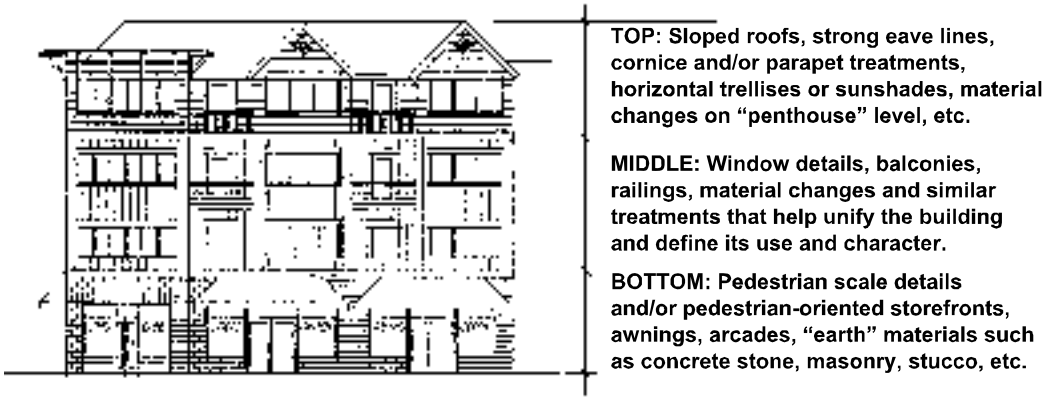


FIGURE 92.30.C

~~RHBD, TLN~~ 3~~2~~. Techniques To Moderate Bulk and Mass in the RHBD and TLN Zones -

a. Along all streets, *through-block pathways*, and public open spaces, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements (see Figure 92.30.A):

1) Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.

2) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.

3) Decks and roof overhangs may encroach up to three feet (per side) into the modulation.

~~ALL~~ 4~~4~~. Techniques To Achieve Architectural Scale in All Zones – The applicant shall use at least two of the following elements and features in the design and construction of all buildings that are three or more stories or have a building footprint of more than 10,000 square feet. As an alternative, the applicant may propose slight variations from the required dimensions noted in the following techniques, or other methods to comply with the requirements of this subsection. The City may approve the proposal if it is consistent with the design guidelines and the Comprehensive Plan.

a. All stories above the second story must be set back at least 10 feet from the ground floor facade along at least two facades of the building.

b. Horizontal Building Modulation - On all building facades visible from a street or public park, provide horizontal modulation consistent with all of the following standards:

1) The maximum allowable horizontal dimension of the facade between modulations is 70 feet;

2) The minimum depth of each modulation, except balconies, is 10 feet; and

3) The minimum width of each modulation, except balconies, is 15 feet.

c. On all building facades visible from a street or public park, provide balconies which are consistent with the following standards:

1) Balconies must be placed on at least every other floor above the ground floor;

2) The maximum distance between balconies, measured horizontally, is 100 feet; and

3) The minimum amount of floor area for each balcony is 100 square feet.

d. Change in Roofline - Provide vertical modulation of the roof line of all facades of the building adjoining a street or public park. For buildings with flat, gabled, hipped or similar roofs, the maximum length of any continuous roof line, with a slope of less than three feet vertical to 12 feet horizontal, is 50 feet without being modulated. If modulation is necessary, at least one of the following methods must be used (see Figure 92.30.D~~G~~):

1) The height of the visible roof line must change at least eight feet if the adjacent roof segments are less than 50 feet in length.

2) The height of the visible roof line must change at least 12 feet if the adjacent roof segments are greater than 50 feet in length.

Flat Roof Modulation Options

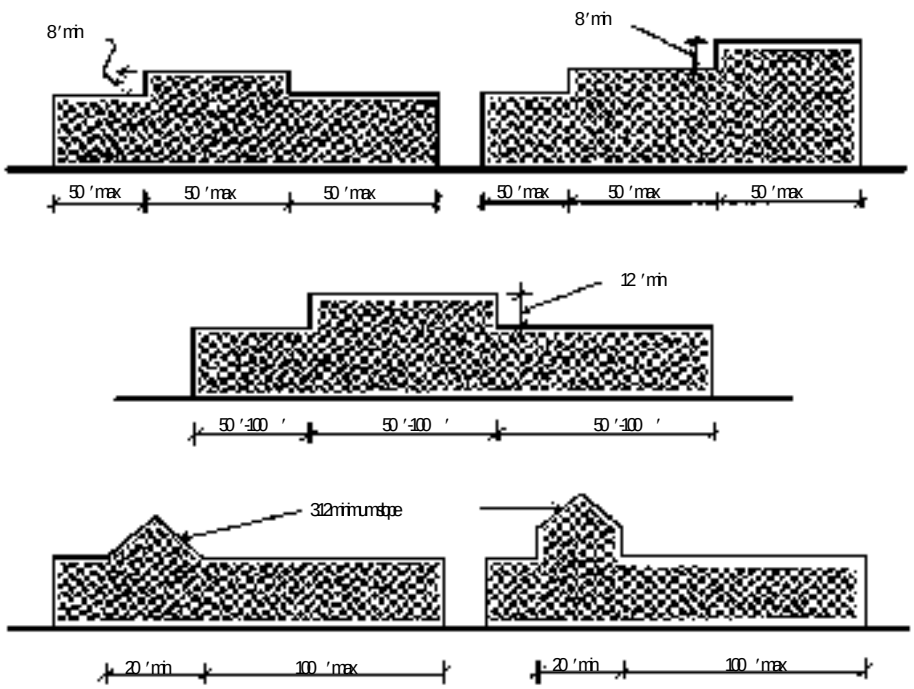


FIGURE 92.30.D~~G~~

3) The length of a sloped or gabled roof line segment must be at least 20 feet. The minimum slope of the roof segment is three feet vertical to 12 feet horizontal.

e. Buildings with other roof forms, such as arched, gabled, vaulted, dormered or sawtooth, must have a significant change in slope or significant change in roof line at least every 100 feet.

~~RHBD,~~5. Techniques To Achieve Architectural Scale in the RHBD and the TLN Zones

~~TLN~~ a. The following standards supplement the required techniques described in section 4 above. Where there are similar techniques, the standards in this section shall apply. All buildings in the RHBD and TLN zones shall include at least three of the following modulation techniques at the articulation intervals described in subsection (5)(b) of this section along all facades containing the primary building entries (alley facades are exempt):

1) Repeating distinctive window patterns at intervals less than the articulation interval;

2) Horizontal Building Modulation – Minimum depth of modulation is two feet and minimum width for each modulation is four feet if tied to a change in color or building material and roof line modulation as defined below. Otherwise, minimum depth of modulation is 10 feet (except balconies) and minimum width for each modulation is 15 feet;

3) Providing a separate covered entry or separate weather protection feature for each articulation interval;

4) Change of Roofline – To qualify for this measure, the maximum length of any continuous roofline shall not be less than the articulation interval and comply with the treatments below (see Figure 92.30.E~~H~~):

a) For segments less than 50 feet in horizontal width, the height of visible roofline must change at least four feet if tied to horizontal building modulation and at least eight feet in other cases.

b) For segments more than 50 feet in horizontal width, the height of visible roofline must change at least six feet if tied to horizontal building modulation and at least 12 feet in other cases.

c) The length of sloped or gabled roof line segments must be at least 20 feet. The minimum slope of the roof segment is three feet vertical to 12 feet horizontal;

5) Change in building material or siding style coordinated with horizontal building modulation and/or change in building color where appropriate;

6) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval;

7) Alternative methods that achieve the desired architectural scale as approved by the City.

b. Articulation Intervals – Modulation and/or articulation shall be provided at the following intervals:

1) No more than 30 feet for buildings containing residential uses on all floors above the ground floor;

2) No more than 70 feet for nonresidential buildings (within RHBD, this applies to the Regional Center);

~~RHBD~~ 3) RHBD- No more than 50 feet for nonresidential buildings in the Neighborhood Center;

~~RHBD~~ 4) RHBD- No more than 30 feet for nonresidential buildings in the East End.

Building Articulation and Modulation Techniques

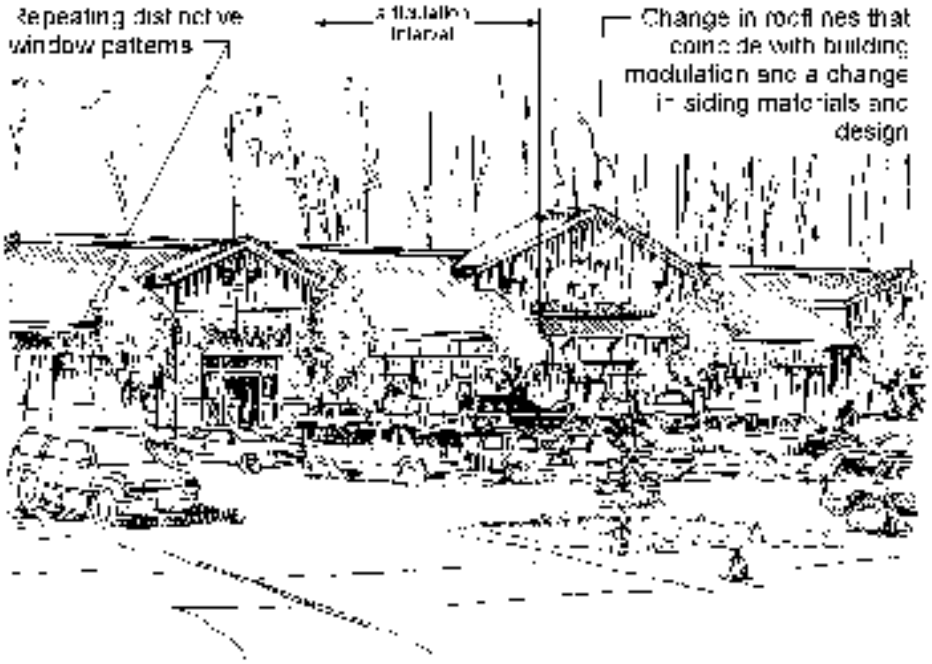


FIGURE 92.30.E

~~H~~

~~RHBD, TLN~~ c. Techniques To Achieve Architectural Scale for Office Buildings in the RHBD and in the TLN~~,~~ Outside of Totem Center~~-~~

1) Office Building Design Standards for the TLN and the RHBD's Regional Center – These standards are intended to supplement other building design standards that apply to the Totem Lake Neighborhood and to the Regional Center. Where there is a conflict between standards, these standards shall apply as they are specific to office buildings.

   a) Buildings must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Specifically, any building facade longer than 120 feet in width must employ design techniques to limit the length of individual facades. To meet this requirement, buildings must utilize a combination of horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or a change in fenestration technique (see Figure 92.30.F~~I~~).

This building uses an angled window wall over the primary building entry to break up the width of the facade:

FIGURE 92.30.FI

b) Buildings must employ design techniques to divide windows into units that give the building an identifiable scale (see Figure 92.30.GJ). Specifically:

1) Windows must be broken into units of 35 square feet or less with each window unit separated by a visible mullion or other element.

2) Multi-paned windows separated by mullions shall not exceed 20 feet in width and shall not exceed the height of individual floors.

3) Horizontal groupings of windows shall not exceed 30 feet in width. At least one vertical architectural feature at least six inches wide shall be used within the grouping to break up individual multi-paned windows. Architectural features at least two feet in width shall separate such horizontal groupings of windows.

4) Siding material at least two feet in height shall separate windows on each floor.

5) Building facades shall employ techniques to recess or project windows at least two inches from the facade (see Figure 92.30.HK).

Standards to divide windows into units that will give buildings an identifiable sense of scale.

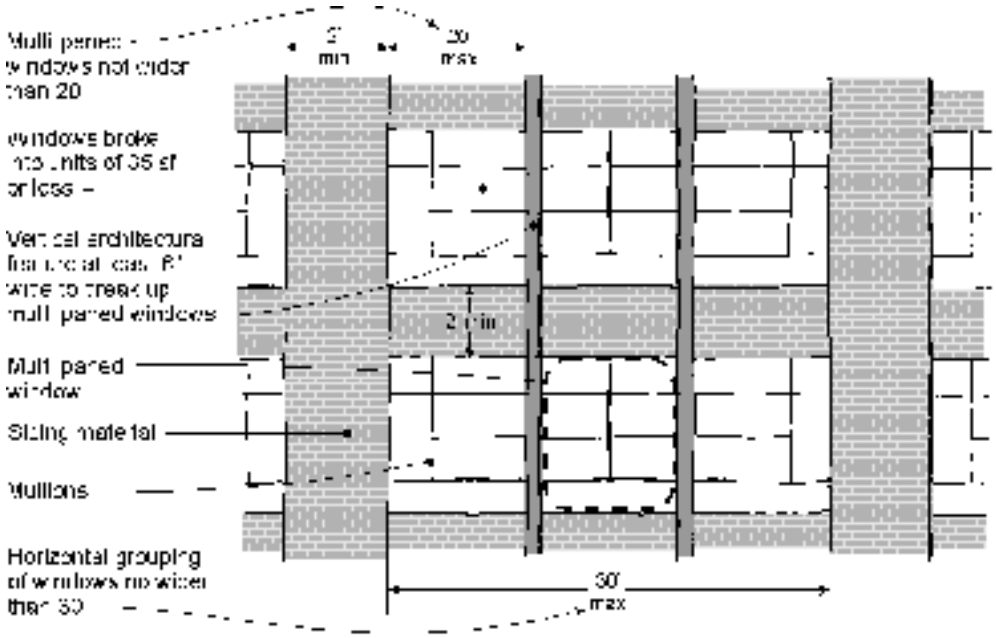


FIGURE 92.30.GJ

Some or all of these standards may be relaxed through the Design Review process where other methods can be effectively used to divide windows into units and give the building an identifiable scale.

c) Continuous window walls are prohibited, except where used as an accent facade element to break up long continuous building walls and/or emphasize a building entry. Such window walls should be modulated horizontally, by at least two feet, and should not exceed 20 feet in width.

d) d) Mirrored glass and other highly reflective materials are prohibited (see Figure 92.30.LI)

Recessed windows, mullions and tri

FIGURE 92.30.K

Continuous window walls are prohibited un used as an accent, such as in this building:

FIGURE 92.3

~~.~~ 6~~3~~. Achieving Human Scale in All Zones~~-~~

a. General

1) CBD ~~-:~~ Except as provided in subsection ~~(~~6.~~3)(~~a.~~)(~~3.~~)~~ of this section, the applicant shall use at least two of the elements or techniques listed in subsection ~~(~~6.~~3)(~~b.~~)~~ of this section in the design and construction of each facade of a building facing a street or public park.

2) JBD, NRHBD, T~~otem~~ C~~enter~~, RHBD and TLN ~~-:~~ Except as provided in subsection ~~(~~6.~~3)(~~a.~~)(~~3.~~)~~ of this section, the applicant shall use at least one of the elements or techniques listed in subsection 6~~(3)(~~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).

3) ALL Zones - The applicant shall use at least three of the elements or techniques listed in subsection 6~~(3)(~~b.~~)~~ of this section in the design and construction of any facade of a building facing a street, *through-block pathway* or public park, if:

a) The facade has a height of three or more stories; or

b) The facade is more than 100 feet long.

b. Techniques To Achieve Human Scale in All Zones – The techniques to be used in the design and construction of building facades under subsection ~~(~~6.~~3)(~~a.~~)~~ of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.

1) On each story above the ground floor, provide balconies or decks, at least six feet wide and six feet deep.

2) On each story above the ground floor, provide bay windows that extend out at least one foot, measured horizontally, from each facade of the building.

3) Provide at least 150 square feet of *pedestrian-oriented space* in front of each facade. See KZC 92.15.2.c.2)~~0(8)(c)(2)~~.

4) Provide at least one-half of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.I~~D~~):

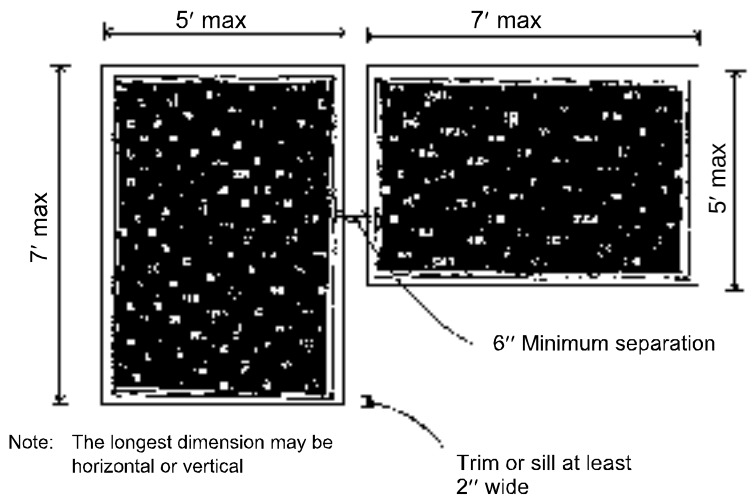
   a) The windows must have glazed areas with dimensions less than five feet by seven feet.

   b) The windows must be surrounded by trim, molding and/or sill at least two inches wide.

   c) Individual window units must be separated from adjacent window units by at least six inches of siding or other exterior finish material of the building.

5) Provide at least one-half of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two feet by three feet and with individual panes separated by window mullions (see Figure 92.30.J~~E~~).

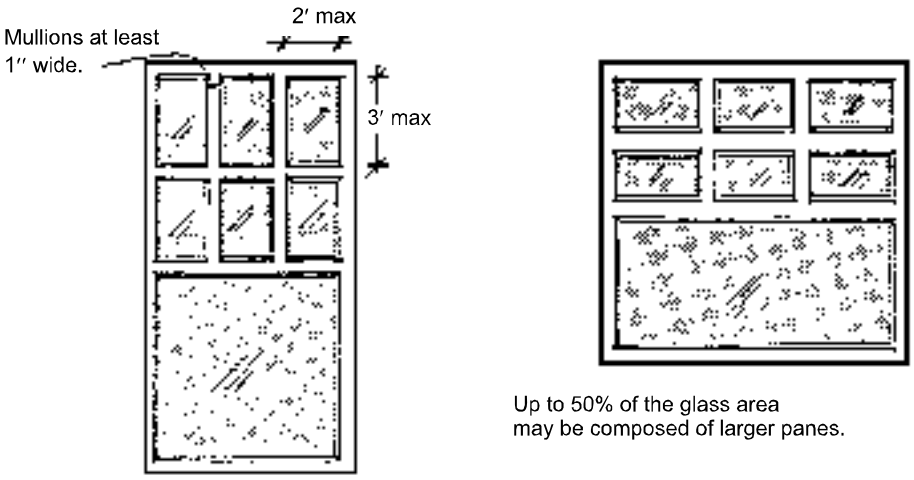
Individual Windows Option



Dimensions for individual windows option to meet human scale requirement.

FIGURE 92.30.I~~D~~

Multiple-Paned Fenestration Option



Multiple-paned fenestration option to meet the human scale requirement.

FIGURE 92.30.J~~E~~

6) Provide a hipped or gable roof which covers at least one-half of the building footprint and has a slope equal to or greater than three feet vertical to 12 feet horizontal. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.

7) If the main entrance of the building is on the facade of the building facing a street, *through-block pathway*, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under KZC ~~92.10(4)~~ Section 105.18 may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.

8) Provide one or more stories above the ground floor setback at least six feet from the ground floor facade facing the street, *through-block pathway*, or a public park.

9) Compose smaller building elements near the entry of a large building (see Figure 92.30.K~~F~~).

c. Techniques To Achieve Human Scale In RHBD and TLN~~.~~- In addition to the requirements of Section 92.30.6.b Techniques To Achieve Human Scale, n~~N~~onresidential uses (office, retail, industrial etc) in the RHBD and TLN with over 40,000 square feet of floor area shall incorporate the following human scale features on the facade featuring the primary building entry:

1) Provide *pedestrian-oriented space* near the building entry. The minimum size of the area shall be no less than one percent of the floor area of the use (see Figure 92.15.A~~0.N~~). This must include a covered area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors; and

2) Compose smaller building elements near the entry (see Figure 92.30.K~~F~~).

3) As an alternative, the applicant may propose other mechanisms for providing human scale to such buildings, consistent with the design guidelines.

Composing Smaller Building Elements Near the Entry

****** Revise graphic to remove retail so that it may apply to all non-residential use:s.***

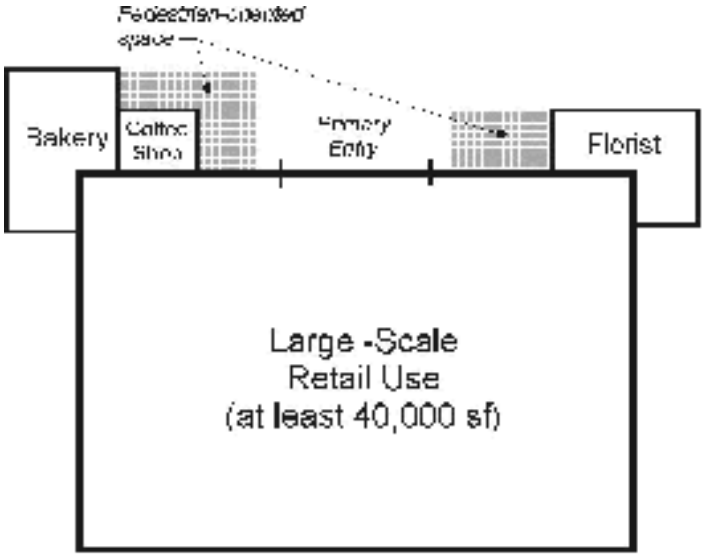


FIGURE 92.30.KF

92.35 BUILDING MATERIAL, COLOR AND DETAIL

~~ALL~~ 1. Required Elements In All Zones~~–~~– The applicant shall incorporate at least three of the following elements on each facade of a building that faces a street, *through-block pathway*, *pedestrian-oriented space* or a public park. As an alternative, the applicant may propose other mechanisms for providing interesting visual detail to buildings, consistent with the design guidelines.

a. Decorative roof lines, including ornamental molding, frieze or other roof line devices visible from the ground. Linear features must be at least eight inches wide, measured vertically.

b. Decorative molding or framing details around all ground floor doors and windows. The molding or trim may have a traditional, contemporary, geometric or sculptural design.

c. Decorative glazing on all ground floor doors and windows, including stained glass, crystal cut glass, etched glass or similar individualized and permanent treatment, but excluding single-colored glass, opaque glass or plastic. On all ground floor windows, this decorative glazing must have a surface area of at least 30 square feet.

d. Railings, grill work, landscape guards or other similar elements including materials, design, configuration, embellishment or workmanship that exceeds the normal functional requirements for the element.

e. Trellises or arbors having an area of at least 100 square feet and planted, consistent with the requirements of KZC ~~92.05(4),~~95.40.5 to achieve at least 30 percent coverage of the trellis or arbor with plant material within three years.

f. Decorative light fixture or fixtures, either one if one-of-a-kind or custom-built or one every 30 feet along the facade of the building if not one-of-a-kind or custom-built, that meet either of the following criteria:

1) Includes a diffuse, visible light source, such as a globe.

2) Contains a shade or mounting that includes some use of material, configuration, shape, embellishment or detail that exceeds the normal functional requirement for the shade or mounting.

g. Use of any of the following decorative materials:

1) Any of the following decorative masonry elements:

a) Decorative masonry patterns, other than running bond pattern.

b) Bricks, tile, stone, cast stone or other masonry units of at least two colors installed in layers or tiers to form a geometric pattern.

c) Decorative bands of masonry, such as a soldier course of brick or multicolored ceramic tile band, in conjunction with another exterior surface material.

2) Individualized wood patterns or continuous wood details, such as fancy butt shingles in a geometric pattern, decorative moldings, brackets, eave trim or lattice work.

3) Ceramic tile, stone, glass blocks, camera glass or other similar materials incorporated into other compatible surface materials and used to form or create, or in conjunction with, a

geometric pattern, distinctive shape, unusual surface treatment, special lighting or other decorative or textural element.

4) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of Design Review.

h. Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.

i. Artwork in the form of a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, murals, graphics or other forms, either freestanding in front of the facade or attached to the facade.

~~ALL~~ 2. Prohibited Materials- All Zones – The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:

a. Mirrored glass and other highly reflective materials.

b. Corrugated fiberglass.

c. Chain link fencing, except for temporary purposes, such as during construction.

~~ALL~~ 3. Metal Siding- All Zones – Corner and edge trim must be used to cover exposed edges of metal siding. If metal siding covers more than 25 percent of a building's facade, the following regulations apply:

a. The siding must have a matted finish.

b. The siding must be in a neutral, earth tone or dulled color such as buff, grey, beige, tan, creme, white, barn-red, blue-grey, burgundy or ocher.

c. The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.

~~ALL~~ 4. Concrete Block- All Zones – Any concrete block, masonry unit or cinder block wall which is visible from a street or public park must contain one or more of the following features or elements:

a. Use of textured blocks with surfaces such as split-faced or grooved.

b. Use of colored mortar complementary to the color of the blocks.

c. Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.

~~ALL~~ 5. Awnings- All Zones (see Chapter 105 for other pedestrian weather protection requirements) -

a. The design of awnings should complement the architecture of the building. Steel and glass, fabric, and other materials of a more permanent nature are encouraged. Vinyl or plastic awnings and awnings used predominantly for advertising are discouraged.

b. Translucent awnings shall not be backlit. Lights directed downward mounted from internal awning frames are permitted. Lights mounted above awnings and directed downward are permitted.

~~ALL~~ 6. Covering of Existing Facades- All Zones – Existing brick or cast stone masonry facades may not be covered with metal siding, metal screening, plastic siding, fiberglass siding, plywood siding, or wood siding materials. Other existing facades may be covered if consistent with the provisions of this subsection (6). As part of Design Review for remodels, the City may require the removal of coverings.

7. Building Cornerstone or Plaque- All Zones – All commercial buildings designed for use by more than one tenant must have a building cornerstone or plaque, placed in a prominent location, consistent with the following standards:

   a. Building cornerstones must be constructed in carved stone, cast stone, carved masonry, terra cotta or other vandal-resistant material.

   b. Building plaques must be mounted no lower than two feet and no higher than 10 feet above ground and must be made of bronze, brass, anodized aluminum, porcelain enamel-covered steel or aluminum or other corrosion-resistant material.

   c. Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.

   d. Building cornerstones and plaques may include the owner's name and other historical information.

~~.~~8. Required On-Site Improvements- All Zones

   ~~a. Mixed use centers, residential projects and office buildings shall provide bicycle racks which are conveniently located for bicyclist use and provide secure storage for bicycles.~~

   a~~b~~. Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING-

95.40 Required Landscaping

1. User Guide. Chapters 15 through 60 KZC containing the use zone charts assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know what landscaping category applies to the subject property, you should consult the appropriate use zone chart.

   Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

   Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

   a. Various use zone charts, in Chapters 15 through 60 KZC, establish additional or special buffering requirements for some uses in some zones.

   b. Chapter 85 KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.

   c. Chapter 90 KZC, Drainage Basins, addresses vegetation within sensitive areas and sensitive area buffers.

   ~~d. Chapter 92 KZC describes landscaping standards related to site design.~~

   d~~e~~. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, SR-520, and Burlington Northern rights-of-way.

   e~~f~~. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.

   f~~g~~. Chapter 22 KMC addresses trees in subdivisions.

No changes to subsections 2, 3, and 4

5. Supplemental Plantings.

a. General. The applicant shall provide the supplemental landscaping specified in subsection (5)(b) of this section in any area of the subject property that:

1) Is not covered with a building, vehicle circulation area or other improvement; and

2) Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and

3) Is not committed to and being used for some specific purpose.

b. Standards. The applicant shall provide the following at a minimum:

1) Living plant material which will cover 80 percent of the area to be landscaped within two years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.

2) One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in caliper and coniferous trees must be at least five feet in height.

3) If a development requires approval through Process I, IIA, IIB or III as described in Chapters 145, 150, 152 and 155 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:

a) The building facade is more than 25 feet high or more than 50 feet long; or

b) Additional landscaping is necessary to provide a visual break in the facade.

4) In RHBD varieties of rose shrubs or ground cover along with other plant materias shall be included in the on-site landscaping.

5) If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

No change to subsection 6.

7. Landscaping and Buffering Standards for Driving and Parking Areas.

a. Landscaping General.

~~1) General. Except as specified in subsection (7)(a)(2) of this section, the applicant shall arrange all surface parking spaces so that there are no more than eight contiguous parking spaces in each row of spaces. An island or peninsula of the same dimensions of the adjacent parking stalls must separate adjacent groups of spaces from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb and must be landscaped with at least one deciduous tree, two inches in caliper as measured using the standards of the American Association of Nurserymen or a coniferous tree five feet in height.~~

~~2) Exception. The requirements of subsection (7)(a)(1) of this section do not apply to any area that:~~

~~a) Is within the CBD Zone; or~~

~~b) Is fully enclosed within or under a building; or~~

~~c) Contains less than 14 parking spaces; or~~

~~d) Is within any zone that requires design regulation compliance.~~

1) The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than 8 parking stalls.

a) The parking lot must contain 25 square feet of landscaped area per parking stall planted pursuant to b. and c. below:

b) The applicant shall arrange the landscaping required in a) above throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every 8 stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb, be of similar dimensions as the adjacent parking stalls and planted pursuant to the standards in c. below:

c) Landscaping shall be installed pursuant to the following standards:

1) At least one deciduous tree, two inches in caliper or a coniferous tree five feet in height.

2) Groundcover shall be selected and planted to achieve 60 percent coverage within two years.

d) Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.

2~~3~~) Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one planter that is 30 inches deep and five feet square must be provided for every eight stalls on the top level of the structure. Each

planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and ~~be~~is clustered with other planters near driving ramps or stairways to maximize visual effect.

3) If development is subject to Design Review as described in Chapter 142, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

b. Buffering For Driving And Parking Areas.

1) Perimeter Buffering. General. Except as specified in subsection (7.)(b.)(2.2) of this section, the applicant shall buffer all parking areas and driveways from abutting the rights-of-way and from adjacent property, with a five-foot-wide strip along the perimeter of the parking areas and driveways planted as follows see Figure 95.40.A):

a) One row of trees, two inches in caliper and planted 30 feet on center along the entire length of the strip.

b) Living groundcover planted to attain coverage of at least 60 percent of the strip area within two years.

2) Exception. The requirements of subsection 7.b.1 of this section do not apply to any parking area that:

a) Is within the CBD zone; or

ab) Is fully enclosed within or under a building; or

bc) Is on top of a building and is at least one story above finished grade; or

cd) Serves detached dwelling units exclusively.; or

d) Is within any zone that requires design regulation compliance. See below for Design District requirements.

3) Design Districts- If subject to design review, each side of a parking lot that abuts a street, through block pathway or public park must be screened from that street, through block pathway or public park by using one or a combination the following methods: (see Figures 95.40.A, B, C):

a) By providing a landscape strip at least five feet wide planted consistent with subsection b. 1). above, or in combination with the following. In the RHBD Regional Center a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection b. 1).

b) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.

c) The wall may be constructed of masonry or concrete, if consistent with the provisions of Section 92.35.1.g, in building material, color and detail, or of wood if the design and materials match the building on the subject property.

d) In JBD zones:

1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.

2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.

e) If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

4~~3~~) Overlapping Requirements. If buffering is required under ~~subsection~~ 6.~~(6)~~ Land Use Buffering Standards of this section and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

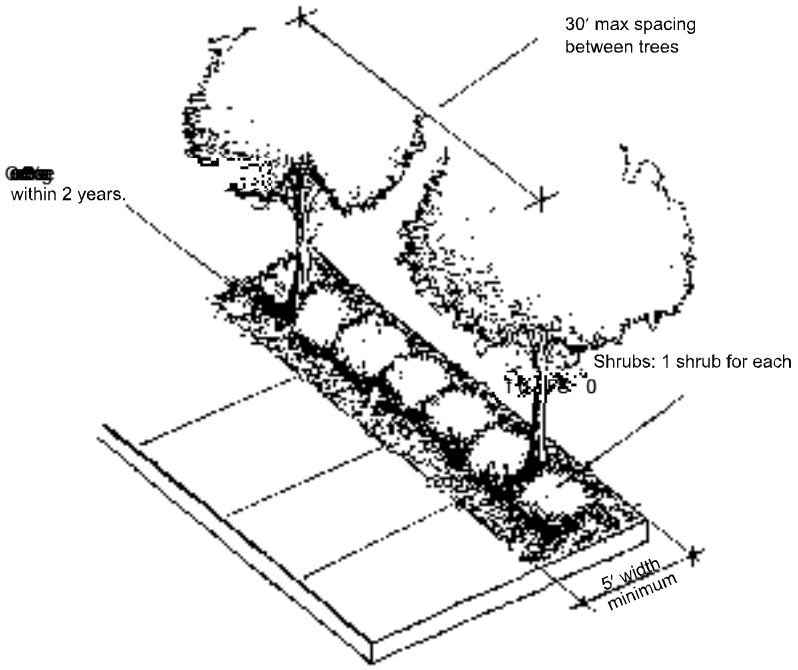


Figure 95.40.A

Perimeter Parking – Examples of Various Screen Wall Designs

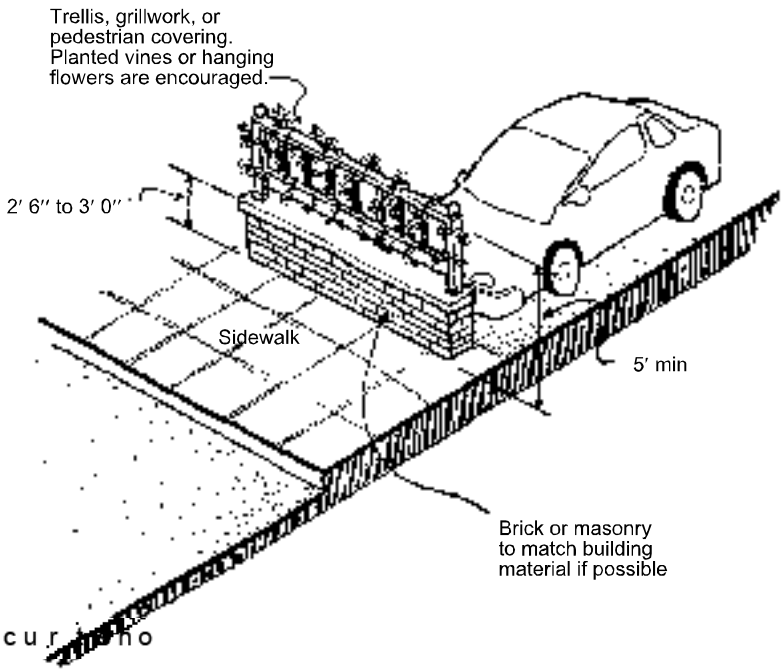


Figure 95.40.B

Perimeter Parking – Examples of Various Screen Wall Designs

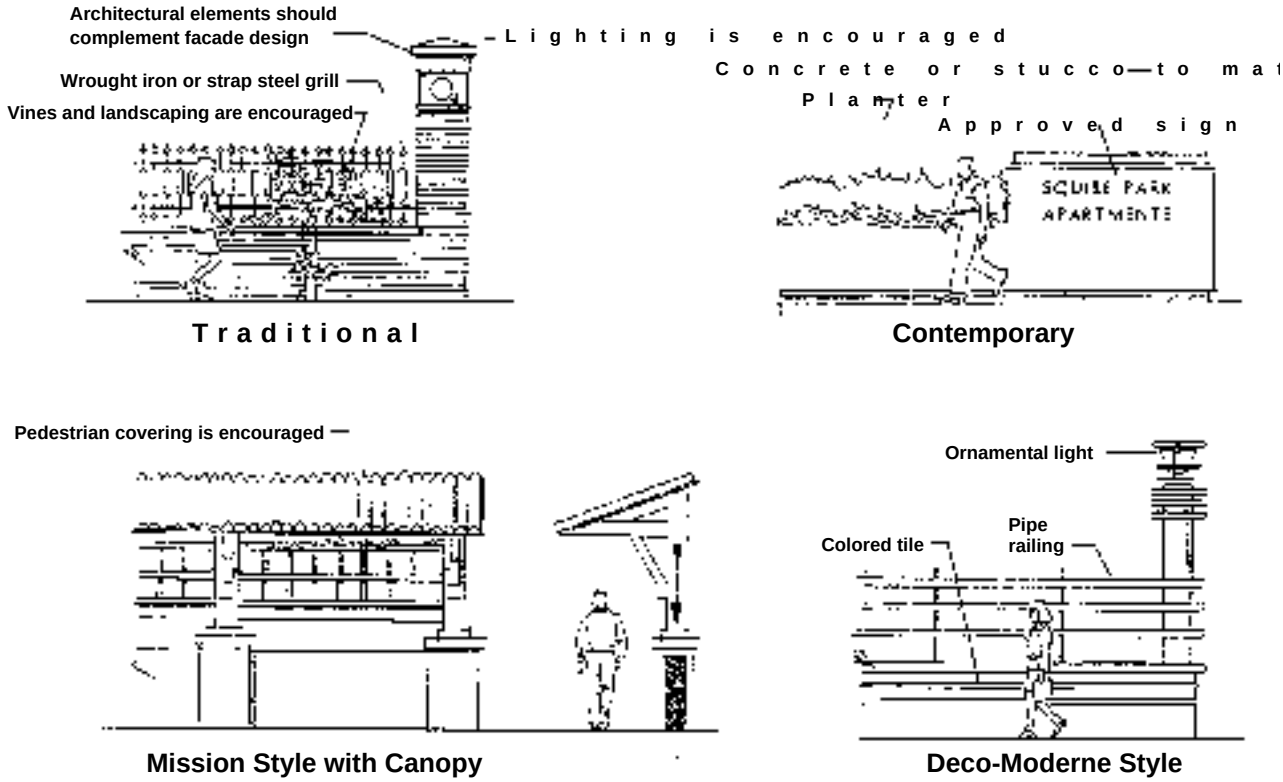


Figure 95.40.C

Chapter 105 – PARKING ~~AND PARKING~~ AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

Sections:

105.05 User Guide
105.10 Vehicular Access Easement or Tract Standards
105.12 Maximum Allowable Grade
105.15 Exception in Design Districts ~~the CBD, JBD, NRHBD, RHBD and Totem Lake Neighborhood (TLN)~~
105.17 Site Plan Review
105.18 Pedestrian Access and~~,~~ Walkways, ~~Bicycle, and Transit Facilities~~
105.19 Public Pedestrian Walkways
105.20 Number of Spaces – Minimum
105.25 Number of Spaces – Not Specified in Use Zones
105.30 Number of Spaces – Fractions
105.32 Bicycle Parking
105.35 Driveway Entrances
105.40 Location of Parking Areas – General
105.45 Location of Parking Areas – Shared Facilities
105.46 Location of Parking Areas- Driveway Entrances
105.50 Location of Parking Areas – Adjoining Low Density Zones
105.55 Location of Parking Areas – Required Setback Yards
105.58 Location of Parking Areas- Specific to Design Districts
105.60 Parking Area Design – General
105.62 Parking Area Design – Turnaround Space
105.65 Parking Area Design – Compact Car Spaces
105.70 Parking Area Design – Parking Designed for the Handicapped
105.75 Parking Area Design – Landscaping
105.77 Parking Area Design – Curbing
105.80 Parking Area Design – Buffering
105.85 Parking Area Design – Dedication
105.90 Parking Area Design – Plant Choice
105.95 Parking Area Design – Traffic Control Devices
105.96 Parking Area Design – Drive-Through Facilities and Circulation ~~in the NE 85th Street Subarea and the Totem Lake Neighborhood (TLN)~~
105.97 Parking Area Design – Backing onto Street Prohibited
105.100 Parking Area Design – Surface Materials
105.102 Parking Area Design – Streets Use in Circulation Pattern
105.103 Modifications
105.104 Planning Director Authority To Adopt Standards
105.105 Appeals
105.106 Bonds

105.15 Exception in Design Districts~~the CBD, JBD, NRHBD, RHBD and Totem Lake Neighborhood (TLN)~~

If the subject property is within a Design District, ~~the Central Business District Zone, the Juanita Business District Zone, the North Rose Hill Business District Zone, the Rose Hill Business District Zone, or the Totem Lake Neighborhood (TLN),~~ the requirements contained within those Chapters ~~Chapters 50, 52, 53, 54, 55~~ and 92 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Design District Chapters ~~50, 52~~, ~~53, 54, 55~~ and 92 KZC apply to properties in their respective zones. ~~CBD, JBD, NRHBD, RHBD and TLN Zones.~~

105.18 Pedestrian Access~~, Bicycle, and Transit Facilities~~

1. General- Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the city. Providing pedestrian access from buildings to abutting rights of ways, walkways and other uses on the subject property, and connections between properties help meet the objectives of non-motorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, traffic congestion and promotes non-motorized travel options and provides health benefits.

   The applicant shall comply with the following pedestrian access requirements with new development for all uses (multifamily, office, retail, restaurants and taverns, institutional uses and community facilities, industrial (except detached single family and duplex) pursuant to the ~~each use specified in the following chart~~ standards in Sections 105.18.2 and 105.19:

   a. Pedestrian Access From Buildings to Sidewalks and Transit Facilities:

      Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and ~~adjacent~~ transit facilities pursuant to the applicable standard in Section 105.18.2.a or b.

   b. Pedestrian Access Between Uses On Subject Property:

      Provide pedestrian walkways between the ~~principle~~ primary entrances to all businesses, uses, and~~/~~ or buildings on the subject property pursuant to the applicable standard in Section 105.18.2.a or b.

   c. Pedestrian Access Along Building Facades Not Adjacent To A Sidewalk In RHBD and TLN zones:

      In RHBD and TLN zones, for buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire façade of all building facades containing the primary entrance (See Figure 105.18.A). The walkway shall meet the through block pedestrian pathway standards in Section 105.19.3 (See Figure 105.19.A). Exceptions may be approved as part of Design Review in the following circumstances. Where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access shall be provided from the abutting sidewalk to the primary entrance to the buildings.

d. Pedestrian Connections Between Properties:

Provide pedestrian walkways connecting to adjacent properties ~~with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities. Barriers which limit future pedestrian access are not permitted.~~ pursuant to the applicable standards in Section 105.18.2.a or b. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.

e. Pedestrian Access Through Parking Areas:

All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to in KZC 105.18(2)(c). (See Figures 105.18.B and C).

f. Pedestrian Access Through Parking Garages:

Provide marked pedestrian routes through parking garages from the parking area to the abutting public right of way and to the pedestrian entrance of the building. Install walkways pursuant to standards in Section 105.18.2.c

g. Overhead Weather Protection:

The applicant shall provide pedestrian overhead weather protection pursuant to standards in Section 105.18.2.d:

1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
2) Over the primary exterior entrance to all buildings including residential units.
3) Exceptions in Design Districts:

In CBD Zones: Along at least 80% of the frontage of the subject property on each pedestrian oriented street.

In RHBD and TLN Zones:
Along at least 75% of a pedestrian oriented building façade.

In JBD Zones: Along 100% of a building façade abutting a street or through block pathway.

For more information regarding designated pedestrian oriented streets see Plate 34 in Chapter 180, and pedestrian oriented facades in Chapter 92, KZC.

~~Use on Subject Property ⇨~~ ~~Requirements[1] ⇩~~	~~Multifamily (except single duplex structures)~~	~~Office~~	~~Retail~~	~~Restaurants and Taverns~~	~~Institutional Uses and Community Facilities~~	~~Industrial~~
~~Provide pedestrian walkways designed to minimize walking distance from the building entrance to the right-of-way, and adjacent transit facilities pursuant to Section 105.18.~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~

~~**Provide covered bicycle parking within 50 feet of an entrance to the building.XXXXXXProvide pedestrian walkways between the principle entrances to all businesses, uses, and/or buildings on the subject property**~~

~~**Provide pedestrian walkways connecting to adjacent properties with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities.**~~ ~~**Barriers which limit future pedestrian access are not permitted.**~~	~~**X**~~[2]	~~**X**~~	~~**X**~~	~~**X**~~	~~**X**~~	~~**X**~~[3]
~~**Locate service bays away from pedestrian areas.**~~		~~**X**~~	~~**X**~~	~~**X**~~	~~**X**~~	~~**X**~~
~~**Provide overhead weather protection 2.d:along any portion of the building which is adjacent to a pedestrian walkway.**~~		~~**X**~~	~~**X**~~	~~**X**~~	~~**X**~~	

~~[1] **See KZC 110.60 for additional walkway requirements.**~~

~~[2] **Not required to connect to adjacent properties with industrial uses.**~~

~~[3] **Not required to connect to adjacent properties with industrial or residential uses.**~~

2. Development standards required for pedestrian improvements-

a. Pedestrian Walkway Standards- General-The applicant shall install pedestrian walkways pursuant to the following standards:

1) Must be at least five feet wide;

2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;

3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground; ~~and~~

4) Will not be included with other impervious surfaces for lot coverage calculations

5) Must be centrally located on the subject property;

6) Must be accessible;

7) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted.

b. Pedestrian Walkway Standards Specific To Design Districts- In addition to the pedestrian access standards of 108.18.1 and 2.a above, the following standards may apply in certain Design Districts. See Chapter 110, KZC for additional sidewalk improvements that may apply.

1). In CBD, *Major Pedestrian Sidewalks*- If the subject property contains or abuts a *major pedestrian sidewalk* designated in Plate 34, Chapter 180, KZC the applicant shall install that sidewalk on and/or abutting the subject property consistent with the following standards:

a) The *major pedestrian sidewalk* must be installed in the approximate location and make the connections shown in Plate 34.

b) The *major pedestrian sidewalk* must be paved with decorative concrete and have a minimum width of at least eight feet, unless otherwise noted in Plate 34. If the required improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.

c) The *major pedestrian sidewalk* must have adequate lighting with increased illumination around building entrances and transit stops.

d) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

Pedestrian Walkway Along Building Facade

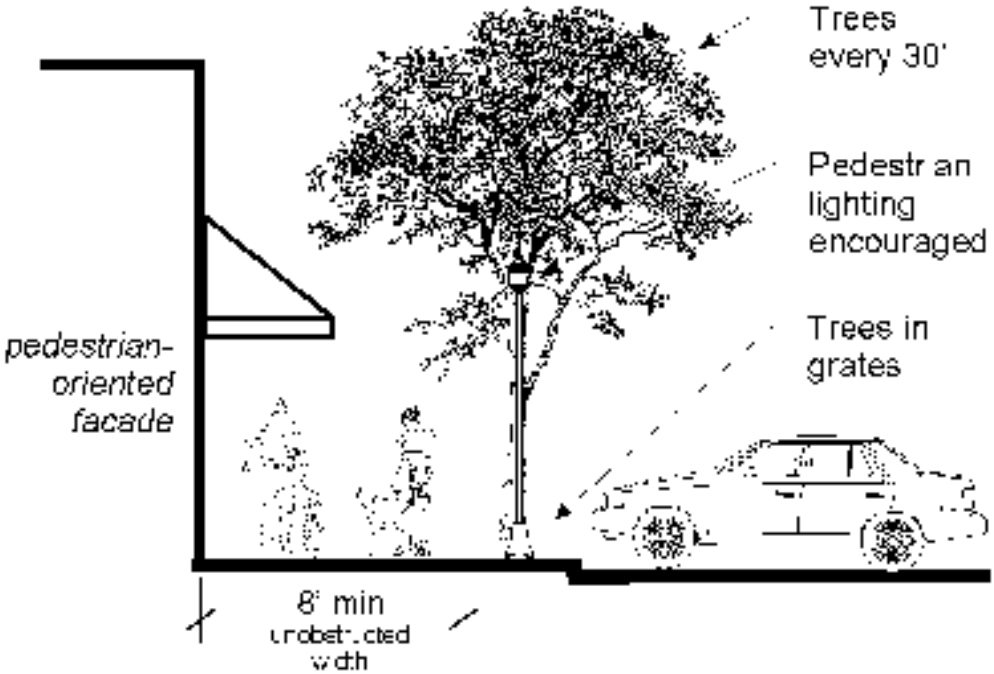


FIGURE 105.18.A

c. Pedestrian Walkways Through Parking Areas and Parking Garage Standards- The applicant shall install pedestrian walkways through parking areas and parking garages pursuant to the following standards (see Figure 105.18.B):

1) Must be installed pursuant to the standards described in 105.18.2.a above;

2) Walkway shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way;

3) Must connect from the parking spaces to the pedestrian entrance of the building served by the parking.

Pedestrian Access From Street or Pedestrian Walkway to Building Entrance

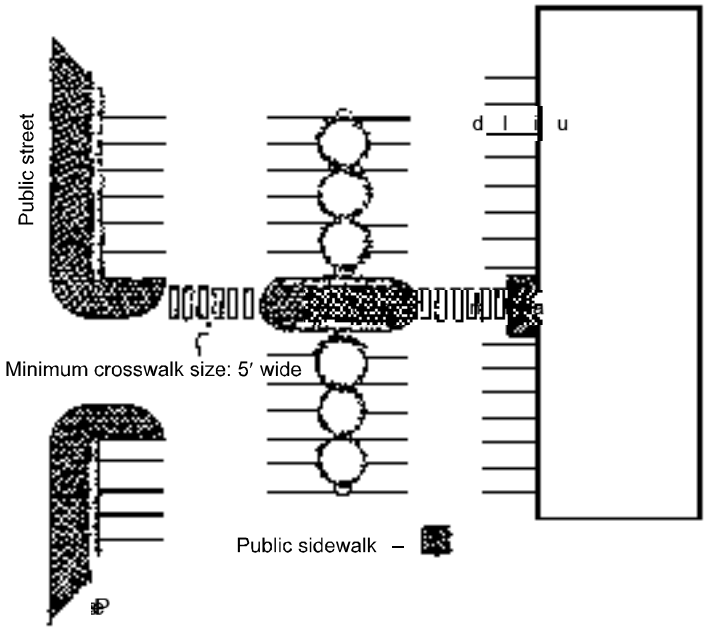


FIGURE 105.18.B

4) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location (see Figure 105.18.C). At a minimum, walkways must be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less and meet the standards of Section 105.18.2.a.

Pathways must be provided through parking areas.

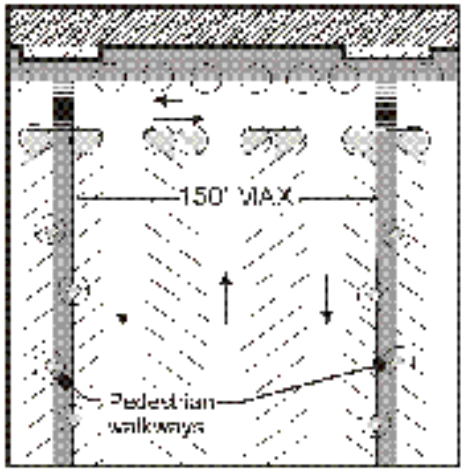


FIGURE 105.18.C

d. Overhead weather protection standards-The applicant shall install overhead pedestrian weather protection pursuant to the following standards:

1) May be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features;

2) Must cover at least five feet of the width of the adjacent walkway; ~~and~~

3) Must be at least eight feet above the ground immediately below it; and

e. If development is subject to Design Review the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

105.19 Public Pedestrian Walkways-

1. Public Pedestrian Walkways Location– In addition to the pedestrian walkways required in section 105.18, the City may require the applicant to install additional public pedestrian walkways on the subject property in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

a) A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or

b) A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or

c) Through block pedestrian pathways may be required on properties if blocks are unusually long; or

d) Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; and

2. Standards- General- The applicant shall install public pedestrian walkways pursuant to the following standards, except for Design Districts listed in 3 and 4 below (see Figure 105.19.A):

a) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;

b) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;

c) The height of solid (blocking visibility) fences along pedestrian walkway that is not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors; and

d) All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way.

e) The alignment of walkways shall consider the location of proposed and existing buildings (preferably along building fronts or property lines).

3. Through Block Pathway Standards-General- If a *Through block pathway* is designated to be installed on the subject property, the applicant shall install a *Through-block pathway* pursuant to the following standards, except for Design Districts listed in 4. below:

   a) A minimum unobstructed pavement width of eight feet, paved with decorative concrete. A minimum of five feet may be approved for residential uses.

   b) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area (see Figure 105.19A). Exceptions:

      1. To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to primary building entries; however, no less than one tree per 60 lineal feet of the required pathway shall be provided.

      2. The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.

   c) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.

   d) Barriers that will limit pedestrian access between the subject property and adjacent properties are not permitted.

   e) The *Through-block Pathway* may be retained within a dedicated rights of way, tracts, or easements at the City's option. The width of the pathway right of way, tract, or easement will be determined by the Planning Official.

   f) If subject to Design Review the City will specifically review and approve the material, and configuration of all through block pathways as part of the Design Review decision.

4. *Through-block Pathway* Standards Unique to Design Districts:

   a) In JBD 1- See Use Zone Chart Section 52.10 for location of Through Block Pathways in JBD 1. Through-block pathways adjacent to the front of buildings must be 10 feet wide with a six-inch vertical curb, and paved with concrete or unit pavers. Pathways that are not adjacent to the front of buildings must have a minimum width of eight feet and differentiated with texture or material from adjacent driveway and parking area pavement unless otherwise determined through Design Review.

   b) In TL 2- See Use Zone Chart Section 55.19 for location of Through Block Pathways in TL 2. The minimum width, curb specifications and paving materials for through block pathways shall be established through the Conceptual Master Plan review. Through block pathways must have adequate lighting, with increased illumination around building entrances and at street crossings.

   c) In TL 5- See Use Zone Chart Section 55.37 for location of through block pathways in TL 5- Section 105.19.3 for development standards.

   d) In TL 6B- See Use Zone Chart Section 55.43 for location of Through block pathways in TL 6B. See Section 105.19.3 for development standards.

Through-Block Pathway

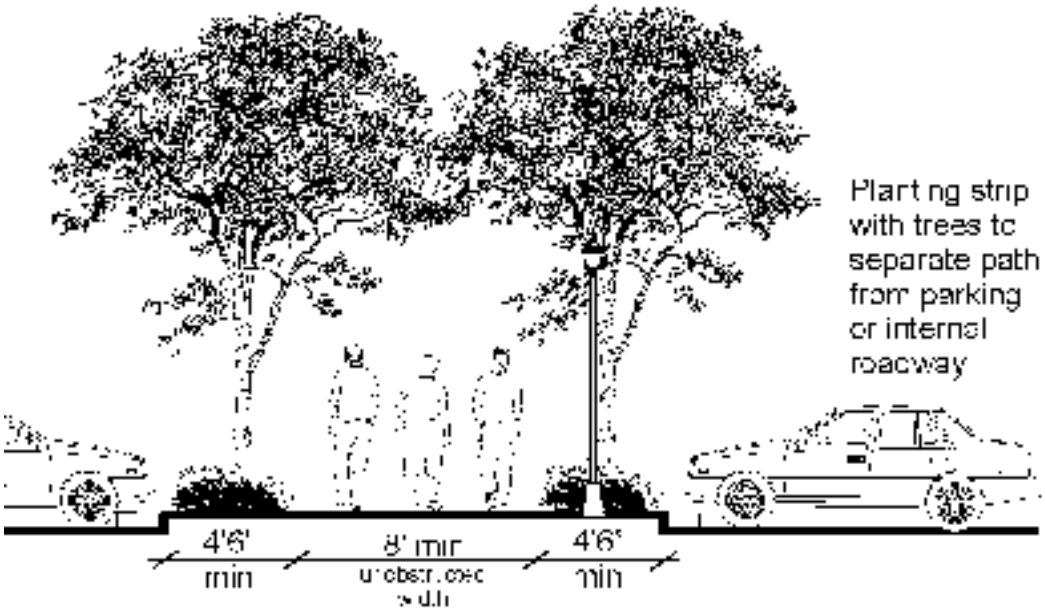


FIGURE 105.19.A

105.20 Number of Parking Spaces – Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter.

The square footage of pedestrian, transit, and/or bicycle facilities, and/or garages or carports, on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls. See also KZC 105.103(3)(c).

For residential uses, the City may require guest parking spaces in excess of the required parking spaces, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

105.25 Number of Parking Spaces – Not Specified in Use Zones

If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case by case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

105.30 Number of Parking Spaces – Fractions

If the required formula for determining the number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

105.32 Bicycle Parking-

Bicycle parking spaces shall be provided in all new development required to provide six or more motor vehicle parking spaces to encourage the use of bicycles as a form of transportation by providing safe and convenient places to park bicycles. Exception: single family and duplex development are exempt from this section.

Bicycle parking spaces shall be provided at a ratio of one bicycle space for each twelve required motor vehicle parking spaces. The Planning Official may modify the number of bicycle racks according to size of development and anticipated pedestrian and bicycle activity.

Bicycle parking in the form of a bike rack or enclosed storage container shall be conveniently located for the users, generally within 50 feet of an exterior entrance of all uses, and within 50 feet of a retail use entrance. Bicycle racks shall be located in a visible, well lit, sheltered area such as under an eave, awning, or other similar enclosure and located to not impede vehicle parking or pedestrian movement. A bike rack(s) shall be installed with the capacity to accommodate the required number of bicycle spaces. For buildings with multiple uses such as a commercial or mixed use residential-commercial centers, bicycle spaces may be clustered between businesses to serve up to six businesses.

105.35 Driveway Entrances

The City may restrict the width, number and location of driveways along the frontage of the subject property to improve vehicle circulation, public safety, or to enhance pedestrian movement.

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 (TL1, TL2, TL3) 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 and Chapter 92 and 110 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 zones 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 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~~provided~~ the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

   f) In the Regional Center (RH 1A, RH2A, RH3 and RH5A 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 ~~provided~~ the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

FIGURE 105.58.A

105.60

Parking Area Design – General

1. The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units.

2. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

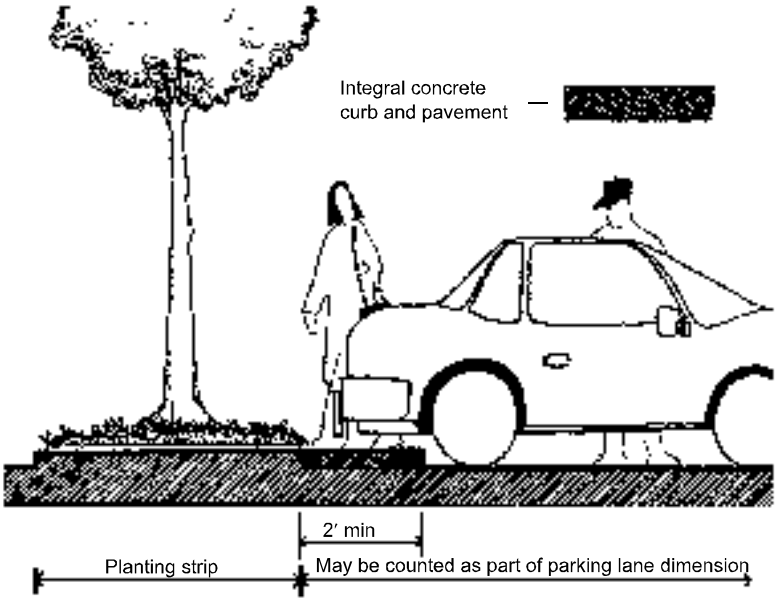
3. Parking areas must be constructed so that car wheels are kept at least two feet from pedestrian and landscape areas; provided, that parking areas may be constructed in a manner which allows vehicles to overhang a pedestrian or landscape area by up to two feet if the pedestrian or landscape area within the area of vehicle overhang is not required by this or any other code (see Figure 105.60.A).

~~4. All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards outlined in KZC 105.18(2)(a).~~

4. ~~5.~~Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.

5. Parking areas must have adequate lighting. Lights in parking lots must be nonglare and must be mounted no more than 20 feet above the ground.

Extended Curb Used To Protect Landscape Strip



Note: This method is preferable to freestanding wheel-stop bumpers because it will not catch debris and is more durable.

FIGURE 105.60.A

105.96

Parking Area Design – Drive-Through Facilities and Circulation ~~in the NE 85th Street Subarea and the Totem Lake Neighborhood (TLN)~~

General – The applicant may propose drive-through facilities incorporated into parking areas associated with such uses as fast food, banks, pharmacies or other similar uses (unless prohibited in a zone), provided the access, location, and specific design of the facilities meet the following standards and approval by both the Public Works and Planning Officials.

1. The applicant shall submit a site plan to the Public Works Department including the requirements of KZC 105.17, and showing compliance with the standards of subsections (1)(a) through (c) of this section:

   a. The Public Works Official determines that the vehicle queue will not:

      1) Impede pedestrian or vehicular movement within the right-of-way;

      2) Impede vehicle or pedestrian visibility as vehicles enter the sidewalk area;

      3) Block parking aisles nor impede on-site vehicular and pedestrian circulation;

      4) Access will not be located within the left turn lane at a signalized intersection;

   b. Driveway access to the drive-through facility is not located directly from~~off NE 85th Street~~ an arterial unless the Public Works Official determines that sufficient driveway throat length is provided to accommodate the queues. If driveway access is allowed from an arterial, left turn movements may be restricted;

c. The Public Works Official determines that parking circulation patterns avoid crossings of queuing areas.

105.103 Modifications

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified.

2. Authority To Grant and Duration

   a. If the proposed development of the subject property requires approval through Design Review, Process I, IIA, IIB, or III, described in Chapters 142, 145, 150, 152 and 155 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed below in KZC 105.103(3). If granted under Design Review, Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification.

   b. If subsection (2)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

3. Modifications – The Planning Official may require or grant a modification to improvement requirements of this chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:

   a. For a modification to KZC 105.10 for vehicular access easements or tracts and for KZC 105.60 and 105.97 for parking area design, the requirements may be modified if:

      1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and

      2) One of the following requirements is met:

         a) The modification is necessary because of a preexisting physical condition; or

         b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.

      3) Exception: KZC 105.10(2)(g) relating to screening for access easements or tracts will use the modification criteria for buffering in subsection (3)(g) of this section.

b. For a modification to KZC 105.18~~,~~ the requirements for pedestrian access, ~~bicycle, and transit facilities~~may be modified if:

1) The modification is necessary because of the size, configuration, topography or location of the subject property;

2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and

3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

c. For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. Approval of a parking reduction shall be solely at the discretion of the City.

Note: Section 105.103(c) continues on page 657.

A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City traffic engineer.

d. For a modification to KZC 105.40, the requirements for parking area location may be modified if:

1) The proposed parking area will have no adverse impacts on adjacent properties;

2) It is reasonable to expect that the proposed parking area will be used by the subject use; and

3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.

e. For a modification to the landscape requirements for parking and driving areas, see Chapter 95 KZC.

f. For a modification to KZC 105.77, the curbing requirement for parking areas and driveways may be modified if:

1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;

2) The modification will not result in increased hazards for pedestrians or vehicles; and

3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.

g. See Chapter 95 KZC for a modification of the buffering requirements for parking and driving areas. For a modification to KZC 105.10(2)(g), the screening requirements for access easements or tracts may be modified if:

   1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or

   2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or

   3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 105.10(2)(g).

h. For a modification to KZC 105.100, the surface material requirement for parking areas and driveways may be modified if:

   1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
   2) The material will provide a parking surface which is usable on a year round basis.

Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

Sections:

110.05 User Guide
110.10 General
~~110.15 Special Regulations Applicable in Certain Areas~~
110.20 Right-of-Way Designation Map Adopted
110.22 Neighborhood Access Street Designations
110.25 Required Public Improvements
110.27 Alleys
110.30 R-20 Neighborhood Access Streets
110.35 R-24 Neighborhood Access Streets
110.38 R-28 Neighborhood Access Streets
110.40 Collector Streets
110.45 Minor Arterial Streets
110.50 Principal Arterial Streets
110.52 Sidewalks And Other Public Improvements in Design Districts
110.60 Additional Requirements
110.65 Engineering Standards
110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu
110.75 Bonds

~~110.15~~

~~Special Regulations Applicable in Certain Areas~~

~~The following is a series of special situations with applicable regulations:~~

~~1. If the City Council has approved a public improvements plan that includes a particular right-of-way, that plan will govern the improvements to be provided by developments that abut that right-of-way.~~

~~2. If subsection (1) of this section does not apply and if the subject property is zoned Central Business District, Totem Lake (TL), Juanita Business District, or Rose Hill Business District, the Public Works Director will establish the extent and nature of required improvements in the right-of-way on a case-by-case basis.~~

~~3. If subsection (1) or (2) of this section does not apply, the applicant must provide the improvements as established in the remainder of this chapter.~~

110.25

Required Public Improvements

1. General – KZC 110.27 through 110.50 establish different improvements for the different classifications of rights-of-way listed in KZC 110.20 and 110.22. Section 110.52 establishes specific sidewalk and other public improvement standards in Design Districts. Except as specified in ~~subsection (2)~~ paragraphs 2, 3, and 4 of this section, the applicant shall install the specified improvements from the center line of the right-of-way to the applicant's property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Public Works Director.

2. Half-Street Improvements – If the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of this chapter, the applicant shall install improvements in the right-of-way as follows:

   a. Alleys. The applicant shall install the required improvements for the entire width of the alley.

   b. All Other Rights-of-Way.

      1) The applicant shall install the required improvements from his/her property line to and including the curb.

      2) The applicant shall grade to finished grade all the required driving and parking lanes in the entire right-of-way and a five-foot-wide shoulder on the side of the right-of-way opposite the subject property.

      3) The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.

3. Required Paved Connection – In all cases except for alleys, if the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 20 feet in width, to the existing improved street. The applicant may request a modification, deferment or waiver of this requirement through KZC 110.70.

4. Capital Improvement Projects - If the City Council has approved a capital improvements plan for a particular public right of way, that plan will govern the improvements required for right-of-way. To the extent feasible, public projects shall be designed pursuant to the standards established for each Design District contained in the Public Works Pre-approved Plans manual.

110.52 Sidewalks and Other Public Improvements In Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 such as, CBD, JBD, TLN, TC, RHBD, and NRHBD zones.

   The applicant must comply with the following development standards in accordance with the location and designation of the abutting right of way as a *pedestrian oriented street or major pedestrian sidewalk* shown in Plate 34 of Chapter 180, KZC. See also Public Works Pre-approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property, provided that a minimum of five feet from the curb shall be retained as public right of way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC, Title 21. (See Figure 110.52.A and Plate 34).

2. Pedestrian-Oriented Street Standards – The applicant shall install a 10 foot wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

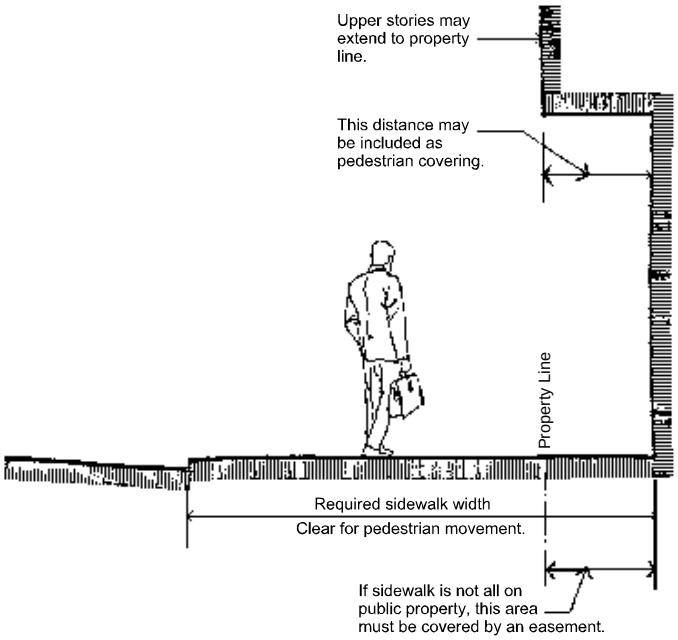


FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter 180, KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:

   a) Install in the approximate location and make the connections shown in Plate 34;

   b) A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;

   c) Have adequate lighting with increased illumination around building entrances and transit stops; and

   d) If parcels are developed in aggregate, then alternative solutions may be proposed.

4. Streets in the Totem Lake Neighborhood designated as *major pedestrian sidewalks* in Plate 34.E that are also shown to be within the landscaped boulevard alignment or "Circulator" in Plate 34.D in Chapter 180, KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.

5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum 7 foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

110.60

Additional Requirements

This section contains a series of requirements that apply to improvements required or proposed to be installed.

1. Dedication of Right-of-Way – If a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

~~2. Walkways – The City may require the applicant to install public pedestrian walkways, other than sidewalks as otherwise required by this chapter, in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:~~

~~a. A walkway is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or~~

~~b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or~~

~~c. Midblock pedestrian access may be required if blocks are unusually long; or~~

~~d. Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; or~~

~~e. Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option; or~~

~~f. The width of the access right-of-way, tract, or easement, and the pathway material and width, shall be determined per the Public Works Pre-Approved Plans;~~

~~g. The height of solid (blocking visibility) fences along pedestrian pathways that is not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;~~

~~h. All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way.~~

2~~3~~. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.

3~~4~~. Incompatible Improvements – If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:

a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Public Works Director determines that the dimensions of the existing improvement will be decreased in the future.

b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:

1) If the Public Works Director determines that the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.

2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.

4~~5~~. Landscape Strip and Street Trees – Landscape strips are typically found between the curb and the sidewalk and are planted with grass and street trees spaced 30 feet on-center. When improving landscape strips, the following regulations apply:

a. The applicant shall plant all landscape strips with vegetation approved by the City.

b. Trees shall be planted per the details outlined in Public Works Pre-Approved Plans and Policies Notebook.

c. The abutting property owner shall be responsible for keeping the sidewalk and landscaping abutting the subject property clean and litter-free, and any vegetation there shall be maintained. The City may require the owner of the subject property to sign a maintenance agreement in a form acceptable to the City Attorney, to run with the subject property. If an agreement is required, the applicant shall record this agreement in the King County Bureau of Elections and Records.

d. It is a violation of this code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

e. If a landscape strip or street trees in tree grates is not required, street trees planted 30 feet on-center 2.5 feet behind the sidewalk will be required, where feasible.

f. All trees planted in the right-of-way must be approved as to species by the Public Works Director. In the vicinity of overhead lines, tree species shall be selected based on City guidelines that will not interfere with those lines in the future. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

5~~6~~. Mailboxes – The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development. The mailbox location and type shall be approved by the Kirkland U.S. Post Master.

6~~7~~. Street Signs and Traffic Control Devices – The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.

7~~8~~. Utility Lines and Appurtenances

a. The location of sanitary sewer, storm drainage, and water main lines shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility

appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.

b. All overhead service utility lines on the subject property must be undergrounded to the nearest primary source; undergrounding to a secondary service pole will not be allowed unless approved by the Public Works Director. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. If undergrounding is determined to be infeasible, the property owner shall sign an agreement, in a form acceptable to the City Attorney, that waives the property owner's right to protest formation of a Local Improvement District (LID) for conversion of overhead utility lines to underground, in the public right-of-way adjacent to the subject property, consistent with RCW 35.43.182.

8~~9~~. Engineering Design – The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.

9~~10~~. Other Necessary Improvements – The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this code.

10~~1~~. Replacement of Damaged or Substandard Existing Street Improvements – For properties that have existing street improvements, the owner shall remove and replace any damaged or substandard improvements in conjunction with the development of the property. Replacement shall include, but not be limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier free ramps at street intersections, and installation of street trees.

11. Entry Features in Design Districts- In Design Districts, if the Comprehensive Plan or Design Guidelines designate the subject property for an entry feature, then the applicant shall design and install an entry feature area on the subject property. The size of the entry feature area shall be at least 100 square feet, and may include landscaping, art, signage or lighting. The design shall be reviewed by the City and decided upon as part of the Design Review for the proposed development. The applicant shall provide an easement or dedication of property surrounding the entry feature.

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.45

Garbage and Recycling Receptacles ~~and Dumpsters~~ – Placement and Screening

1. Placement – ~~All g~~Garbage and recycling receptacles ~~and dumpsters, including underground facilities,~~ must comply with ~~either of~~ the following:

   a. Be s~~S~~etback a minimum of five feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines, or

   b. Comply with the setbacks established for the use with which they are associated.

   c. Be located outside landscape buffers required by Chapter 95 KZC;

   d. Be located to minimize visibility from any street, pedestrian walkway, or public park; and

   ~~In either case, garbage and recycling receptacles and dumpsters may not be located in landscape buffers required by Chapters 95 and 105 KZC.~~

2. Screening – ~~All g~~Garbage and recycling receptacles ~~and dumpsters~~ must be screened from view from the street and from adjacent properties by a solid screening enclosure.

3. Exemptions – Garbage receptacles for detached dwelling units, duplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.

115.47 Loading and Service Areas Placement and Screening

Loading and service areas must be located so they are not visible from any street or pedestrian walkway. If that location is not physically possible, loading and service areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the Planning Official.

115.90

Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.

2. Exceptions

   a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.

   b. An access easement or tract that serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.

c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided that:

   1) The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area; and

   2) The portion of the driveway excepted is not located in an access easement.

d. Grass grid or brick pavers and compact gravel, when installed over a pervious surface, will be calculated as impervious surface at a ratio of 50 percent of the total area covered.

e. Outdoor swimming pools.

f. Pedestrian walkways required by KZC 105.18~~ and 105.60(4)~~.

g. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.

h. Landscaped areas at least two feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.

i. Retaining walls not immediately adjacent to other impervious areas.

Chapter 142 – DESIGN REVIEW

Sections:

142.05 User Guide
142.15 Development Activities Requiring D.R. Approval
~~142.17 Design Review Process~~
~~142.20 Timing~~
142.25 Administrative Design Review (A.D.R.)
142.35 Design Board Review (D.B.R.)
142.40 Appeals of Design Review Board Decisions
142.50 Modifications
142.55 Lapse of Approval
142.60 Bonds

142.05

User Guide

Various places in this code indicate that certain developments, activities, or uses are required to be reviewed through design review or D.R. Design review may either be administrative design review (A.D.R.) or design board review (D.B.R.). This chapter describes these design review processes.

142.15

~~Development Activities Requiring D.R. Approval~~

~~1. All development activities subject to KZC 92.35(2) and (5) need not be reviewed through D.R., but shall comply with this chapter.~~

~~2. The following development activities are subject to D.R. unless subsection (3) of this section applies:~~

~~a. The development of an undeveloped site.~~

~~b. The addition of new floor area to an existing building.~~

~~c. A change to the exterior appearance of over 25 percent of a facade visible from a street or park.~~

~~3. The following activities are not subject to D.R.:~~

~~a. Any activity which does not require a building permit; or~~

~~b. Any activity on the exterior of a building of which the total cost or fair market value, whichever is higher, does not exceed $10,000; or~~

~~c. Interior work which does not alter the exterior of the structure; or~~

~~d. Normal building maintenance including the repair or maintenance of structural members; or~~

~~e. Any development listed as exempt in the applicable Use Zone Chart.~~

~~4. See also KZC 162.35, Certain Nonconformances Specifically Regulated, for additional information regarding the application of design regulations to existing development and~~

~~remodels. The City encourages voluntary compliance with the design regulations, the Comprehensive Plan, and design guidelines even for projects which do not require D.R. approval according to the terms of this subsection.~~

Development Activities Requiring D.R. Approval

1. Design Board Review (D.B.R.)

   a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35:

      1). New buildings greater than one story in height or greater than 10,000 square feet of gross floor area.

      2). Additions to existing buildings where:

         a) The new gross floor area is greater than 10% of the existing building's gross floor area; and

         b) The addition is greater than 2,000 square feet of gross floor area; and

         c) Either:

            1) The existing building and addition total more than 10,000 square feet of gross floor area; or

            2) The addition adds another story.

      3). Renovations to existing facades, where the building is identified by the City as an historic structure.

   b. Exemptions from D.B.R.: The following development activities shall be reviewed through the Administrative Design Process in KZC 142.25:

      1) Any development where administrative design review is indicated in the applicable Use Zone Chart.

      2) Any development in the following zones within the NE 85th Street Subarea: RH8, PR 3.6, RM, PLA 17A.

2. Administrative Design Review (A.D.R.) All other development activities not requiring D.B.R. review under Section 1 above shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

3. Exemptions from Design Review The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92, KZC:

   a. Any activity which does not require a building permit; or
   b. Interior work that does not alter the exterior of the structure; or
   c. Normal building maintenance including the repair or maintenance of structural members; or
   d. Any development listed as exempt in the applicable Use Zone Chart.

Sections 142.17 and 142.20 deleted.

~~See also KZC 162.35, Certain Nonconformance's Specifically Regulated, for additional information regarding the application of design regulations to existing development and remodels.~~

~~Design Review Process~~

~~1. Unless otherwise specified in the Use Zone Chart, the following development activities shall be reviewed administratively pursuant to KZC 142.25:~~

~~a. All new one-story buildings containing less than 10,000 square feet of gross floor area.~~

~~b. The following additions to existing buildings:~~

~~1) To one-story buildings where the existing and new floor area total less than 10,000 square feet of gross floor area; or~~

~~2) To buildings greater than one story or 10,000 square feet of gross floor area where the gross floor area is expanded by less than 10 percent.~~

~~c. Renovations to existing facades, unless the building is identified by the City as a historic structure.~~

~~d. Development activities in RH 8, PR, RM, and PLA 17A Zones located within the NE 85th Street Subarea.~~

~~2. Unless otherwise specified in the Use Zone Chart, all other development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35.~~

~~142.20~~

~~Timing~~

~~For any development activity that requires D.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.~~

~~An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.~~

142.25

Administrative Design Review (A.D.R.) Process

1. Authority - The Planning Official shall conduct ~~review the~~ A.D.R in conjunction with a related development permit pursuant to KZC 142.25.

   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) as adopted in KMC 3.30.040.

   c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).

   d. For review of attached or stacked dwelling units within the NE 85th Street Subarea, 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.~~1.~~ Pre-Design Conference – Before applying for A.D.R. approval, the applicant may ~~shall~~ schedule ~~and attend an A.D.R.~~ 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 ~~:~~

~~a. 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.

~~b. To discuss how the design guidelines and other applicable provisions of this code and Comprehensive Plan affect or pertain to the proposed development;~~

~~c. For the Planning Official to determine what models, drawings, perspectives, 3D CAD model, or other application materials the applicant will need to submit with the A.D.R. application.~~

4. A.D.R. Approval - ~~After reviewing the A.D.R. application for compliance with the design regulations contained in Chapter 92, KZC, and prior to issuance of any development permit requiring A.D.R.,~~

a. T~~t~~he Planning Official may grant, deny, or conditionally approve~~, subject to modifications~~ the A.D.R. application.~~approval for the proposed development~~. ~~No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval.~~ The ~~terms of~~ A.D.R. approval or conditional approval will become ~~a~~ conditions of approval for ~~on each subsequent~~ any related development permit and no ~~subsequent~~ 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 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.

~~Application – Following the pre-design meeting, the applicant shall submit 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 all application materials required as a result of the pre-design meeting.~~

~~3. Decision – 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) as adopted in KMC 3.30.040.~~

~~c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).~~

~~d. For review of attached or stacked dwelling units within the NE 85th Street Subarea, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.~~

~~After reviewing the A.D.R. application and other application materials, the Planning Official may grant, deny or conditionally approve subject to modifications the A.D.R. approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.R. approval or conditional approval will become a~~

~~condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval. The Planning Official shall send written notice of the A.D.R. decision to the applicant. If the A.D.R. is denied, the decision shall specify the reasons for denial.~~

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.

~~4. Requests for Reconsideration~~

~~a. Only the applicant may request reconsideration of the A.D.R. decision.~~

~~b. Only the City and the applicant may participate in the request for reconsideration.~~

~~c. The applicant may request the Planning Director to reconsider any aspect of the Planning Official's A.D.R. decision by delivering a written request for reconsideration to the Planning Department within seven calendar days following the postmarked date of distribution of the Planning Official's written decision. The applicant shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.~~

~~d. Within seven calendar days after receiving a request for reconsideration, the Planning Director shall notify the applicant whether or not the Planning Director will reconsider the decision. The Planning Director may reconsider the decision only if he/she concludes that there is substantial merit in the request.~~

~~e. If the Planning Director reconsiders the decision, the Planning Director shall send written notice of the final A.D.R. decision to the applicant. The decision shall specify the reasons for modifications, if applicable.~~

6~~5~~. Design Departure and Minor Variations

a. 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:

1) In the CBD: minimum required yards~~setback requirements~~; and

2) In the Totem Center: minimum required yards ~~setback~~, floor plate maximums and building separation requirements; and

3) In the RHBD and the TLN: minimum required yards~~setback~~, landscape buffer and 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.

b. 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.

c. 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 (65)(d) of this section.

d. 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:

1) The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;

2) The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

142.35

Design Board Review (D.B.R.) Process

1. Timing of D.B.R - For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.

   An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.

32. Authority – The Design Review Board shall review projects for consistency with the following:

a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.

b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.

~~c. The design regulations contained in Chapter 92 KZC, except as provided for in subsection (2)(d) of this section. To the extent that the standards of the design guidelines or design regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board shall determine which standard results in superior design.~~

~~d. The design regulations contained in Chapter 92 KZC do not apply to development in TL 2, where development is proposed within a Conceptual Master Plan.~~

c~~e~~. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.

d~~f~~. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea.

4~~3~~. The Design Review Board is authorized to approve minor variations in development standards within ~~the following areas~~ certain Design Districts described in Section 142.25.(6)(a) provided the variation complies with the criteria of KZC 142.25(6~~5~~)(b~~d~~):

~~a. In the CBD: minimum required yards.~~

~~b. In Totem Center: minimum required yards, from setback, floor plate maximums and building separation requirements.~~

~~c. In the RHBD and TLN: minimum required yards, from setback, landscape buffer and horizontal facade requirements.~~

5~~4~~. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.

6~~5~~. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:

a. To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;

b. For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and

c. For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the design review application.

7~~6~~. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.

8~~7~~. Public Notice

a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within

60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.

b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

1) By mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.

2) Publish once in the official newspaper of the City.

3) Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.

9~~8~~. Design Response Conference – The design response stage allows the Design Review Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the Design Review Board. The Planning Official shall present a review of the project for consistency with the requirements specified in subsection (3~~2~~) of this section. Public comment relevant to the application may be taken. Persons commenting must provide their full name and mailing address. The Design Review Board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference.

The Design Review Board shall decide whether the application complies with the requirements specified in subsection (3~~2~~) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

Conceptual Master Plan Conference for TL 2 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over one and one-half acres in size in TL 2. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 2 zoning chart.

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

10~~9~~. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the postmarked date of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

142.40

Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:

   a. If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.

   b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard at an open record hearing by the City Council.

   Only those issues under the authority of the Design Review Board as established by KZC 142.35(2) are subject to appeal.

2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.

3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

5. Notice

   a. Content – The Planning Official shall prepare a notice of the appeal containing the following:

      1) The file number and a brief written description of the matter being appealed.

      2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.

      3) The time and place of the public hearing on the appeal.

      4) A statement of who may participate in the appeal.

      5) A statement of how to participate in the appeal.

   b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:

   a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.

   b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.

8. Staff Report on the Appeal

   a. Content – The Planning Official shall prepare a staff report containing the following:

      1) The written decision of the Design Review Board.

      2) All written comments received by the Design Review Board.

      3) The letter of appeal.

4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.

5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

b. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report to the hearing body or officer, the appellant, and the applicant.

9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.

10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.

11. Decision on the Appeal

    a. Criteria – Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.

    b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and either:

        1) Affirm the decision being appealed; or

        2) Reverse the decision being appealed; or

        3) Modify the decision being appealed.

    c. Issuance of Written Decision – Within eight calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.

    d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the Design Review Board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the Design Review Board decision shall be limited to the scope of the initial appeal.

142.50

Modifications

1. The Planning Official may approve a modification to the D.R. approval for the proposed development if:

    a. The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted;

    b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and

    c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.

2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.

2. Extensions

   a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.

   b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.

   c. Review Process – An application for a time extension will be reviewed by the Planning Official.

3. Appeals

   a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.

   b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.

   c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

Chapter 162 – NONCONFORMANCE

162.35 Certain Nonconformances Specifically Regulated

8. Nonconformances To Design Regulations In Design Districts~~CBD, JBD, NRHBD, RHBD, Totem Lake Neighborhood (TLN) and Totem Center Design Regulations~~

~~a.~~ Nonconformances to the design regulations of Chapter 92 are governed by KZC Chapter 142.

~~The provisions of this subsection (8) regulate under what circumstances nonconformance with the CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations of Chapter 92 KZC must be corrected. Compliance with CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations is only required when D.R. is required pursuant to Chapter 142 KZC. However, the City encourages voluntary compliance with the design regulations even for projects which do not require D.R. approval.~~

~~b. If the applicant proposes to modify a building or site (or portions thereof) that does not conform to the design regulations, then the nonconforming elements on or within the building or site (or portions thereof) must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.~~

~~If the design regulation that the portion of the building or site does not comply with contains alternatives for compliance, not all of which involve the portion of the building or site that will be modified, then the remodel must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.~~

Chapter 180 – PLATES

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Plate 2 Two-Way Traffic – Standard Size Stall (8.5′ x 18.5′)
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~~Plate 34 119th Avenue NE and NE 130th Place Improvements~~
Plate 34
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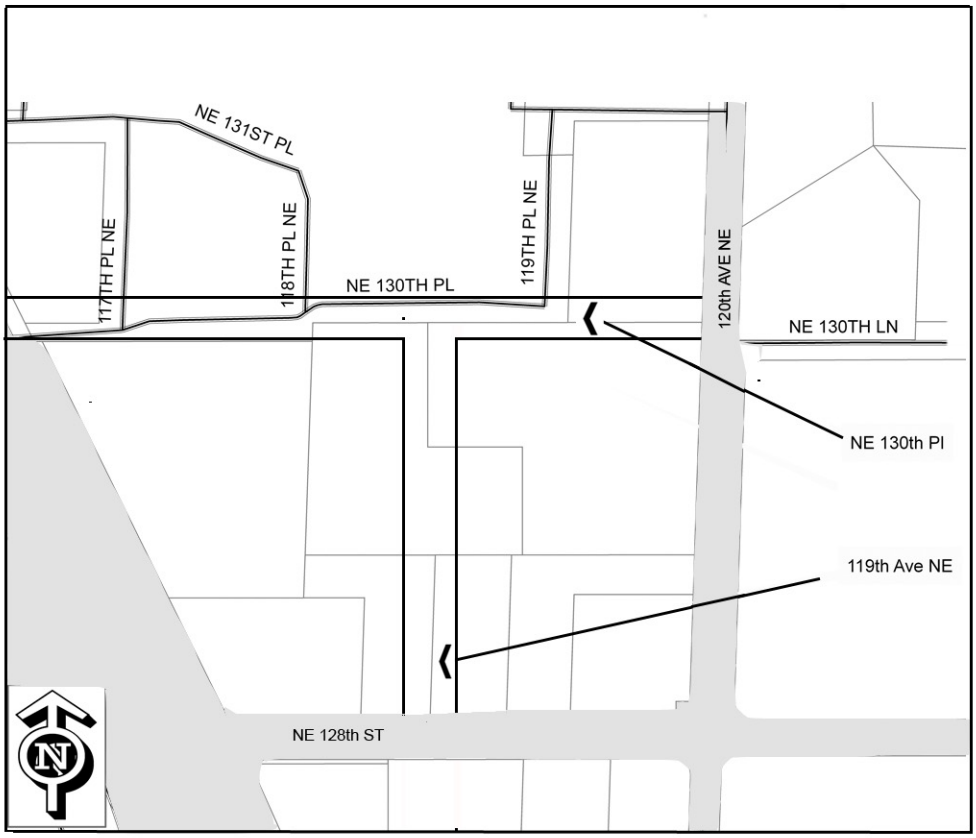
B. TL 5 123rd Avenue NE and NE 120th Street Improvements
C. TL 10B 118th Avenue NE Street Improvements
D. Totem Lake Neighborhood Designated Circulator
E. Totem Lake Neighborhood Pedestrian Circulation
F. TL 5 Vehicular and Pedestrian Through Block Pathways Concept
G. TL 6B Internal Access Roads and Through Block Pathways Concept
H. CBD Pedestrian Circulation
I. JBD Pedestrian Circulation
J. NRHBD Pedestrian Circulation
K. RHBD Through Block Pathways Concept
~~Plate 35 123rd Avenue NE and NE 120th Street Improvements~~
~~Plate 36 118th Avenue NE Improvements~~
Plate 37 Stand-Alone Housing Areas

Attachment A-9

Plate 34A

119th Avenue NE and NE 130th Place Street Improvements in TL1A and TL1B Zones



Required street improvements for 119th Avenue NE and NE 130th Place:

119th Avenue NE:

40 - 51 feet of public right-of-way

Specific improvements to be determined by the Public Works Director

NE 130th Place:

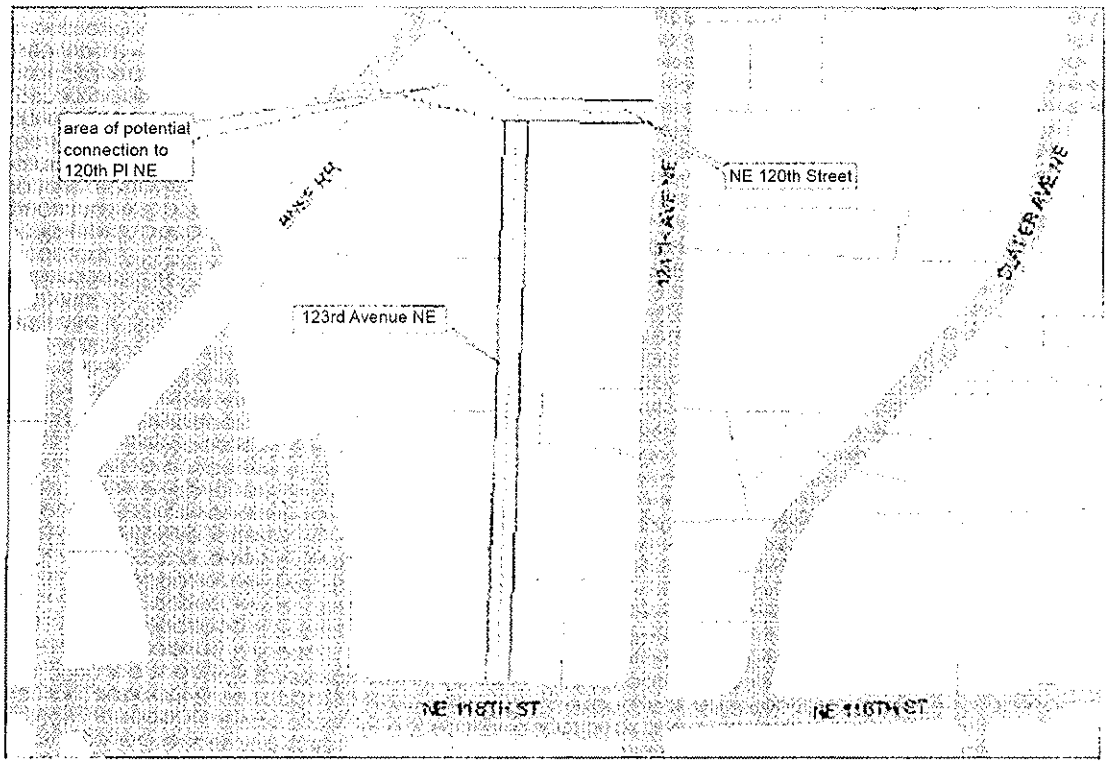
51 feet of public right-of-way

Specific improvements to be determined by the Public Works Director

Note: The precise right-of-way alignment may vary, and shall be determined by the Public Works Director

Plate 34B

123rd Avenue NE Improvements and NE 120th Street Improvements in TL 5 Zone



Required street improv ements for 123rd Av enue NE and NE 120th Street

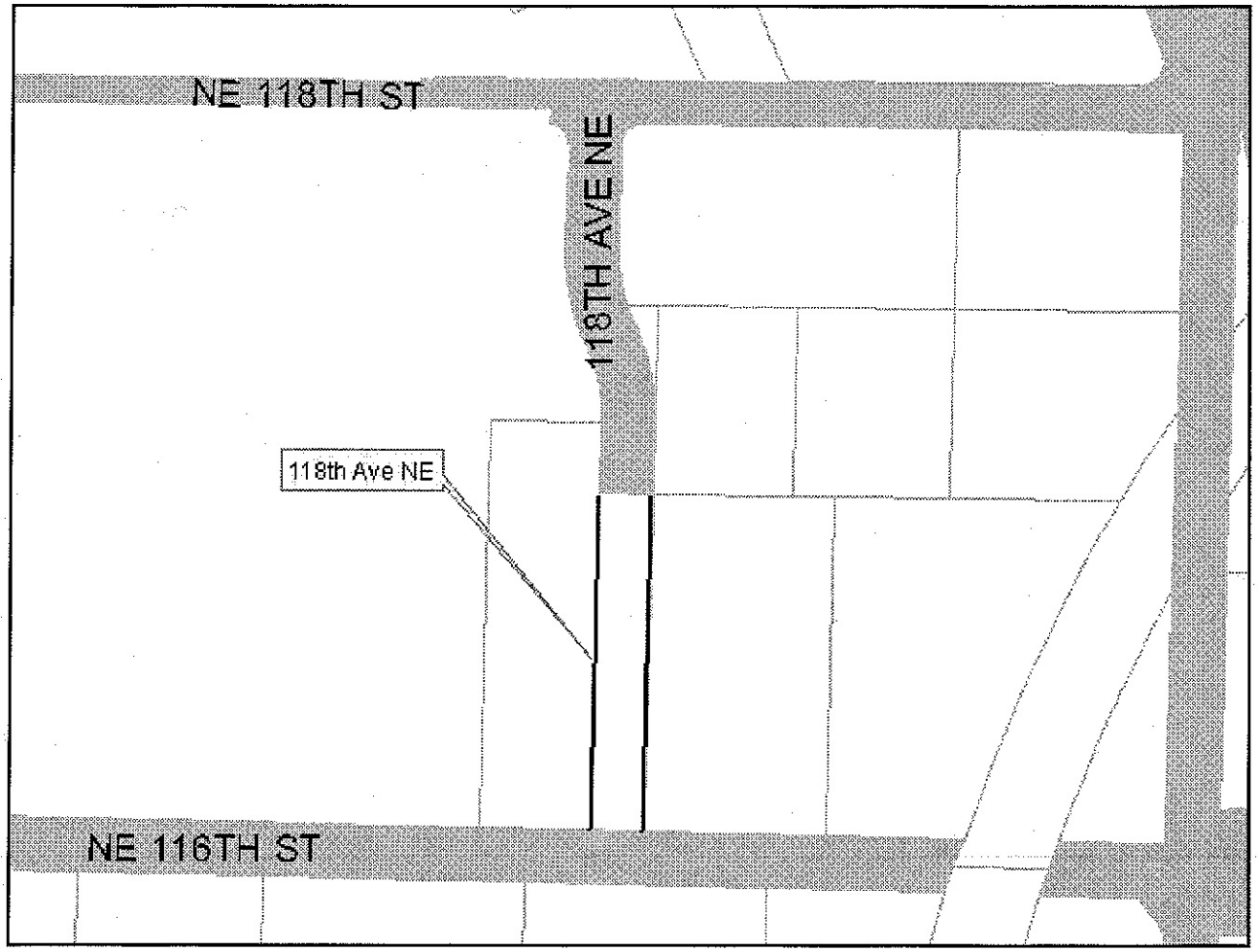
60 feet of public right-of-way. Right-of-way width may be modified by the Public Works Director.

Specific improvements to be detrmiend by the Public Works Director

Attachment A-11

Plate 34C

118th Avenue NE Street Improvements in TL 10B Zone



Required street improvements for 118th Avenue NE

60 feet of public right-of-way.

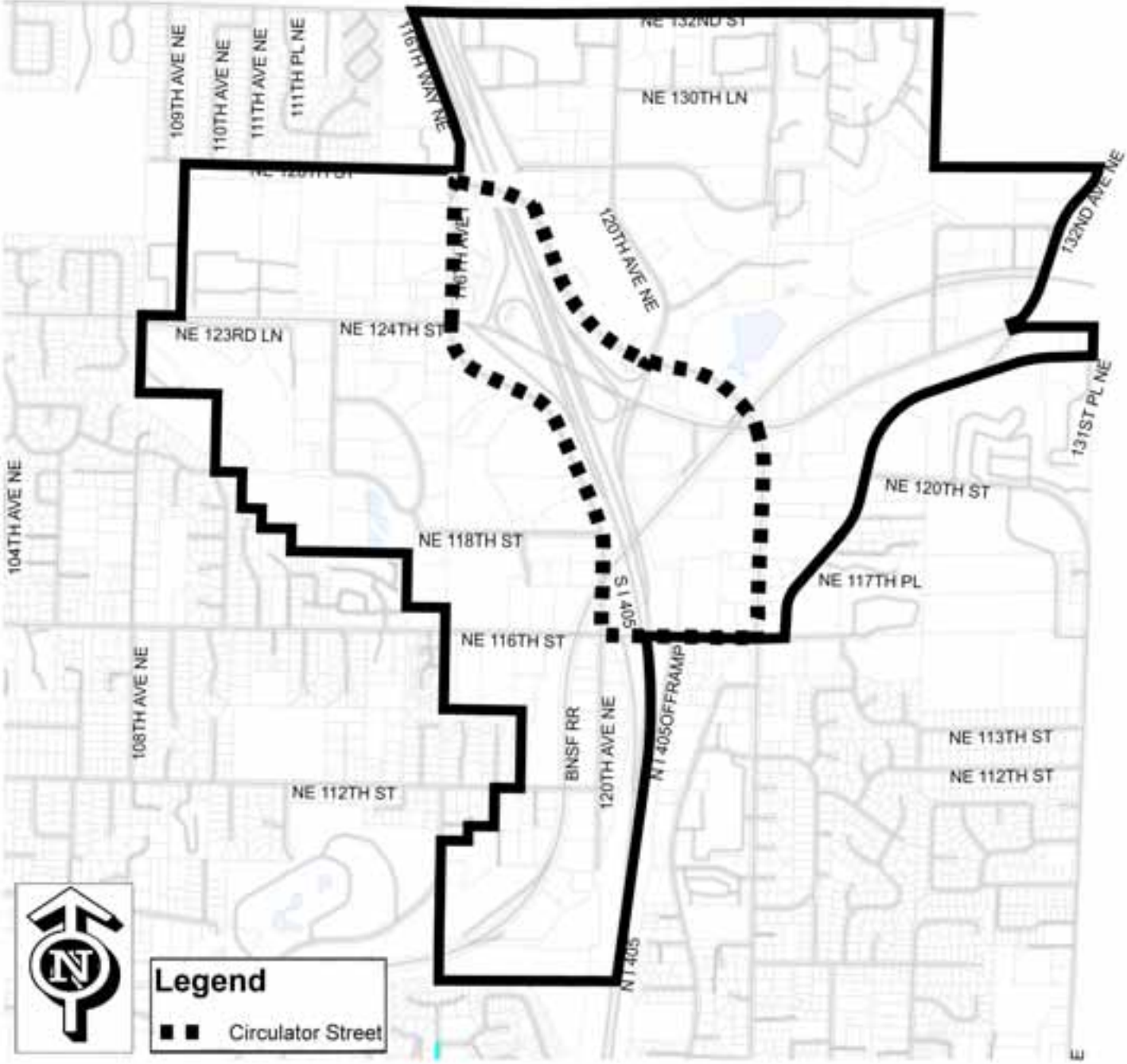
A slope easement may be required, west of the 118th Avenue NE right-of-way, as determiend by the Public Works Director

Specific improvements to be determined by the Public Works Director

Attachment A-12

Plate 34D

The Designated "Circulator" in the Totem Lake Neighborhood



Attachment A-13

Plate 34E

Pedestrian Circulation in Totem Lake

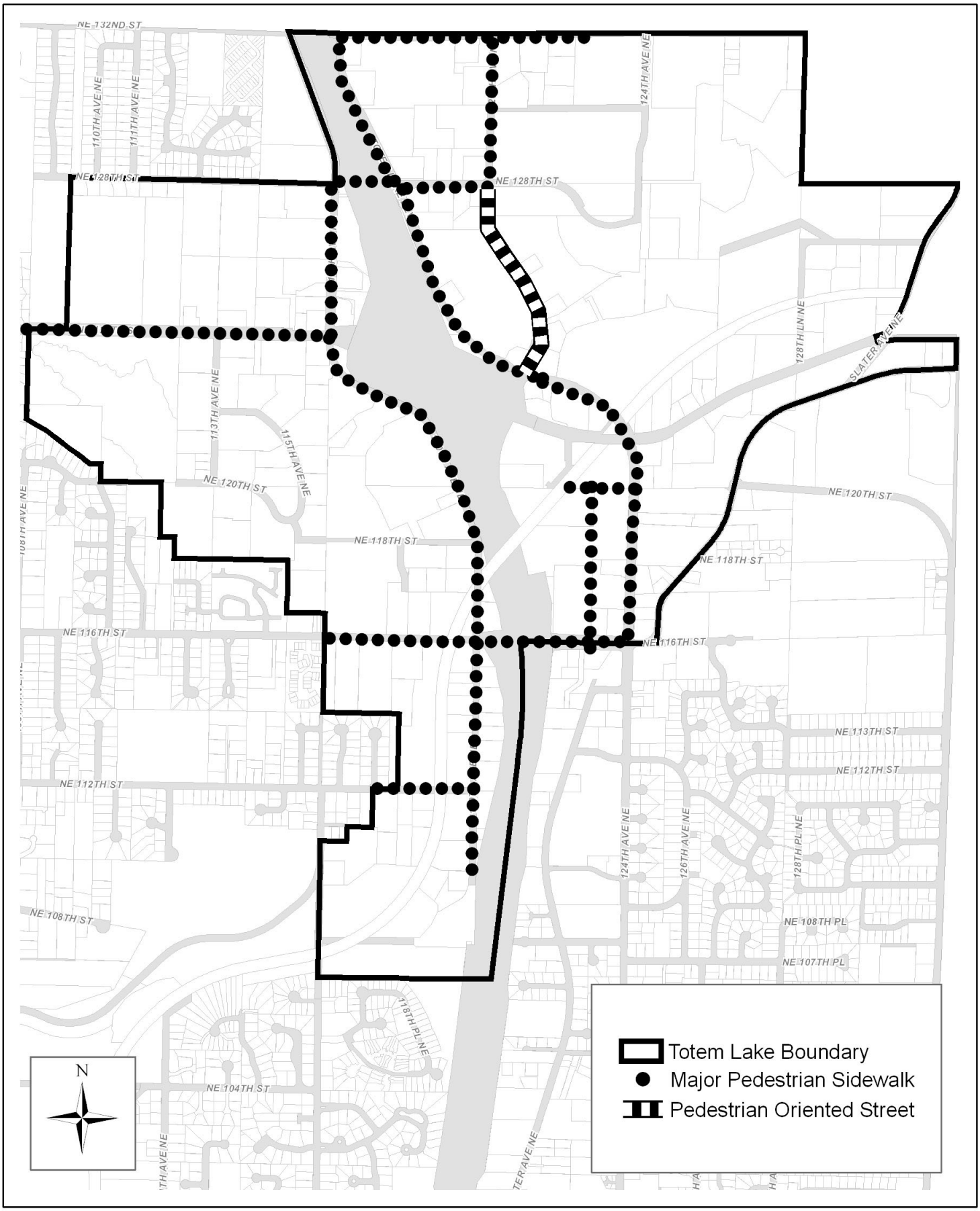
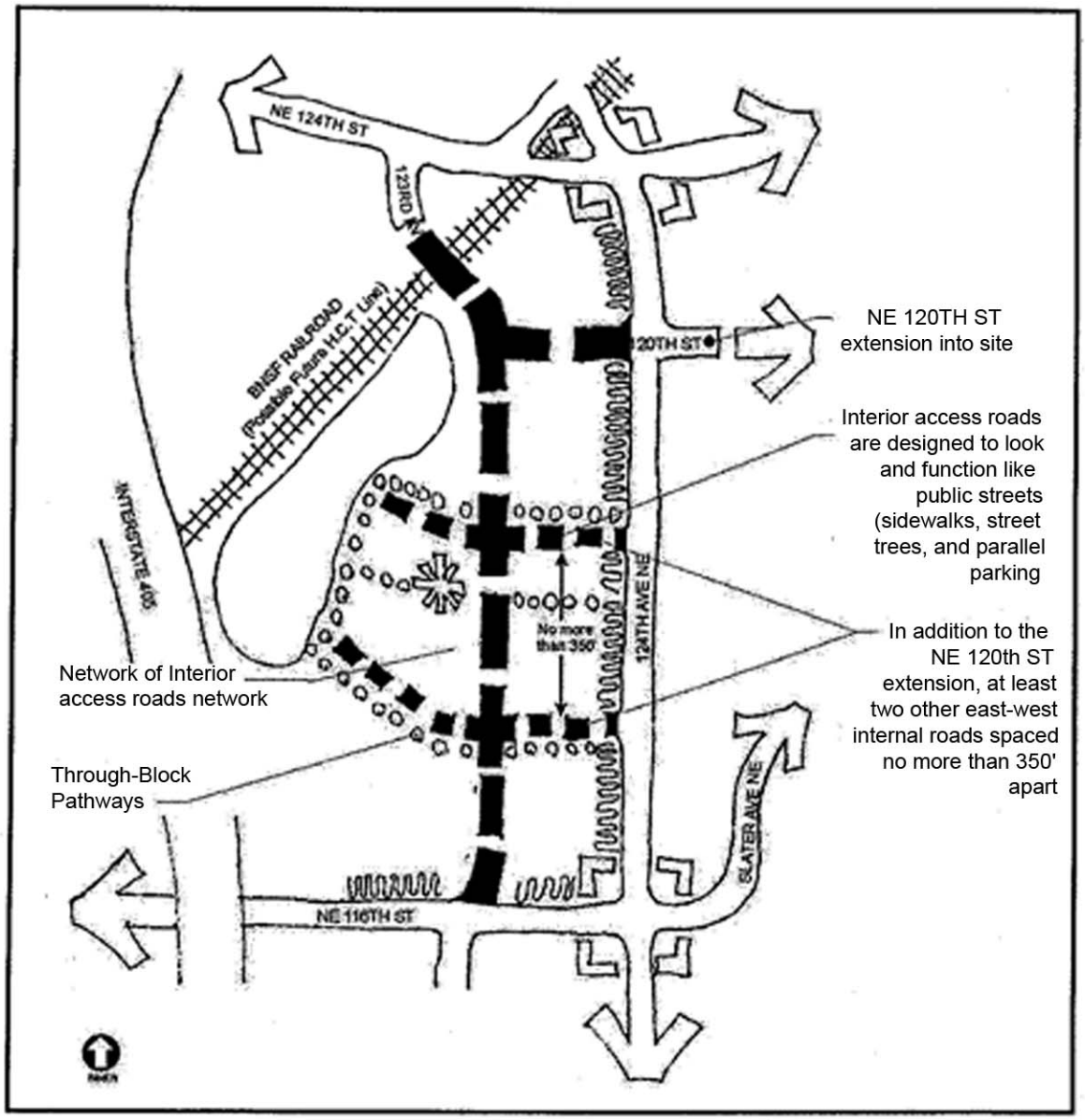


Plate 34F

Vehicular Access and Pedestrian Pathway Concept for TL5



Attachment A-15

Plate 34G

Internal Access Roads and Through Block Pathway Concept for TL 6B

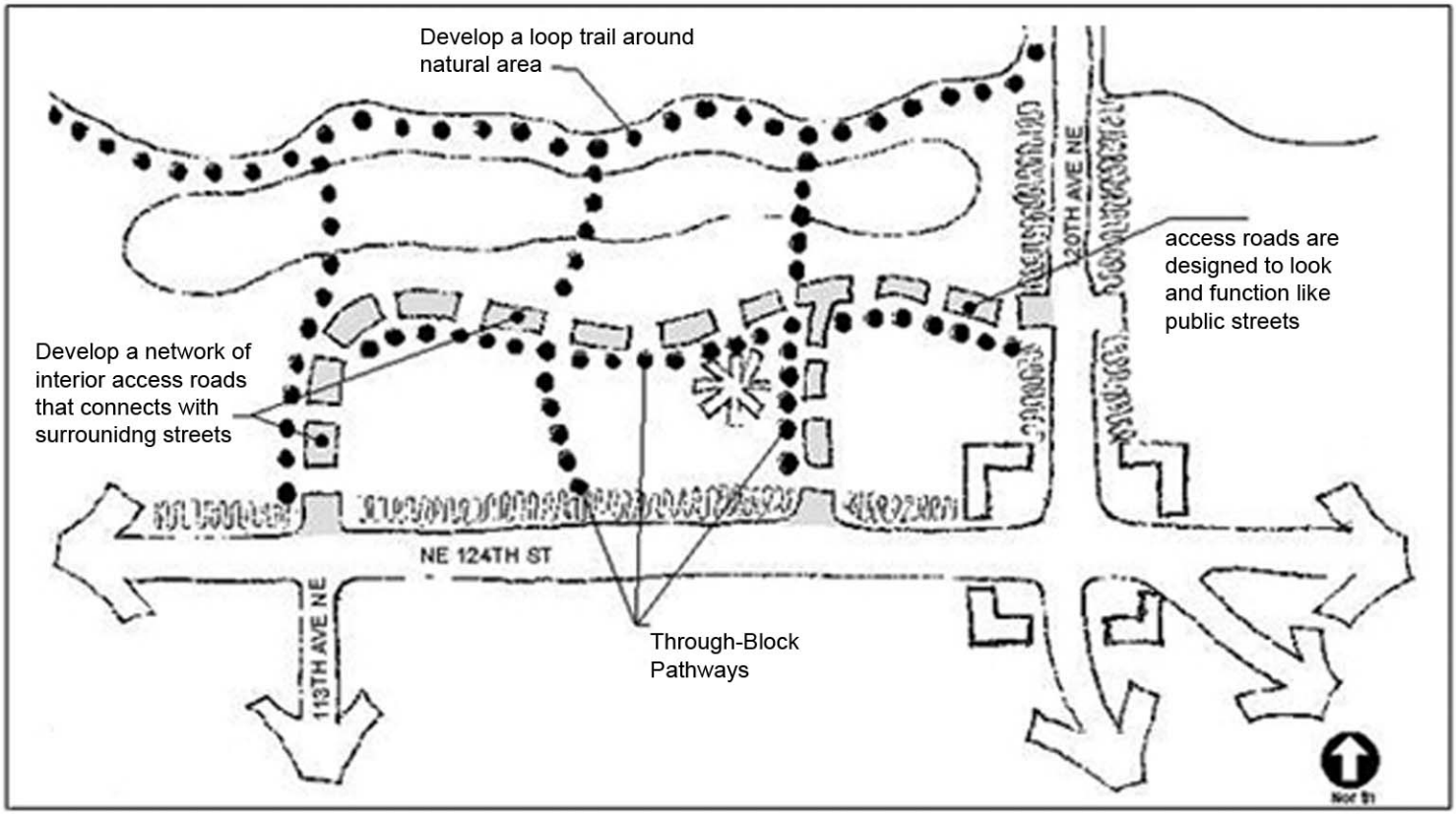
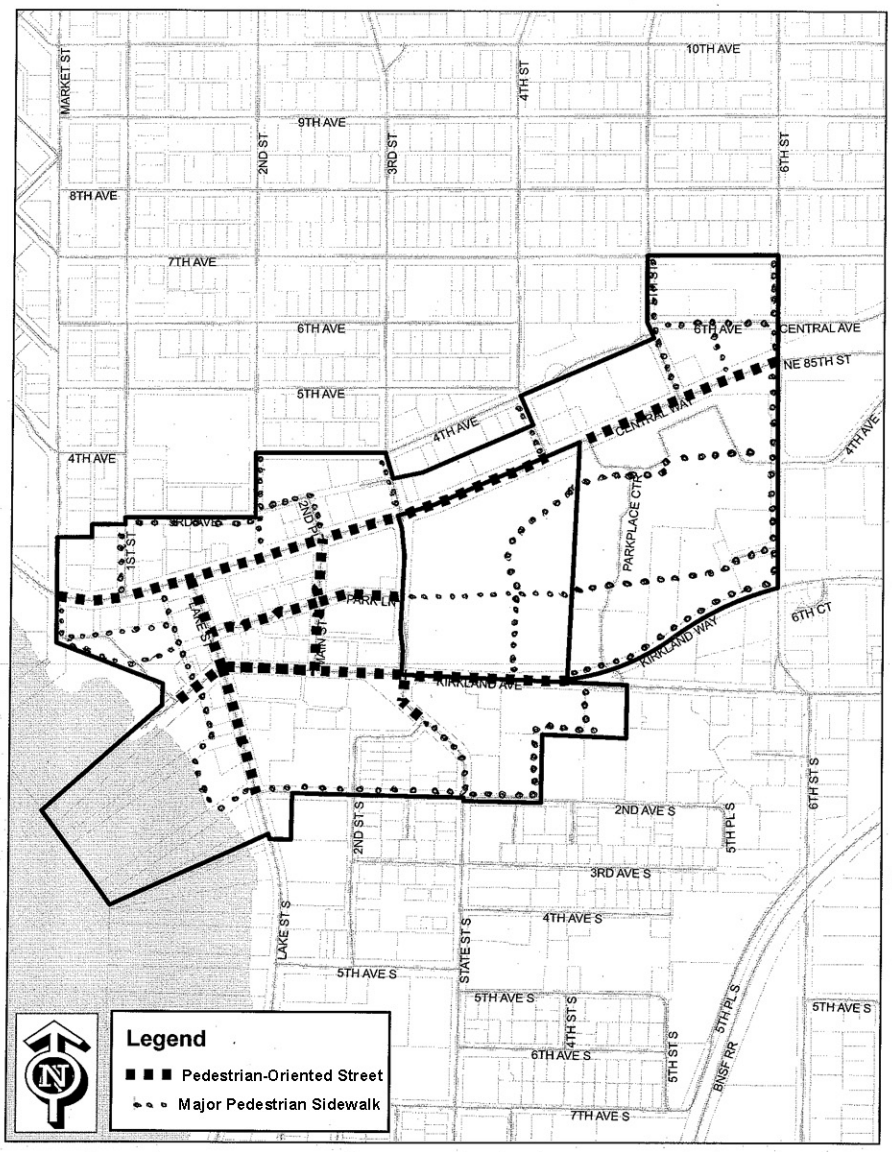


Plate 34H

Pedestrian Circulation in the CBD



Attachment A-17

Plate 34I

Pedestrian Circulation in the JBD

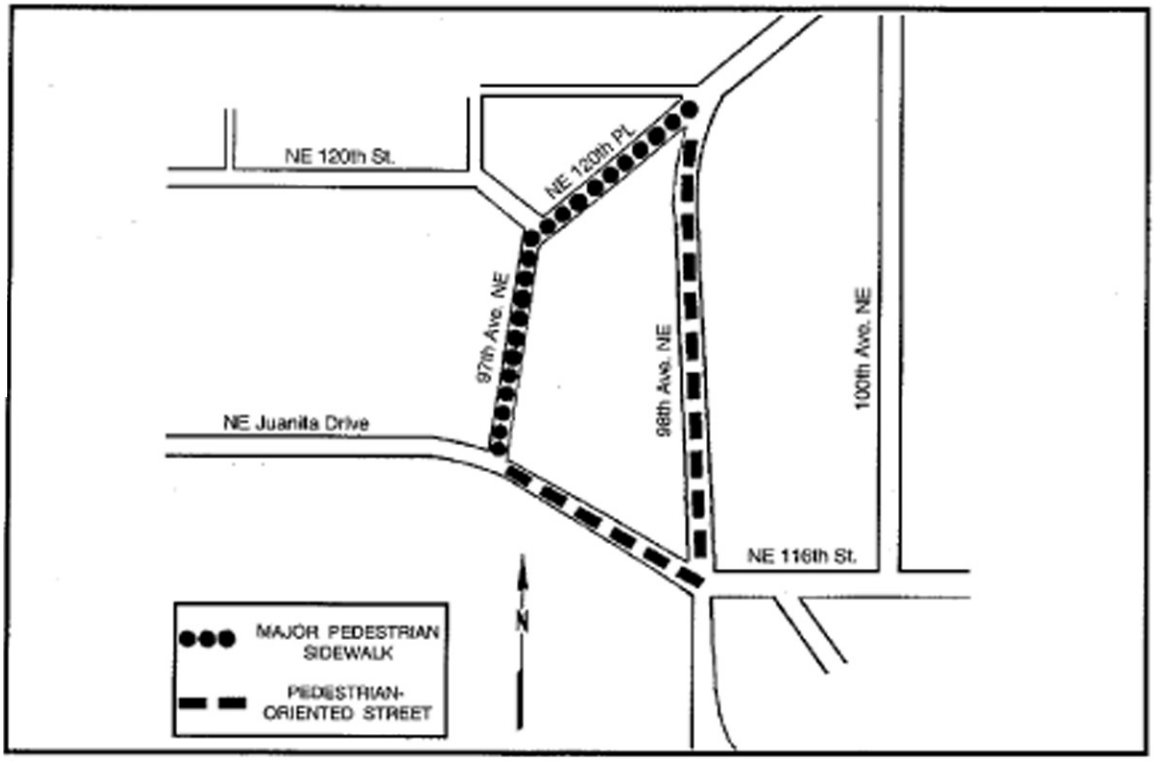
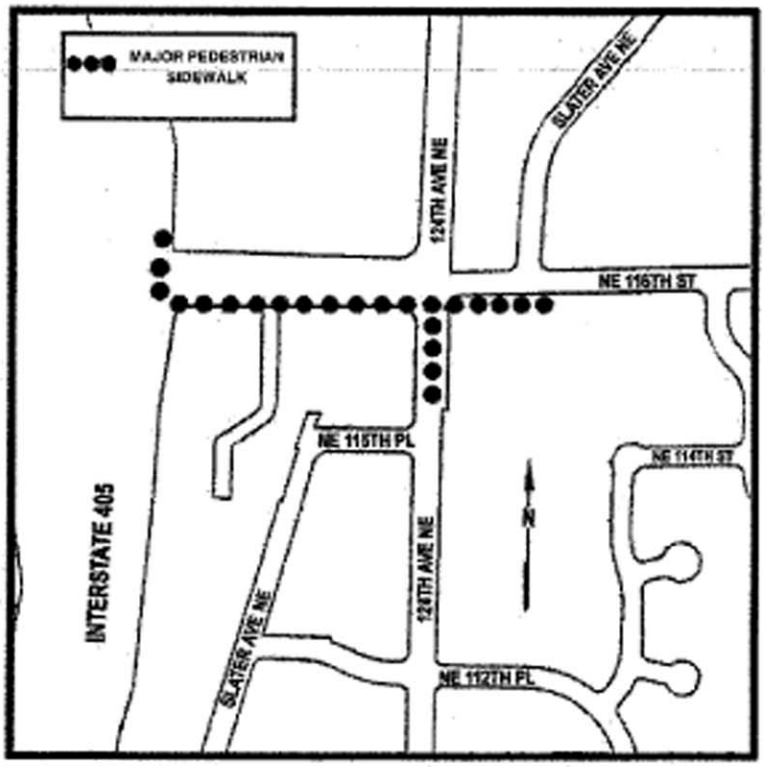


Plate 34J

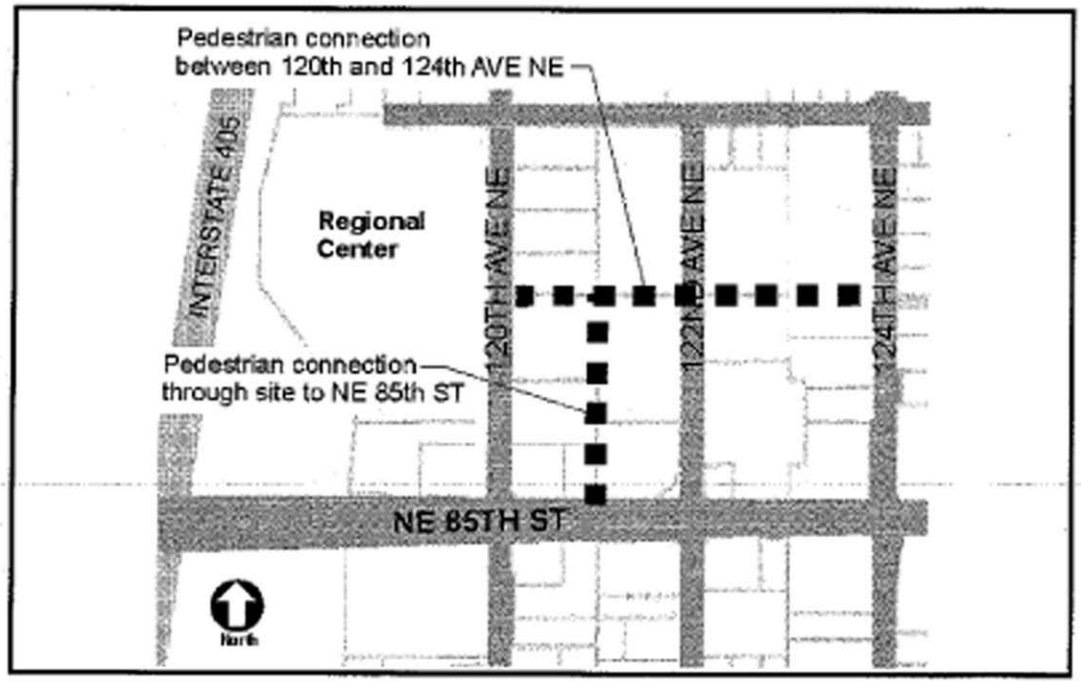
Pedestrian Circulation in the NRHBD



Attachment A-19

Plate 34K

Through-Block Pathways Concept for RHBD



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Chapter 55 – TOTEM LAKE (TL) ZONES

55.05 User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A 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 55.07

Zone TL 1A

Section 55.07 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet 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.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A ~~Plate 34.~~ Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
   a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A ~~34;~~ and
   b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate 34A. ~~as determined by the Public Works Director.~~ Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

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2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

(Revised 12/04)

Section 55.09 Zone TL 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.040	Attached or Stacked Dwelling Units (continued)											4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated. 5. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC ~~92.10.~~ Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development on the subject property complies with 5(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 92.15 and 105 REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

(Revised 12/04)

Section 55.09 Zone TL 1A **USE ZONE CHART**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.070	Assisted Living Facility	D.R., Chapter 142 KZC	None	10′	0′	0′	85% See Spec. Reg. 5.	30′ to 160′ above average building elevation. See Spec. Reg. 4.	B	A	See KZC 105.25.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. 3. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated. 4. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC ~~92.10.~~ 92.15 and 105 Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09 Zone TL 1A **USE ZONE CHART**

Section 55.09	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.080	Convalescent Center or Nursing Home (continued)											3. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC ~~92.10.~~ 92.15 and 105 Examples include pedestrian walkways through the subject property, public plazas, public art and fountains. b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development of the subject property complies with 3(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120 feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. 4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 4. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

55.11 User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B 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 55.13

Zone TL 1B

Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision 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 TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet 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. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
4. The ability to accommodate new development in the TL ~~1A and~~ 1B zones is dependent upon the construction of two new streets: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, ~~and 119th Avenue NE, between NE 128th Street and NE 130th Place~~, as shown on Plate ~~34~~ 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which ~~these~~ this street~~s~~ in whole or in part extend~~s~~ shall contribute to the creation of the streets as follows:
   a. With all new development, the portions of the streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate ~~34~~ 34A; and
   b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate ~~34~~ 34A. Minor deviations in the location, width and improvement of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.

O-4072 eff 3-12-07

ATTACHMENT A-22

Section 55.15 Zone TL 1B USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15 USE	REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)											~~b. Where land dedication is required for the improvement of 119th Avenue NE, pursuant to General Regulation 4, office use may be increased according to the formula set forth in Special Regulation 1. Office use may not exceed 90 percent of the total FAR for the mixed use development. If the office use is proposed to be built prior to the residential use, the applicant may propose a phasing plan for the residential component to the Planning Department. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.~~ b ~~a~~. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.2 FAR of office use, or 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. 2. Twenty-foot yard required where properties abut NE 132nd Street. 3. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. 4. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if: 1) One of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC ~~92.10.~~ Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 2) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

O-4072 eff 3-12-07

~~a. Where land dedication for 119th Avenue NE is not required pursuant to General Regulation 4, office use is limited to 0.5 FAR.~~

~~b. Where land dedication is required for the improvement of 119th Avenue NE, pursuant to General Regulation 4, office use may be increased according to the formula set forth in Special Regulation 1. Office use may not exceed 90 percent of the total FAR for the mixed use development. If the office use is proposed to be built prior to the residential use, the applicant may propose a phasing plan for the residential component to the Planning Department. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.~~

a. The maximum Floor Area Ratio (FAR) for this use is 3.0, except as provided in paragraph b of this section. Office use shall not exceed 10% of the total gross floor area of all structures on the subject property.

~~c~~b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional ~~0.2 FAR of office use, or~~ 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated.

92.15 and 105

Zone TL 1B

USE ZONE CHART

Section 55.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.050	Attached or Stacked Dwelling Units	D.R., Chapter 142 KZC	None	10′ See Spec. Reg. 5.	0′	0′	85% See Spec. Reg. 8.	30′ to 160′ above average building elevation. See Spec. Regs. 6 and 7.	C	A	See KZC 105.25.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. Residential development must provide a minimum density of 50 dwelling units per gross acre. 3. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. 4. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated. 5. Twenty-foot yard required where properties abut NE 132nd Street. 6. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. 7. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of ~~KZC 92.10.~~ 92.15 and 105 Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15 Zone TL 1B USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.080	Assisted Living Facility	D.R., Chapter 142 KZC	None	10′ See Spec. Reg. 4.	0′	0′	85% See Spec. Reg. 7.	30′ to 160′ above average building elevation. See Spec. Regs. 5 and 6.	C	A	1 per assisted living unit. 92.15 and 105	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. 3. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated. 4. Twenty-foot yard required where properties abut NE 132nd Street. 5. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street. 6. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC ~~92.10.~~ Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

(Revised 12/04)

Section 55.15 Zone TL 1B USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.090	Convalescent Center or Nursing Home (continued)											5. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of ~~KZC 92.10.~~ 92.15 and 105 Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development on the subject property complies with 5(a) above, 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 6. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

55.17 User Guide. The charts in KZC 55.21 contain the basic zoning regulations that apply in the TL 2 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 55.19

Zone TL 2

Section 55.19 – 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 provision of this code may apply to the subject property.
2. In addition to the height exceptions established in KZC 115.60, the following exceptions to height regulations in TL 2 are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a sloped 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.

New General Regulation in TL 2 Use Zone Chart:

#3. The applicant shall install at least one *through-block pathway* pursuant to the standards in 105.19.~~X~~4 from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone shall also be provided.

ATTACHMENT A-23

55.29 User Guide. The charts in KZC 55.33 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C 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 55.31

Zone
TL 4A, 4B, 4C

Section 55.31 – 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 provision of this code may apply to the subject property.
2. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space, shall be a minimum of 15 feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
   b. Parking garages; or
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet 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.

Delete #4

~~4. For the purpose of applying landscape buffering standards, development on Totem Lake Boulevard, where adjoining Totem Lake Park, shall only be required to provide landscaping in accordance with KZC 95.25(3).~~

~~5.~~ 4. At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter ~~92~~ 105 KZC).

~~6.~~ 5. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

~~7.~~ 6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

ATTACHMENT A-24

55.35 User Guide. The charts in KZC 55.39 contain the basic zoning regulations that apply in the TL 5 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 55.37

Zone TL 5

Section 55.37 – 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 provision of this code may apply to the subject property.
2. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: 123rd Avenue NE and NE 120th Street, as shown on Plate ~~35~~ 34.B. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:
   a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent ~~with Plate 35~~ 34.B; and
   b. With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
   c. The street network within the TL 5 zone should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk continue to apply.
   2.d. insert attached text.
3. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:
   a. Within 20 feet of NE 116th Street, 35 feet.
   b. Within 30 feet of NE 116th Street, 45 feet.
   c. Within 40 feet of NE 116th Street, 55 feet.
4. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
   b. Parking garages.
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

ATTACHMENT A-25

(Revised 9/06)

Zone TL 5

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

5. At least 30 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants or taverns.
6. No surface parking may encroach into the required front yard.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Insert
#9. from attached sheet

New General Regulations for TL 5 Use Zone Chart:

#2.d. Development in the TL5 zone must provide a grid of internal access roads shown on Plate 34.B and 34.F pursuant to the following standards:

1. A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.

2. An east/west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.

3. Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.

4. Suggested cross-sections for each of these roads would include:

    a) Two travel lanes (one lane each way);

    b) On-street parallel parking;

    c) Eight to 12 feet wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

#9. The applicant shall install a *through-block pathway* or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street, designated as *major pedestrian sidewalks* in Plate 34.F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See Section 105.19.3 for *through block pathway* standards. Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

55.41 User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B 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 55.43

Zone TL 6A, 6B

Section 55.43 – 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. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
   b. Parking garages;
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
   d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter ~~92~~ KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE. (See Plate 34G) 105
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet 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.
6. The review process for development in this zone is as follows:
   a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
   b. In TL 6B, as set forth in Chapter 142 KZC.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

ATTACHMENT A-26

Insert #9, #10 from attached sheet.

(Revised 9/06)

New General Regulation for TL 6A, 6B Use Zone Chart:

#9. In TL6B, development must provide a grid of internal access roads (see Plate 34.G) pursuant to the following standards:

a) A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.

b) Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.

c) Suggested cross-sections for each of these roads:

1) Two travel lanes (one lane each way);

2) On-street parallel parking;

3) Eight to 12 feet wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

The above access roads may be private or public.

#10 The applicant shall install a *through-block pathway* or other pathways to link streets and/or activities. (See Plate 34.G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See Section 105.19.3 for *through block pathway standards.* Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

55.71 User Guide. The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B 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 55.73

Zone TL 10B

Section 55.73 – 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 low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
   b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate ~~36~~ 34C, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
   a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate ~~36~~ 34C; and
   b. With all new development exceeding 35 feet in height, the street shall be improved as determined by the Public Works Director.

   Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.
5. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).
6. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.
7. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees. (Does not apply to Public Park use).
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

ATTACHMENT A - 27

CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES

52.05 User Guide. The charts in KZC 52.12 contain the basic zoning regulations that apply in the JBD 1 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 52.10

Zone JBD-1

Section 52.10 – 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. Building height and placement and other site design features should seek to provide for a view corridor from 98th Avenue NE through the subject property towards Lake Washington.
3. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Insert #4

The applicant shall install a *through-block pathway* extending from the north end to the south end of JBD 1 of the Juanita Business District. Two *through-block pathways*, spaced far enough apart to provide maximum accessibility for the whole block, will also extend from the east side to the west side of JBD 1 (see Plate 34 in Chapter 180). See Section 105.19 for *through block pathway* standards. 4I. X4

The alignment of these pathways shall take into account proposed and existing buildings and, to the extent possible, shall extend along building fronts or property lines. The applicant must install pathways that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The pathways shall be located to provide a direct continuation of the existing or future *through-block pathway* on adjacent properties. When possible, the pathways shall be located to create view corridors and reinforce connections to Lake Washington. During the Design Review process, the City may determine that a *through-block pathway* is not required if a suitable *through-block pathway* exists on adjacent properties.

ATTACHMENT A-28

(Revised 6/02)

Section 52.12 Zone JBD-1 USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 52.12	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.120	Development containing two or more of the following uses: – Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants – Office Uses – Stacked or Attached Dwelling Units See Special Regulations 1 and 2.	If the development exceeds 30′ above average building elevation, then Process IIA, Chapter 150 KZC, otherwise D.R., Chapter 142 KZC.	See Spec. Reg. 3	0′	0′	0′	80%	See Special Regulations 4 and 12.	See Spec. Reg. 5.	See Spec. Regs. 6 and 7.	See KZC 105.25.	1. A development which includes two or more of the uses specifically listed in this "use" column may also include one or more of the other uses allowed in this zone. 2. The following uses are not permitted in this zone: a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile sales and/or rental facilities. c. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. d. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. 3. The minimum lot size for this use is eight acres. Lot size requirements for this use do not require that the entire subject property be under one ownership, as long as the entire development is approved at one time as a master plan. 4. The maximum height of structures on the subject property is as follows: a. If the subject property contains at least 11 acres: 1) On the northern portion of the site, structures may not exceed 78 feet above average building elevation; and 2) On the southern portion of the site, structures may not exceed 30 feet above average building elevation. b. If the subject property contains more than eight acres, but less than 11 acres: 1) On the northern portion of the site, structures may not exceed 52 feet above average building elevation; and 2) On the southern portion of the site, structures may not exceed 30 feet above average building elevation. 5. Chapter 95 KZC applies to the development of the subject property. The City will determine required buffers for the proposed development as part of the approval process based on the following: a. The buffering should integrate development of the subject property with compatible development on adjoining property to provide a unified appearance to the business district. b. The buffering should provide some separation and visual relief for present or reasonably anticipated residential use on adjoining property. c. The buffering should provide a linkage to Juanita Beach Park, rather than a separation from the park. REGULATIONS CONTINUED ON NEXT PAGE

Section 52.12 Zone JBD-1 USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 52.12	USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.120	Development containing two or more of the following uses: – Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants – Office Uses – Stacked or Attached Dwelling Units (continued)											6. Any development approved under this provision must include a master sign plan for all signs on the subject property. 7. If the development contains restaurant, tavern, fast food restaurant, or retail use, then sign category E applies. Otherwise, sign category D applies. 8. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval. 9. Restaurants, taverns, fast food restaurants, and retail establishments selling goods and services should be the predominate use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development. 10. The subject property must contain landscaped public open space in conjunction with a pedestrian path or series of pedestrian paths that link the East Ridge to the subject property and the subject property to Juanita Beach Park. 11. The subject property must have access points from at least two public rights-of-way. 12. Buildings exceeding 35 feet above average building elevation shall be permitted only if design techniques are used to minimize perceived building mass and achieve superior architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the design requirements of KZC ~~92.30(2) and (3),~~ and will normally include terracing of upper floors and modulation of front facades. 92.30.3. and 5. 13. The applicant shall comply with the Special and General Regulations established in this Chapter for the uses that are proposed to be included on the subject property unless the City determines that they conflict with regulations applicable to this use listing. 14. The City may approve the proposed development only if it contains public amenities such as plazas, sculptures, fountains, water fountains, and pocket parks. 15. Buildings exceeding 30 feet above average building elevation shall demonstrate compliance with the design regulations of Chapter 92 KZC and the provisions of the Juanita Business District Chapter of the Comprehensive Plan. The City will use Process IIA, Chapter 152 KZC, to determine compliance.

(Revised 12/04)

53.30 User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 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 53.32

Zone RH 3

Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter ~~92 KZC~~: 105, 110 and Plate 34.K)
5. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
   b. Parking garages.
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
   a. Require access from side streets; and/or
   b. Encourage properties to share driveways, circulation and parking areas; and/or
   c. Restrict access to right turn in and out; or
   d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. A through block pedestrian pathway shall be installed pursuant to the through block pathway standards in 105.19.3 (See Plate 34K)
   a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
   b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

ATTACHMENT A-29

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

20.05 User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 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 20.08

Zone RM

Section 20.08 – 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. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
   b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
   (Does not apply to General Moorage Facility and Detached Dwelling Units uses).

3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:
   Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
   (Does not apply to General Moorage Facility uses).

4. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.

5. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.
   (Does not apply to General Moorage Facility and Public Park uses).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

ATTACHMENT A-32

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

6. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
   a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern.
   b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
   c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.

   (Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).

7. If the property is located in the NE 85th Street Subarea, the following shall apply:
   a. If the subject property is located south of NE 85th Street between 124th Avenue and 120th Avenue, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
   b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through block pedestrian pathway to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. pursuant to the standards in 105.19.3 (See Plate 34K)

8. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

9. May also be regulated under the Shoreline Master Program, KMC Title 24.

Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES

48.05 User Guide. The charts in KZC 48.15 contain the basic zoning regulations that apply in the LIT 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 48.10

Zone LIT

Section 48.10 – 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 provision of this code may apply to the subject property.
2. 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 20 feet above average building elevation, or
   b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
   (Does not apply to Hazardous Waste Treatment and Storage Facilities uses).
3. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).
4. If the property is located in the NE 85th Street Subarea, the applicant shall install a through block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. pursuant to the through block pathway standards in Section 105.19 ~~See~~ Plate 34K.)
5. Retail uses are prohibited unless otherwise allowed in the use zone charts.

ATTACHMENT A-31

PUBLICATION SUMMARY
OF ORDINANCE NO. 4097

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AMENDING PORTIONS OF CHAPTERS 5, 92, 95, 105, 110, 115, 142, 162, 180, USE ZONE CHARTS IN CHAPTERS 20, 48, 52, 53, 55, (FILE NO.ZON07-00002)

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code Ordinance 3719, as amended as described in Attachment A to Ordinance 4097 and summarized below:

1. Adds new definitions to Chapter 5 Definitions related to design districts.
2. Amends text in Chapter 92 Design Regulations to reorganize and delete text to move to the other following chapters.
3. Amends text in Chapter 95 Tree Management and Required Landscaping related to parking lot landscaping.
4. Amends text in Chapter 105 Parking Areas, Vehicle and Pedestrian Access and Related Improvements related to pedestrian access improvements, bicycle parking, parking area design and drive through facilities.
5. Amends text in Chapter 110 Required Public Improvements to add sidewalk and other public improvement standards in design districts.
6. Amends text in Chapter 142 Design Review to delete and add new criteria for when Design Board Review and Administrative Design Review is required and changes to the administrative design review process.
7. Amends text in Chapter 162 Nonconformance to refer to Chapter 142 for when nonconformance's to Chapter 92 must be brought into conformance.
8. Amends Chapter 180 Plates to delete Plate 34, 35 and 36 and add new Plates 34A to 34K.
9. Amends Chapter 55 Totem Lake Zones to amend Sections 55.07 and 55.09 in TL1A, 55.13 and 55.15 in TL1B, 55.19 in TL2, 55.31 in TL4A,B,C, 55.37 in TL5, 55.43 in TL6A,6B, 55.73 in TL10B.
10. Amends Chapter 52 JBD 1 zone to amend Sections 52.10 and 52.12.
11. Amends Chapter 53 in RH3 zone to amend Section 53.32.
12. Amends Chapter 20 in RM zones to amend Section 20.08.
13. Amends Chapter 48 in LIT zones to amend Section 48.10.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

SECTION 5. 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 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 5th day of June, 2007.

I certify that the foregoing is a summary of Ordinance No. 4097 approved by the Kirkland City Council for summary publication.

City Clerk