# 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

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**AGENDA**
**KIRKLAND CITY COUNCIL MEETING**
**City Council Chamber**
**Tuesday, June 19, 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 Cultural Council
4. *EXECUTIVE SESSION*
5. *SPECIAL PRESENTATIONS*
   - *a.* Twenty-five Year Service Award, Janice Perry
   - *b.* Community Emergency Response Team (CERT) Graduates Recognition
   - *c.* Introducing Emergency Preparedness Coordinator, Stephanie Day
   - *d.* Urban Partnership Proposal, Kimberly Hunt, King County Department of Transportation Office of Regional Transportation Planning
   - *e.* Proclaiming July as Parks and Recreation Month
   - *f.* Green Tips
6. *REPORTS*
   - *a.* *City Council*
     - (1) Regional Issues

*b. City Manager*

(1) Response to Annexation Correspondence

(2) J. Robert Havlick Award for Innovation in Local Government

(3) Calendar Update

**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.

*7. COMMUNICATIONS*

*a. Items from the Audience*

*b. Petitions*

*8. CONSENT CALENDAR*

*a. Approval of Minutes:* June 5, 2007

*b. Audit of Accounts:*

*Payroll $*

*Bills $*

**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.

*c. General Correspondence*

(1) Tyler Ahlgren, Regarding Climate Change and Youth

(2) Matt Sanborn, Regarding NE 73rd Street Sidewalk Project

*d. Claims*

*e. Authorization to Call for Bids*

*f. Award of Bids*

(1) Information Technology Tenant Improvements, Modular Electric

(2) Ben Franklin Elementary School Improvements, Pacific Earth Works, Inc.

**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.

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

*h. Approval of Agreements*

*i. Other Items of Business*

(1) Ordinance No. 4104, Amending the Biennial Budget for 2007-2008

(2) Resolution R-4650, Relinquishing the City's Interest in a Portion of Unopened Alley (634 12th Avenue)

(3) Acknowledging Transportation Commission Resignation

**P -** denotes a presentation from staff or consultant

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

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

*9. PUBLIC HEARINGS*

* *a.* Aubrey Short Plat Appeal

*10. UNFINISHED BUSINESS*

*11. NEW BUSINESS*

*a.* Market and Norkirk Neighborhoods Small Lot Single-Family and Historic Residence Preservation Regulations:

(1) Ordinance No. 4102, Relating To Zoning, Land Use, and Subdivision of Land and Amending Ordinance No. 3705 as Amended, the Kirkland Subdivision Ordinance Chapter 22.28 Design Standards; and Amending Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code); Chapter 75 Historic Landmark Overlay Zone, Chapter 115 Miscellaneous Use Development and Performance Standards, Chapter 15 (Single-family Residential (RS) Zones) All To Establish Regulations for Small Lot Single-Family and Historic Preservation Subdivisions

(2) Ordinance No. 4103, Relating to Planning Department Fees and Amending KMC Section 5.74.070 by Adding a Fee for Historic Residence Designation and Alteration

*b.* Resolution R-4651, Urging the King County Council to Place a County-Wide 2008-2013 Medic One/Emergency Medical Services (EMS) Levy of up to $0.30 per Thousand Dollars of Assessed Valuation on the November, 2007 Primary Ballot

*c.* Update on Regional and Local Jail Planning Activities

*d.* Revising Purchasing Code Language, Kirkland Municipal Code 3.85

*12. ANNOUNCEMENTS*

*13. ADJOURNMENT*

**P -** denotes a presentation from staff or consultant

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

**MEMORANDUM**

**To:** Kirkland City Council

**From:** Kirkland Cultural Council

**Date:** June 5, 2007

**Subject:** Joint Study Session between City Council and Cultural Council

**RECOMMENDATION:**

It is recommended that the City Council review and discuss the work of the Kirkland Cultural Council (KCC) and provide direction on the key policy issue of public art funding.

**BACKGROUND DISCUSSION:**

This past year the Cultural Council has worked on many different projects. KCC is now an established art force in Kirkland providing the motivation and organizing capacity to move projects forward. They have created relationships with local arts organizations, the community, and neighboring cities. KCC provided funding to keep the "Bath House" sculptures in the lobby of City Hall, contributed to the now annual Kirkland Artist Studio Tour (KAST) on Mother's Day, contributed to the planning process of the Kirkland "Uncorked" event, and is in the process of placing several new sculptures that were donated to the city. KCC has taken advantage of 4Culture funds and negotiated to bring public performance art to the city in 2006 and hopes to do this again in 2007.

The following project summaries identify the programs that the Council has either completed or is currently working on:

Neighborhood Art: Norkirk Sculpture (Completed)

In 2006, the Norkirk Neighborhood voted to apply $9,000 of its Neighborhood Connection funding toward a sculpture to be placed in the landscaped triangle at the intersection of Third Street and Tenth Avenue. KCC worked closely with the Norkirk Neighborhood Association to select an art piece and recommend it to the neighborhood for approval. This marked the first time that a Kirkland neighborhood chose to use its Neighborhood Connection funding for the purchase of public art. The committee chose Matador, a non-representational sculpture by Micajah Bienvenu, which was installed on May 16th, 2007. A formal celebration is planned for June 20, 2007. The Cultural Council hopes that the process they developed can be used to assist other neighborhoods in selecting art as well.

Sound Transit Soundwalls on 128th and 85th (Completed)

After many years of hard work, Sound Transit's I-405 overpass that includes the artwork of Vicki Scuri is in the final stages of completion. KCC participated in the Kirkland advisory committee to determine the aesthetic feel of Kirkland's section of the I-405 project. Kirkland was the first city to get art on the I-405 corridor and since then has served as an advisor to other cities wishing to do the same. This is an example

of integrated art that uses familiar materials and incorporates an artistic touch that adds beauty to the I-405 corridor and the Totem Lake neighborhood. KCC was proud to be a part of this addition to the city.

Art in Private Development (In Progress)

The Cultural Council has initiated an art in private development program that encourages private developers to integrate art early on in their planning process. Council members have met with several private developers to review their plans and provide suggestions, with a focus on high impact development. They have presented their mission to the planning department and the design review board, and have submitted suggested changes to the current design review guidelines that would further encourage integrated art. The council is currently working on a video for developers explaining the benefits of incorporating art in development and how the Cultural Council can assist them.

Public Art Funding (In Progress)

Public art funding is central to maintaining the reputation that Kirkland has of being the arts destination on the Eastside. A city that demonstrates and acknowledges the role public art plays in strengthening civic identity and community pride. A city that creates a sense of discovery; that is a creative magnet for economic development; and that bolsters the desire for public art in the community. This helps set Kirkland apart in ways that encourage people to live here, to visit, to tell others.

> "Public art can express civic values, enhance the environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in a public site, this art is therefore for everyone, a form of collective community expression—from the once celebrated but now unrecognized general on a horse to the abstract sculpture that may baffle the passer-by on first glance." **Penny Balkin Bach (contemporary American), art administrator** (taken from the City of Kirkland Public Art Policy Guidelines).

The Cultural Council has researched several options for public art, including looking at what neighboring cities are doing. The attached memo outlines some of these options.

The Council is also discussing upcoming city park renovations to see if there are ways to incorporate art in those high impact areas as well. A secure funding source would allow the placement of art in some very high impact public areas such as Heritage Park, McAuliffe Park, Juanita Beach, and even some of the neighborhood playground areas that the city plans to replace.

Cannery (In Progress)

The Council oversaw an architectural study of the Kirkland Cannery building to determine what it would cost to restore the building. They researched similar projects done by other cities. A steering committee was formed to look further into the options available. The first official meeting of the steering committee was April 5, 2007 and was considered a great success. The Steering Committee has recommended that the City work with the property owner to develop an agreement that would give the City and the Steering Committee a defined amount of time to complete a feasibility study and business plan for the building. The Cultural Council will be presenting a proposal for such an agreement at an upcoming Council meeting.

There remains a lot of enthusiasm for this project. The Council has been working cooperatively with the owners and local business leaders to determine how to fund the restorations that are needed. The next steps for the steering committee are outlined and the work continues on how to keep and maintain this

piece of Kirkland history. The key goals for the steering committee are economic sustainability and community involvement backed by a sound business plan.

The Kirkland Cultural Council welcomes any feedback about its accomplishments as well as any direction as we look forward to next year's projects.

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

## MEMORANDUM

**To:** Kirkland City Council

**From:** Kirkland Cultural Council

**Date:** June 5, 2007

**Subject:** Public Art Funding in the Capital Improvements Program

Recommendation: It is recommended that the City Council allocate a set dollar amount to fund the annual acquisition of public art and, in addition, that the City Council establish an arts budget for specific CIP projects that would benefit from the integration of public art.

Background: Kirkland's vibrant arts community offers residents and tourists varied cultural opportunities. In an effort to sustain and enrich these experiences for all community members, the Kirkland Cultural Council recommends establishing a permanent funding source for public art.

Public art is essential in establishing unique identity for a community. It gives character to a setting, represents the history and importance of a place, and creates an iconic image for future generations. As stated by the British Urban Regeneration Association, public art represents a sound investment in a community:

> Public art can make a major contribution to giving a place character and identity, bringing people into and through places, generating civic pride in a neighborhood and improving its image. These factors, which can be vital in creating places where people want to live, work and visit, can often be achieved for a small percentage of the overall project cost.
>
> BURA (British Urban Regeneration Association) Steering Group & Development Forum

The Cultural Council's recommendation for an annual allocation designated for public art funding is tied to an overall vision for the arts in Kirkland. In 2006, the Kirkland Cultural Council sponsored meetings with the business community, arts organizations, arts donors, and Kirkland galleries to begin to define a vision for public art and the arts in general in Kirkland. Some of the elements of an arts vision that were expressed at those meetings are summarized below:

- Kirkland's setting provides a natural backdrop for art to be integrated along walking paths and the waterfront.

- The City's public art should have an elegance and sophistication that derives from international quality. The public art collection should be diverse, with sophistication and a sense of fun. The art should be interactive, at a scale and sensibility that kids can relate to.

- The arts create a community ambience that is enhanced by elements of surprise and delight in walking streets, plazas, and evening activities. The arts define our community character and attract tourists and visitors.

- The City should have flexibility in its funding for the arts, but it should be aimed at building in the spectacular – it should be at a level that can fund a large project.

- The City should strive to offer opportunities for people to have a daily touch of art in their lives

With a dedicated source of funding for public art, the Cultural Council would work with the City Council to develop a strategic plan for public art investments. These investments could include:

- High impact public art placed at important opportunity sites—along the waterfront, at the "Safeway Triangle" located adjacent to Park Place and the Kirkland Performance Center, at the key entrances to the City

- Art with a sense of play and fun integrated into upcoming parks projects at Heritage Park, Juanita Beach Park, McAuliffe Park and other park projects.

- Art integrated into significant public buildings, such as a future public safety building, future expansion of City Hall, and the remodel of the Council Chambers.

- Art integrated into the utility boxes and bicycle racks at City facilities. The City of Santa Cruz, California has a model program for creating art on utility boxes that could be adapted by Kirkland to create a community-wide impact.

**Public Art Funding Options**

The City of Kirkland currently supports the arts through financial support of the Kirkland Performance Center, the Kirkland Artist Studio Tour, the Kirkland Gallery Association, and other arts related organizations and festivals. In addition, the City has devoted funds to the acquisition of public sculpture or other public art on a case-by-case basis.

However, while public art is an integral part of the City's identity, Kirkland does not have a consistent source of funding for its acquisition. To date, most of the public sculpture in Kirkland has been obtained through generous donations by private citizens. The Cultural Council would like to build upon the City's outstanding public art collection through the dedication of funds toward public art acquisition.

Support for public art acquisition is common amongst Kirkland's peer cities. Redmond, Bellevue, Shoreline, Burien, Kenmore, Renton, Issaquah, Seattle, Federal Way and Mercer Island all have permanent sources of funding devoted to the acquisition of public art. These are structured as either (1) percent for art programs or as (2) an annual allocation to public art acquisition. The following table shows the funding allocated to public art acquisition from 2005-2008 in nearby cities. This table includes funding for capital acquisitions only – it does not include funding for city-sponsored performing arts or non-profit arts organizations.

**TABLE 1 – Funding for Public Art Acquisition - King County Cities**

| | 2005 | 2006 | 2007 | 2008 |
|---|---|---|---|---|
| **Bellevue** | $ 400,000 | $ 400,000 | $ 400,000 | $ 400,000 |
| **Federal Way** | $ 120,980 | $ 141,170 | TBD | TBD |
| **Issaquah** | $ 20,000 | $ 32,000 | $ 18,477 | TBD |
| **Mercer Island** | $ 39,214 | $ 3,000 | $ 5,000 | $ 65,000 |
| **Redmond** | $ 50,739 | Biennial budget | $ 105,687 | Biennial budget |
| **Burien** | $ 23,704 | $ 29,427 | $ 35,304 | TBD |
| **Tukwila** | $ 8,795 | $ 33,000 | $ 35,000 | TBD |
| **Kenmore** | $ 495 | $ 40,000 | $ 500 | TBD |
| **Renton** | $23,425 | $60,000 | $60,000 | TBD |
| **Shoreline** | | $ 115,775 | | |
| **SeaTac** | $ 35,205 | $ 3,600 | $ 40,100 | $ 40,100 |
| **Sammamish** | $ - | $ 100,000 | $ 100,000 | TBD |
| **Woodinville** | $ 15,000 | $ 15,000 | $ 16,500 | $ 16,500 |

This memo outlines potential options for the structure of a municipal art fund for Kirkland, with an option recommended by the Cultural Council.

**Option 1: Percent for Art**

Percent for art is the most common method by which cities contribute to the acquisition of public art. This program requires that a percentage (typically ranging from one to two percent) of the construction cost of public capital projects be devoted to public art. For example, if the city were to build a new recreation center, a percentage of the construction costs would be used for public art.

The City could shape its percent for art program to suit its own needs. The percent can be applied to new construction only, or it can also be applied to expansion or renovation projects. Many cities exclude certain types of projects from contributing to the art fund regardless of cost. The most frequent exclusions include:

1) Public Works Projects consisting of roads, sidewalks, bridges and other transportation system improvements (If transportation system improvements are part of a larger capital project they are not excluded).

2) Water and Sewer projects (unless accessible and generally frequented by the public).
3) Basic repair and maintenance.
4) Funds from sources that prohibit art as a proper expenditure.
5) Land acquisition.

The City can also build in flexibility in how the funds are used. For larger projects, the funding is typically used to acquire art that is permanently sited at the project site. However, the ordinance could allow the art to be sited in other locations. It is typical that the funding generated by smaller city projects is pooled in a municipal art fund that can be used to acquire art for larger projects.

A review of the City's capital improvements budget from 2002 to 2206 shows that a 1% for art funding mechanism would generate the following funding levels if the 1% were applied to all of the city's transportation, utilities, stormwater, parks and facilities projects. It should be noted that this includes dozens of projects each year, many of which would contribute less than $1,000 to the overall art fund.

**TABLE 2 – ILLUSTRATION OF 1% of CITY OF KIRKLAND CIP PROJECTS**

| 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|
| $69,300 | $78,200 | $121,600 | $134,900 | $111,850 |

The advantages of a percent for art program are:

- it establishes a dedicated source of funding for the arts;
- public art would be integrated into projects and located throughout the community.

The disadvantages of this type of approach are:

- the funding level would vary from year to year
- the art could be more diffuse, with less of an impact on the community
- the program requires more resources to administer than other options
- the funding could be viewed as competing with the project budget

**Option 2: Direct Funding Allocation to Art**

Under this option, Kirkland would allocate a specific dollar figure of its capital improvement budget for art acquisition. This approach recognizes the intrinsic value of art, independent of any association with a construction project. Also, this approach gives the City the ability to develop an overall vision and plan for public art in the community, with the resources to carry the vision out over time.

The funds would be used for the selection, acquisition, display, and maintenance of works of art, including all forms of original creations of visual art. The art would be sited so that it is readily accessible to the public.

The City of Bellevue currently allocates $350,000 annually from its capital budget for the acquisition of public art. Bellevue has determined that it will use this funding to integrate art into a public walkway from City Hall to the waterfront to help enhance and define this pathway. If Kirkland were to choose this option, it could develop a specific vision and plan for the use of these art resources.

The City of Kirkland could choose to fund this direct allocation at a comparable level to the amount that would be generated by a 1% for the arts allocation. The Cultural Council recommends a funding level of $150,000 annually to account for construction cost inflation and the desire to maintain a funding level that is commensurate with building on an outstanding public art collection.

Advantages:

- It is a dedicated source of funding
- There is flexibility in the use of the funds
- The funds could be focused on a project(s) that has a significant impact

Disadvantages:

- May not result in art located throughout the City
- Funding commitment may vary from budget cycle to budget cycle

**Option 3: Art Funding for Select Capital Projects**

Under this option, the City would review the Capital Improvements Project list and would identify the specific project(s) that would benefit most from the integration of public art. These projects might include park development or construction of a public building. The City would then establish a specific budget for art associated with these projects and incorporate it into the Capital Budget.

In reviewing the City's capital improvement budget for the years 2002-2006, there are a number of medium and large-scale projects that would have been good candidates for this approach to integrated art. These include the NE 100th Street Pedestrian Overpass, the Heritage Park, North Rose Hill Woodlands Park, and Carillon Woods Park improvements.

Advantages

- May result in a higher level of overall funding, depending on city's commitment
- Art is integrated into high impact projects

Disadvantages

- It is not a dedicated source of funding
- There may not be any suitable projects to apply this approach in a specific year(s)
- Success may depend on individual project manager's commitment to the program

**Cultural Council's Recommended Option**

The Kirkland Cultural Council recommends a combination of options two and three be incorporated into the CIP. It is recommended that the City Council allocate $150,000 amount to fund the annual acquisition of public art. In addition, it is recommended that the City Council identify specific projects in the CIP that would benefit from the integration of public art and establish a specific arts budget in the CIP associated

with these projects. These CIP projects with an established arts budget could include the Juanita Beach, Heritage, Waverly Beach, and McAuliffe Park projects and projects associated with construction of an indoor recreation center, City Hall expansion and the public safety campus concept.

Advantages

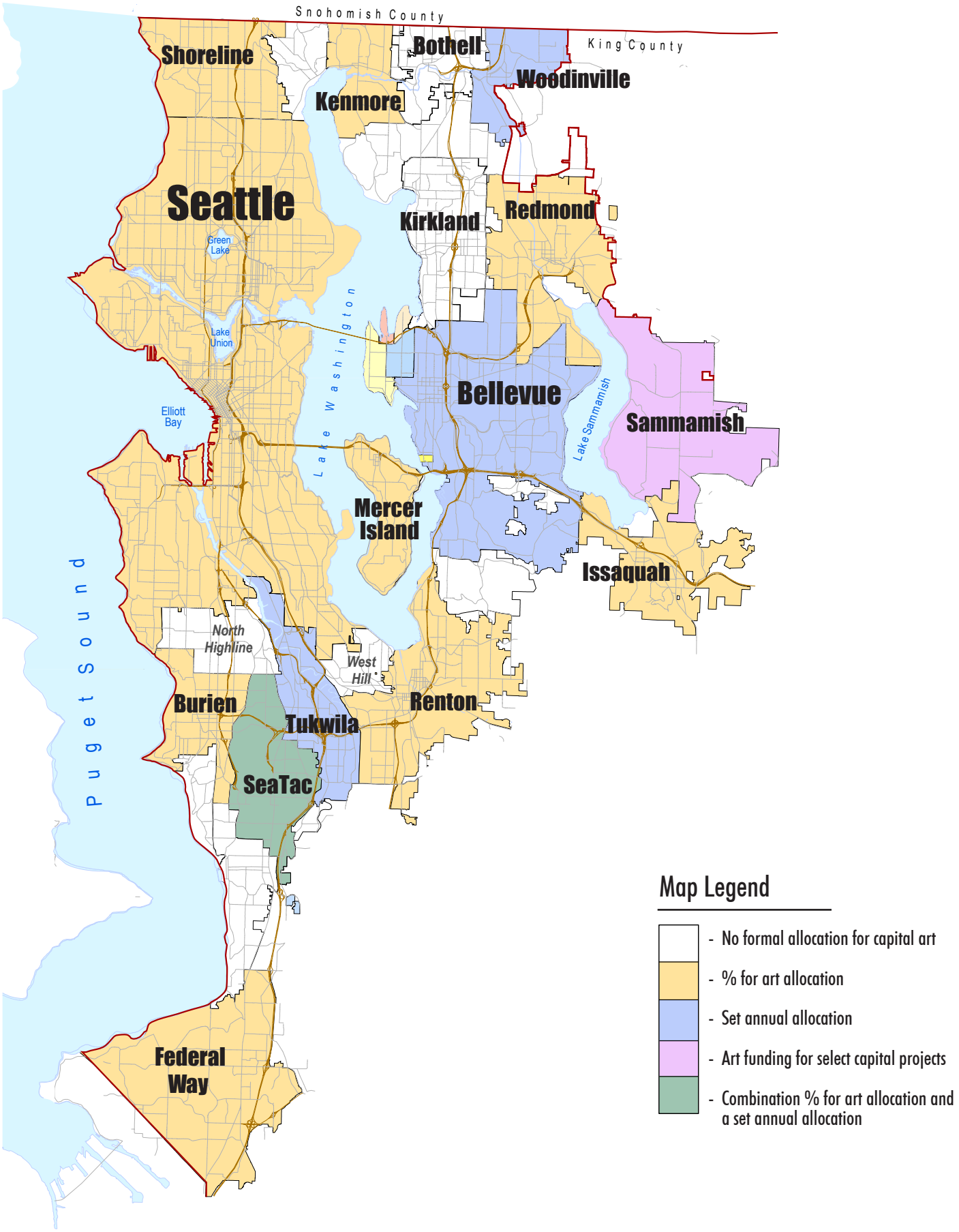
- It is a dedicated source of funding
- There is flexibility in the use of the funds
- Art is integrated into high impact projects
- Would likely result in a higher level of overall art funding

Disadvantages

- the funding could be viewed as competing with other project budgets
- may take a higher level of administration than other options

# Funding for Public Art: A Comparison of Local Cities

All funding shown is budgeted expenditures for Art and is budgeted as a capital cost to acquire, construct, display and maintain public art throughout the following cities.



**CITY OF KIRKLAND**
**Information Technology Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3050**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Brenda Cooper, Chief Information Manager

**Date:** June 8th, 2007

**Subject:** Janice Perry's 25th Anniversary Award

RECOMMENDATION

Council congratulates Janice of her service to the City so far.

POLICY IMPLICATIONS

None.

BACKGROUND DISCUSSION

Janice got her start in City Clerk's Office 1982 as Deputy City Clerk. At that time, Kirkland City Hall was in the 210 Main Street building, and the city population was less than 20,000 (before the North Rose Hill annexation). In addition to core City Clerk duties, the City Clerk's office was also responsible for the general reception area, the Traffic Violations Bureau, and the Cemetery. As part of Janice's cemetery management job, she helped to create a digital map of the cemetery, which required going through many historical records by hand and entering the information into a database.

When the new city hall was opened, JP became responsible for the newly-centralized word processing function and mail services. She also helped to manage the business license and business improvement district functions.

JP was involved in the landmark cable franchise negotiations that helped us start the two government television stations, K-Life and KGOV, and has managed the stations ever since. As the impact of computers became clear, Janice's word processing group shifted into handling more complex graphics and documents.

In 2005, Janice joined the Information Technology management team, bringing the television stations and the graphics group with her. This enabled her to leave the City Clerk, and night meeting functions behind her and to focus more on the creative and important job of managing a major portion of the city's communication infrastructure. If you have an opportunity, please thank Janice for the long service to the city and let her know you look forward to her continued work here.

**CITY OF KIRKLAND**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Jeff Blake, Director of Fire and Building Department

**Date:** 06/07/07

**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 SEVENTH 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 7th CERT course graduates June 3, 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.

Council Meeting: 06/19/2007
Agenda: Special Presentations
Item #: 5. c.

**CITY OF KIRKLAND**
**Fire & Building Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
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# MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Helen Ahrens-Byington, Deputy Fire Chief

**Date:** June 5, 2007

**Subject:** Introduction of Stephanie Day, Emergency Preparedness Coordinator

## RECOMMENDATION:

N/A

## BACKGROUND DISCUSSION:

The Fire & Building Department has made an appointment to the new emergency preparedness position. With part time funding from City Council and part time funding from the EMPG Grant, we were able to hire someone fulltime to do emergency management for the City. I am proud to announce that Stephanie Day started filling the position of Emergency Preparedness Coordinator on June 1st. Stephanie moved to the Seattle area seven years ago from Arizona and absolutely loves the Pacific Northwest, rain and all. She has been married to husband Shane since 1995 and they have two boys, Michael is 11 and Brandon is 9. She's looking forward to working with city staff and the community on various emergency preparedness issues.

Stephanie started working for the Fire and Building Department in October, 2002 as an Administrative Clerk, and was promoted to Administrative Assistant in May, 2003. For the past four years she has been an active member of the City's Emergency Management Action Team (EMAT) and has been involved in numerous emergency management projects, such as the City Emergency Management Plan, the EOC Manual, and the Hazard Mitigation Plan. She served as the EOC Coordinator during the EOC activation in December and has been involved in city EOC exercises, drills, and trainings. She has also represented Kirkland at several regional emergency management trainings and meetings. I am confident in her ability to do the job and know she will excel in this position.

Thank you for the opportunity to introduce our newest member to the City's Emergency Preparedness Team.

### *The Lake Washington Urban Partnership can support the development of future opportunities*

The potential use of tolling and pricing strategies has been referred to in discussions of regional transportation issues for years and has gained momentum as experience with these techniques has spread across the country and around the world.

*"Optimize the transportation system.*
- *Transportation system management (TSM) and intelligent transportation systems (ITS) policies should be implemented where cost-effective.*
- *Transportation demand management (TDM) policies should be used to reduce demand on the highway system.*
- *Jurisdictions should integrate transportation and land use planning.*
- *Congestion pricing should be made a policy option for congested urban areas."*

**Blue Ribbon Commission on Transportation, September 2006**

*"The Destination 2030 long-term finance and investment goal is to introduce variable roadway pricing where, when, and if it is appropriate."*

**Puget Sound Regional Council 2001 Metropolitan Transportation Plan**

*"Through this tolling study we have learned that ideas like value pricing and HOT lanes have proven effective in not only raising funds, but in alleviating traffic congestion."*

**State Transportation Commission September 2006 letter transmitting Comprehensive Toll Study to Governor and Legislature**

*"We believe... interrelated strategies... need to be implemented:*
- *Employ user fees...to manage demand for transportation...*
- *Raise more money from a combination of tax increases and user fees."*

**Regional Transportation Commission's 2006 report to the Governor and Legislature**

*"...without (non-toll) additional funds, some tolling of both bridges will likely be necesary prior to completion of the project...Given the essentiality and feasibility, the SR 520 project could provide an ideal foundation for a statewide system of toll facilities."*

**Office of the State Treasurer's April 2007 report on SR 520 Bridge Replacement and HOV Project Funding Alternatives**

*"Both Lake Washington floating bridges may have to be tolled in order to rebuild the Highway 520 bridge, says state Treasurer Mike Murphy. This is not welcome news, but people need to know it"*

**Seattle Times, April 12, 2007**

### *Status of the SR 520 Bridge Replacement Project*

Governor Chris Gregoire released her findings on the Project on December 15, 2006 stating that replacing the SR 520 corridor "is a matter of urgency for the safety of the traveling public and the needs of regional transportation." She directed WSDOT to move forward with the 6-Lane Alternative design and environmental review process. The Governor asked for ongoing collaboration with elected officials and communities in the development of SR 520 interchange concepts in Seattle.

National, state, and local elected officials toured the facility throughout 2006 and gained an appreciation for how the new facilities will improve safety, reliability, and transit connections in the Puget Sound region. Work in 2007 will include expanded efforts in design, environmental review and coordination, financing, and public involvement in order to strengthen the Project's implementation plan and prepare for construction.

### For more information, contact:


| | |
|---|---|
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Puget Sound Regional Council
PSRC

King County

Washington State Department of Transportation

**Application Now in Development – April 2007**

# The Lake Washington Urban Partnership Proposal

***The USDOT Urban Partnership Program is a promising opportunity for major projects in Metropolitan areas to gain federal funding and federal support for the development of new initiatives to fight congestion and improve the efficiency of transportation systems. Proposals are due to USDOT at the end of April. This pamphlet describes the efforts now underway to fashion such a proposal to support the SR 520 bridge replacement program.***

### *What is an Urban Partnership?*

The Lake Washington Urban Partnership will seek significant federal funding for implementing the tolling program needed for replacing the SR 520 floating bridge. The Urban Partnership Agreement (UPA) is a major component of USDOT's National Strategy to Reduce Congestion on America's Transportation Network. USDOT is seeking to form Urban Partnerships by leveraging three existing grant programs that could amount to several hundred million dollars:

- Intelligent Transportation Systems Operational Testing to Mitigate Congestion (ITS-OTMC);
- The Value Pricing Pilot program (VPP); and
- FTA's Section 5309 Discretionary Grant program to Support Urban Partnerships

By entering into an Urban Partnership Agreement the Central Puget Sound will get priority consideration in receiving these USDOT grants in return for agreeing to pursue aggressive congestion management strategies that may include Tolling, Technology, Transit, and Telecommuting (the 4Ts).

To qualify, the Lake Washington Urban Partnership will need to demonstrate to USDOT that it intends and has the ability to implement BOLD and innovative congestion management strategies in the next two to three years that may:

- Include congestion pricing (tolling) element on an existing facility or facilities.
- Result in measurable congestion reduction.
- Include technology, transit, and telecommuting as complementary strategies to the pricing element.

"The Lake Washington urban Partnership is tied to the urgent replacement of the SR 520 Lake Washington floating bridge. All the partners understand that the SR 520 bridge, the parallel I-90 bridge and connecting parts of Interstate 5 and Interstate 405, are critical to the Central Puget Sound's economy and quality of life.

Replacing the SR 520 bridge is tailor-made for the goals of Urban Partnership Program:

- The SR 520 Bridges (Evergreen Point and Portage Bay) have withstood many winter windstorms and several earthquakes since they were constructed in the early 1960s. Carrying 110,000 vehicles per day, almost double the traffic they were designed to hold, has further worn these aging bridges.
- Additional capacity is needed to meet the future travel demand driven by more people and more jobs. On SR 520 this will be met largely by an expanded reliance on transit in the corridor.
- The new SR 520 bridge will almost certainly be tolled. Also, tolling will likely be used to balance capacity and demand to prevent congestion and protect the reliability of transit/HOV service.
- Rigorous environmental safeguards and improvements will come with the bridge replacement. The environment will benefit from the attention of senior-level officials in state and federal resource and permitting agencies and local government, as well as citizens.
- SR 520 serves business and workers who lead the world in technological innovation. State-of-the-art roadway management technology will complement and support the bridge replacement program. The corridor is also prime territory for telecommuting strategies to reduce peak period traffic demand.

Specific details regarding complete funding for replacing the SR 520 bridge are still being developed. The State Treasurer recently concluded that without additional funds, the state will need to toll both SR 520 and I-90, with tolling likely to be necessary prior to completion of the project. There is already broad discussion in the region about how tolling this project will affect other critical routes such as I-90, I-5, I-405 and SR 522, and how these affects can be managed for the benefit of the transportation system. The Lake Washington Urban Partnership can lay the foundations for these important future opportunities.

### Who will be the potential partners?

| | | |
|---|---|---|
| Puget Sound Regional Council | King County | Washington State Department of Transportation |
| Participating Cities | University of Washington | Private sector firms, including major employees as well as firms interested in traffic management/tolling technology development |
| Federal Highway Administration | Federal Transit Administration | |

*April 11, 2007*

State Route 520 crossing Lake Washington connecting I-405 and I-5 on the old Evergreen Point Floating Bridge is one of the most congested corridors in the Central Puget Sound region.

The challenges of the corridor are many;

- The floating bridge and many other structures that carry the corridor must be replaced because of age and vulnerability to earthquakes and windstorms.
- The corridor must be made safer for travelers and be brought to more efficient modern traffic management standards.
- Over the next 20 years, the Central Puget Sound region will add 1,000,000 people and 700,000 jobs. Population and job growth in communities to the east and west of the SR 520 and I-90 lake crossings call out for new capacity and must be addressed by greatly strengthened transit systems and services to be supported by the corridor replacement plan.
- Corridor modernization will be costly and compete with many other urgent transportation investment needs in the region and elsewhere in the state.
- The neighborhood and natural environments of the project require unparalleled commitments to environmental improvements and protections.

One of the most striking performance challenges on this corridor is the highway capacity wasted by traffic congestion during peak commute times. Traffic bunching and slowdowns caused by too many vehicles trying to use the bridge at the same time rob the corridor of nearly 40% of its ability to pass vehicles through. This wastes energy and generates pollution just as it frustrates citizens with delay and inconvenience.

A modern transportation facility need not be so wasteful and inefficient. Modern traffic demand management systems, including the use of open road variable pricing, hold the prospect of paying huge returns to citizens and the environment at modest overall cost to users – even as tolling mechanisms create a user pay mechanism to finance the corridors replacement and future operation.

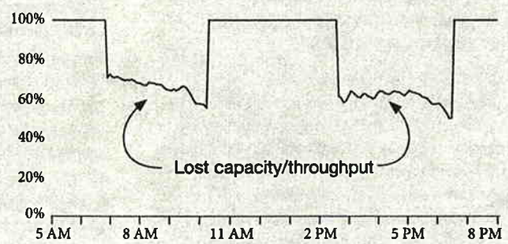
This corridor, already a strong natural market for transit use, also cries out for a path-breaking commitment to new transit facilities and services and the financing resources to support them. Plans are already being made in the bridge replacement program and those plans must be strengthened and their implementation assured as the program advances.

Toll operations will soon start on the nearby Tacoma narrows Bridge and the SR 167 HOT-Lanes pilot project, providing experience in electronic toll collection and the start up of "back office" operations.

Finally, SR 520 requires the best possible approaches to how corridor-scale transportation investment fits into the overall network of the transportation system. That network includes physical facilities, such as interstate routes I-90, I-405 and I-5 that are affected by the operation of SR 520. It also includes networks in the sense of linkages among transportation modes including transit and van-pooling as well as walking and cycling. And it includes networks in the information-age economy that support transportation solutions such as telecommuting.

The SR 520 corridor in short, presents an excellent opportunity for testing and implementing innovative congestion reduction strategies to meet the existing and future travel needs of our citizens.

**SR 520 demonstrates the crippling loss of efficiency caused by traffic breakdown in congestion**




Source: WSDOT Measures, Markers and Mileposts, The Gray Notebook, Sept 30, 2006

## The Lake Washington Urban Partnership builds on innovative programs already underway in the Puget Sound Region.

### PSRC Traffic Choices Study

In 2006, PSRC studied how drivers might vary their choices of when and where to travel if their choices were tied to "paying" roadway prices that would vary by route and time of day. Four hundred volunteers' vehicles equipped with GPS location systems that monitored travel choices and debited accordingly a fictional bank account – which, however, paid to the volunteers in real money the account balance they did not spend and thus made it worth their while to choose how they traveled.

The results of this study are still being analyzed. Interest is broad. Results will show some of the ways that the economic theory of roadway pricing to reduce peak period demand might work in the world of real drivers. This is important information for designing the necessary toll systems for the new SR 520 bridge. How should tolls be set to help manage demand as well as raise revenue?

### WSDOT SR 167 HOT Lanes Pilot Project

The SR 167 HOT Lanes Pilot Project will be the first opportunity for Washingtonians to learn on our own roads whether HOT lane pricing strategies to keep traffic moving will be welcomed here as they now seem to be in California, Colorado, Minnesota, Texas and other leading states. This project will convert nine miles of high-occupancy vehicle (HOV) lanes to high-occupancy toll (HOT) lanes between Renton and Auburn. When they open in 2008, the HOT lanes will provide express trips for transit, vanpools, and carpools and also allow solo-drivers to pay a toll to use the lanes when there is space for more vehicles. Toll rates for single occupancy vehicles will go up and down with roadway usage and demand. This will manage the flow of traffic into the lanes (the old fashioned law of supply and demand) so that traffic speeds are maintained at 45 mph of better and the maximum possible number of cars can get through the lane at peak periods.

### King County Pay As You Drive (PAYD) Program

In March 2007, King County, and partners WSDOT and Unigard Insurance, received a $1.9 federal grant to study driver behavior when insurance rates are based on actual vehicle use. Participants will received a GPS device to track how much and where they drive,, information that will in turn be used to price their insurance premiums. The less they drive, the less they'll pay. This sort of program can also result in less congestion and air pollution and help cut greenhouse gas emissions and promote energy independence.

## The Urban Partnership Agreement

In May 2006, the USDOT announced its National Strategy to Reduce Congestion on America's Transportation Network (the "Congestion Initiative"), a bold and comprehensive national program to reduce congestion on the nation's roads, rails, runways, and waterways. One major component of the Congestion Initiative is the Urban Partnership Agreement ("UPA"), through which the Department plans to partner with certain metropolitan areas or "Urban Partners" in order to demonstrate strategies with proven effectiveness in reducing traffic congestion. Under UPAs, USDOT and its Urban Partners would agree to pursue four strategies with a combined track record of effectiveness in reducing traffic congestion, known as the "Four Ts:"

**Transit:** Creating or expanding express bus services, bus rapid transit ("BRT") or other innovative commuter transit services, which would benefit from the improved traffic conditions generated by pricing;
**Tolling:** Implementing a broad congestion pricing or variable toll demonstration;
**Technology and Operations:** Utilizing cutting edge technological and operational approaches to improve transportation system performance; and
**Telecommuting:** Securing agreements from major area employers to establish or expand telecommuting and flex scheduling programs.

## The Lake Washington Urban Partnership is the perfect match to the "four T's".

### Transit

Transit is already well served on the SR 520 corridor by two dozen routes which provide more than four hundred bus trips a day, carrying 18% of all trips to Seattle in the morning commute. Riders travel between dense job and residential areas on both sides of Lake Washington. Buses in the SR 520 corridor carry 13,400 riders per day, and 4,500 riders in the AM peak. Thirty-eight percent of U.W. staff, faculty, and students commute via transit. For those commuting to the U.W. from the east side of the Lake transit use is even higher at 43%. At the crowded SR 520/Montlake Avenue interchange, a new North Link light rail station will open in 2016 and enable a connection to light rail to downtown Seattle. Modern tolling on the SR 520 corridor will assure transit and vanpool speed and reliability. Smart Card payment and new rider information services will make riding more convenient.

***The Urban Partnership will demonstrate improvements that make the most of transit and van pooling to increase capacity in the SR 520 corridor.***

### Technology

Roadways and vehicles in America are poised on the verge of a technological revolution.

On the SR 520 project, technologies of the future will be incorporated into the project or prepared for so that the corridor can be adapted to their use as they emerge. Some of the most important areas for technology applications will be:

- Modern electronic tolling systems linking the objectives of customer convenience, sound enforcement and financial control, and efficient revenue generation
- Roadway management technology to improve safety, reliability and traffic flow. This should include the capacity to adapt the project, as soon as possible, to active guideway systems for vehicle control
- Information systems for users of every transportation mode, linking for the customer the information for convenient mode choice, time choice and route choice.

***The Urban Partnership will leverage the best thinking from around the country and from the needs and interests of the member partners to produce a technology component for the project that can serve as a springboard for future regional approaches.***

### Tolls

The Washington State Legislature recently established its policy that federal, state and regional sources, plus tolls, will be needed to help finance construction and operation of the new SR 520 bridge. The goal of the Urban Partnership is to use technology that is currently in use and development elsewhere in the country and around the world to benefit traffic here. "Open-road" electronic tolling eliminates the need for toll booths, providing commuters with a fast trip, convenient billing, and an easy and understandable transaction. Technology also now allows tolls to vary by time of day – giving a break to travelers who can use the bridge during less crowded times, and using a higher price during congested times to manage demand and smooth traffic flow so that more traffic can actually move through the corridor.

Hard work is needed. The public must learn more about tolling and contribute its own views to the design of a tolling implementation program that it perceives as, effective and equitable. Financial analyses must be completed to determine anticipated levels of tolls and revenues. Operational analyses must be prepared to address traffic diversion from SR 520 to other routes. Technology must be evaluated and programmed into the project.

***The Urban Partnership will provide resources, a forum and an incentive to move the tolling program for SR 520 and perhaps beyond, from discussion to implementation.***

### Telecommuting

The success of telecommuting requires three things: knowledge-based jobs, widespread broadband internet access and supportive employers. Between 75-80% of households in communities in the travelsheds of SR 520 and I-90 to the east and west of Lake Washington today have broadband access – believed to be one of the highest broadband penetrations of any area in the world. The foundations of telecommuting are already in place. Safeco Insurance on the West end of the corridor already has 13% of its employees telecommuting at least one day a week. WSDOT's Commute Trip Reduction program has identified dozens of other sites where the surge of telecommuting is already at hand.

***The Urban Partnership will invest in telecommuting by linking to employers who already know and will share with others the values of flexible employment arrangements that improve worker productivity and lessen commute-hour traffic demands.***

King County

# Lake Washington Urban Partnership

- Application to the Federal Transit Administration Section 5309 Bus and Bus-Related Facilities Discretionary Grant Program to Support Urban Partnerships

King County

## Introduction

The Washington State Department of Transportation (WSDOT), Puget Sound Regional Council, and King County have joined together in a partnership with other participating local governments and major employers to submit applications for the Urban Partnership Agreement and related discretionary grant programs. The Seattle-King County metropolitan region provides the real world traffic challenges, along with the social, economic and political support, needed for a successful demonstration of how tolling – supported by aggressive transit and demand management programs, as well as the application of technology – can contribute to the improvement and efficiency of our transportation systems.

The Lake Washington Urban Partnership (Partnership) is tied to the urgent replacement of the SR 520 Lake Washington floating bridge. The SR 520 bridge and the parallel I-90 bridge are critical to this region's economy and quality of life. This regional partnership proposes improving traffic flow for motorists by rigorously pursuing congestion reduction strategies across Lake Washington including the 4Ts: tolling (congestion pricing), transit, telecommuting/TDM, and technology.

Congestion in the Seattle-King County metropolitan region is bad and getting worse. The geography of the area has limited the transportation system to three major north south routes – I-5 and SR 99 through Seattle and I-405 through the eastern portion of the metro area – and two major east-west routes – SR 520 and I-90. SR 520 and I-90 together form the Lake Washington corridor, shown in the Figure 1. This corridor connects some of the country's most vibrant technology and manufacturing centers with some of the most desirable residential areas in North America. The City of Seattle is located at the western terminus of both bridges and experiences severe urban congestion. This region demands and respects the balance of economics, environment and quality of life.

**Figure 1**

The central Puget Sound region has its major population and employment centers separated by Lake Washington. SR 520 and I-90 are the sole east-west connections across the lake and are heavily traveled by commuters in both directions.

SR 520 between I-5 and I-405 is one of the most congested corridors in the Central Puget Sound region. The intense congestion reduces the corridor's effective throughput capacity by 40% for several hours each day. The SR 520 bridge is vulnerable to earthquakes and windstorms and must be replaced before 2020. However, with many other competing needs in the region, there is currently insufficient revenue to fund the bridge replacement and corridor improvements.

Detailed funding plans for the SR 520 bridge replacement are still being developed. The State Treasurer recently concluded

King County

that without additional funds, the state will need to toll both SR 520 and I-90, with tolling likely to be necessary prior to completion of the new bridge. There is already broad discussion in the region of how tolling SR 520 may impact other critical routes such as I-90, I-5, I-405, SR 99 and SR 522. Effects on other regional facilities may best be managed by expanding toll operations and system demand management to other corridors or congested urban centers. The Partnership would lay the foundation for important future opportunities and would advance existing regional policies such as the Puget Sound Regional Council's 2001 Metropolitan Transportation Plan, the State Transportation Commission's September 2006 Comprehensive Toll Study, and the Regional Transportation Commission's 2006 report to the Governor and Legislature.

Washington State has a long history and solid reputation for successfully implementing innovative ideas to reduce congestion and better operate the transportation system. Washington has been at the forefront in ramp metering, HOV lane development, use of technology, real time travel information for the driving public, and developing electronic toll collection systems to work across a region.

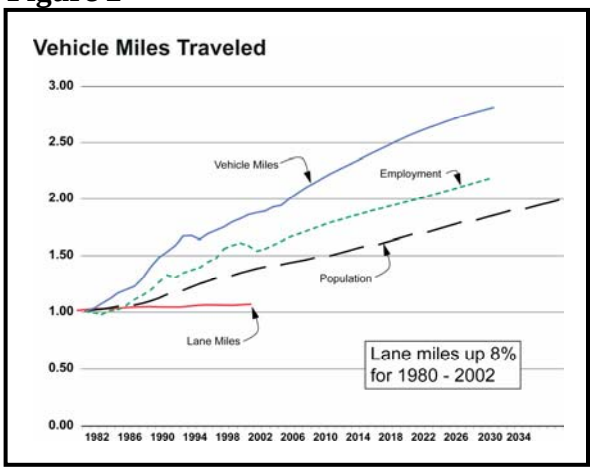
These efforts have been successful in part because of the working relationships that exist between the transportation agencies in the Seattle-King County area. Through cooperative efforts with the Puget Sound Regional Council, King County Metro and local cities, the region has built a strong foundation in the use of technology, telecommuting/TDM, transit and tolling to glean capacity out of the transportation system. The partners will leverage previous successes to reduce congestion across the lake and to improve travel times and travel options throughout the region.

The partners have already been in discussion with private businesses who are interested in showcasing the potential benefits of their technologies in support of congestion and demand management. These potential private sector partners know that participation in this program will not automatically constitute selection or endorsement of their products for subsequent application.

### i. Why is traffic congestion in this metropolitan area severe?

A booming economy, ever increasing travel demand, limited transportation supply, eroding roadway efficiency and the lack of market mechanisms to balance travel demand and supply have each contributed to the severe congestion across the lake and in the entire Central Puget Sound region. The area's economy and population have grown considerably over the past 25 years, increasing the demands on the transportation system. Between 1980 and 2003, population grew 45 percent

**Figure 2**



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and employment increased by 55 percent, causing vehicle miles traveled to increase by 91 percent. In this same period, investment in the highway system lagged behind the growth with the addition of only 8 percent of new lane miles. Figure 2 shows the increase in vehicle miles traveled in the past and projected increases over the next thirty years. (Source: WSDOT Report to State Senate Transportation Committee, 2006).

Growth in the region will continue. Over the next 20 years, the region is expected to add another one million people and 700,000 jobs.

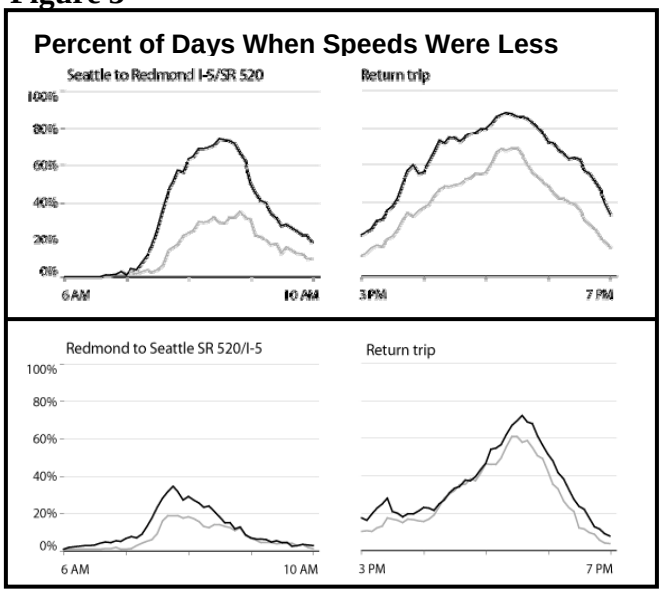
Though the region has grown, the SR 520 corridor capacity has remained the same since constructed in the early 1960s. Now, the corridor and the bridges carry 110,000 vehicles per day, almost double the traffic for which they were designed. Traffic is almost evenly split, with a two-way traffic flow that serves both employment sites in urban Seattle and the suburban eastside of Lake Washington. Congestion is actually worse in the traditional "reverse flow" direction.

The imbalance between demand and capacity has significantly eroded carrying capacity. One of the most striking challenges is the highway capacity wasted by traffic congestion during peak commute times. Traffic bunching and slowdowns caused by too many vehicles trying to use the bridge at the same time rob the corridor of nearly 40% of its ability to pass vehicles through. This wastes energy and generates pollution just as it frustrates citizens with delay and inconvenience.

All these factors have contributed to the severe congestion in the region and the Lake Washington corridor. For example, travel from Seattle to Redmond, for the same 16 minute trip when the SR 520 bridges were constructed four decades ago, drivers today should allow 40 minutes in the morning and 61 minutes in the evening to assure a 95% chance of arriving on time.

Congestion in the SR 520 corridor has grown significantly worse in the recent years. Figure 3 compares the percent of days in 2003 and 2005 when speeds on SR 520 were less than 35 miles per hour during peak travel times.

**Figure 3**




## ii. What is the local public's acknowledgement of this problem?

In surveys of the most important issues facing the region, transportation has consistently been the issue of highest concern to the public. Puget Sound residents were asked to

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name the most important problem facing the region. In 2005, 2006 and 2007 transportation issues were at the top of the list:

- Traffic/roads was the number one issue in 2005, followed by the need for more mass transit options
- The top three issues in February of 2006 were lack of transit, traffic congestion and lack of new roads
- The top two issues in August of 2006 were transportation and traffic[1]
- The top two issues in an April 2007 public opinion research survey funded by the Sound Transit were transportation and traffic.

The public is ready to try new and innovative solutions to address traffic congestion. The Washington State Transportation Commission's 2006 study of public attitudes toward transportation issues found that of the more than one thousand Puget Sound residents surveyed, 74% supported tolling the SR 520 bridge to pay for its replacement and improvement and 60% supported tolling both SR 520 and I-90 to fund a variety of improvements, including transit. It also found that the public preferred tolling to increasing the gas tax, a major revenue source today for transportation improvements.[2]

Local media frequently reported on future tolling during 2006. The Seattle Post-Intelligencer said central Puget Sound residents "need to look to alternatives to (and in addition to) building more lane miles" and that "using tolls to manage demand" can work.[3] Seattle Times editors agreed that "tolls are the coming thing" and said the public can be persuaded to accept tolls if "they are provided an immediate benefit – which [tolls]…can, if done right."[4]

In April 2007, local media supported the State Treasurer's call for tolling both SR 520 and I-90. The editorial board of the Seattle Post-Intelligencer suggested that "if we cannot afford more pavement, the alternative is a regional strategy that promotes smarter and more effective ways to move people and goods."[5]

The partners see the proposed Partnership as a great opportunity to demonstrate to the public how congestion pricing can be used to improve their commutes. The traveling public is aware of tolling as a potential development in the region. Tolling awareness has been raised by the new Tacoma Narrows Bridge and SR 167 HOT Lane Pilot Project. King County public awareness research completed in March 2007 found that 73% of King County residents are aware of electronic toll collection.[6]

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[1] All surveys available online at http://www.wsdot.wa.gov/accountability/PublicOpinion/default.cfm.
[2] "A Two-Phase Study of Attitudes of Washington State Voters Toward Transportation Issues" available online at http://www.wstc.wa.gov/Tolling/Analysis_AttitWaStateVoters.pdf.
[3] "Highway Capacity: Tolling for thee," Opinion, *Seattle Post-Intelligencer*, 2 July 2006.
[4] "Making the case for future road tolls," Editorials & Opinions, *Seattle Times*, 23 April 2006.
[5] "Regional Roads: Get beyond 'more,'" Opinion, *Seattle Post-Intelligencer*, 9 April 2007.
[6] "Gilmore Research Opinion Poll", March 2007.

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Despite public awareness of tolling, WSDOT and its partners recognize the difference between awareness and acceptance. Challenges to implementation do exist. WSDOT can use its experiences with the Tacoma Narrows and HOT lanes projects to increase acceptance, but more public outreach and education is needed. Previous market research demonstrates that people think tolling means paying twice for a road. Many don't yet understand the congestion relief benefits of open road, variable tolling. Some people think they will be paying additional money to sit in the same traffic they do today. Others think there is enough money to make needed transportation improvements without tolling.

The partners understand that when it comes to proving that tolling will improve travel times – "seeing is believing." When the benefits for travelers are demonstrated the public should increasingly support congestion pricing efforts.

### iii. How is the political leadership of this metropolitan area ready to solve the problem?

Our region's political leaders are supportive of efforts to improve the transportation systems and make them operate more effectively. Local jurisdictions have recently asked the public to raise transportation taxes to fund transportation improvements. In 2006, voters approved both the City of Seattle's "Bridging the Gap" initiative, which is raising $540 million for city road and bridge projects, and King County's Metro "Transit Now" package to increase transit services by 15 to 20 percent. Another measure to improve roads and transit services and round out transportation investments for major projects in the region will likely be presented to Puget Sound voters in the fall of 2007.

Washington State's political leaders have also responded to public support for transportation improvements. The Legislature raised the gas tax by five cents in 2003 and by nine and a half cents per gallon in 2005 to support transportation improvements. The 2005 increase was affirmed by a public vote, demonstrating both political and public support for solving transportation problems.

Regional leaders are beginning to recognize congestion pricing may be an important element to reduce congestion. For example, at the April 2007 PSRC's Transportation Policy Board meeting, regional transportation leaders voted unanimously in support of submitting this application. King County's leadership supports "user pays" methods to finance transportation improvements because "these fees encourage the efficient consumption of transportation investments and collect revenues primarily from those who use and benefit from these services."[7] Other programs, such as Seattle's Climate Initiative further underscore the importance of considering congestion pricing as a viable congestion management for the region. In addition, the State Transportation Commission completed a comprehensive tolling study the fall of 2006 to set the direction for tolling policy and practice in Washington State. The planned opening of SR 167 HOT lane pilot project in 2008 is a good testimony of

[7] King County

regional leaders' willingness to use congestion pricing to improve highway efficiency.

Recent state legislation requires the Governor's office to work with the Washington State Department of Transportation, Sound Transit, King County and the University of Washington to plan for coordinated, high capacity transportation in the SR 520 corridor. It also requires that a financing plan be submitted to the Legislature by January 1, 2008 for replacing the SR 520 bridge. The finance plan "must include state funding, federal funding… regional contributions, and revenue from tolling."

The legislature also directed that: "The (transportation) commission shall conduct a planning grade tolling study…" And, in April of this year, the legislature passed legislation that "…intends that tolls be charged to offset or partially offset the costs for the following projects, and that a managed lane concept be applied in their design and implementation: State Route 520 bridge replacement and HOV project, and widening of Interstate 405."

## iv. How can we address congestion by incorporating the Four Ts?

The partners have effective regional transit, telecommuting programs and technologies in place, complementing WSDOT's emerging tolling projects. Improvements to already successful transit, telecommuting and ITS programs will not only assure the success of implementation of congestion pricing in the SR 520 and possibly I-90 corridors, but also prepare for future improvements to commutes throughout the region.

**Tolling**

The Washington State Legislature recently established its policy that federal, state and regional sources, including toll revenues, will be needed to help finance construction and operation of the new SR 520 bridge. The Partnership would use technology that is currently used elsewhere in the country and around the world to develop solutions that would benefit traffic flow in our region. "Open-road" electronic tolling systems eliminate the need for toll booths, providing commuters with a fast trip, convenient billing, and an easy and understandable transaction. Current technology also allows tolls to vary by time of day – giving a break to travelers who can use the bridge during less crowded times and using a higher price during congested times to manage demand and smooth traffic flow, allowing more traffic to move through the corridor.

Hard work is needed. The public must learn more about tolling and contribute its own views to the design of a tolling implementation program that it perceives as fair and effective. Financial analyses must be completed to determine how much revenue can be expected through tolling, and to determine acceptable toll levels. Operational analyses must be prepared, and alternatives put forward to address traffic diversion from SR 520 to other routes to ensure that the system keeps operating effectively.

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## Transit

The Lake Washington Corridor presents an excellent opportunity to demonstrate the synergies between transit service enhancements and congestion pricing. The corridor has the congestion, transit demand, and concentrated employment centers to demonstrate the significant benefits from tolling in combination with transit enhancements. Already more than 10,000 people ride transit or vanpool across SR 520 during the peak periods every weekday.[8] The Partnership would serve to increase transit ridership moving more people while improving travel time reliability.

Current efforts in these corridors include King County Metro route improvements funded by the 2006 "Transit Now" tax, Sound Transit express service, real time bus arrival information, transit oriented development opportunities, and the ORCA smartcard program. To further enhance transit services in the corridor, our Urban Partnership will:

- Provide additional transit service hours in the corridor, financed by revenue generated from tolling of the corridor
- Implement bus rapid transit (BRT) facilities, and integrate with King County Metro RapidRide Corridor(s)
- Expand existing park and ride lot(s)
- Purchase additional transit coaches and future replacement coaches

## Telecommuting and TDM

The foundations of telecommuting and TDM are already in place in the Seattle-King County metropolitan area. The region has mature relationships between public agencies and private employers to provide services and incentives to reduce solo driving. As a result, Washington State and the Central Puget Sound region, have far fewer solo drivers than the national average, ranging between 68% for Commute Trip Reduction sites in Washington and 76% of solo drivers nationally.

King County recently received a $1.9 million grant to initiate a statewide "Pay-As-You-Drive" insurance program that aims to reduce single occupancy vehicles trips and total vehicle miles traveled. King County and the partners will leverage this grant funding to make Lake Washington commuters a focus group for selecting the program participants.

We will exploit these relationships to take demand management to the next level. Local agencies' strong relationships with large employers will help connect workers with the technology and travel information needed to telecommute, use alternative modes, plan efficient trips and improve travel times.

[8] PSRC

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## 1. Congestion Reduction Demonstration

*An application should generally describe the metropolitan area's proposed congestion reduction demonstration, and explain how different parts of that strategy, if any, would interact to reduce congestion.*

The Central Puget Sound region has a four part comprehensive reduction strategy as reflected in the region's transportation plans and congestion management process:

a. **Transportation–Efficient Land Use**: Land use is a basic factor in travel, and is the foundation of the region's congestion relief strategy. The region has a comprehensive growth strategy which lays out preferred growth patterns and regional policies to achieve them. The regional growth strategy includes limits on rural sprawl, support for infill into 25 designated urban growth centers, better jobs-housing balance, and other land use patterns that are supportive of an efficient multimodal transportation system including transit-oriented developments.

b. **Shifting Travel Demand**: The region has an aggressive demand management program to encourage shifting the time or mode of travel. A cornerstone is the state's commute trip reduction law which encourages and supports employers in reducing drive-alone commutes. The region has extensive transit service, the largest vanpool fleet in the nation, a large system of HOV lanes, and has supported innovative practices such as car-sharing, parking management, and pay-as-you-drive insurance.

c. **Improving System Efficiency**: Much of the throughput of major routes is lost at congested times: the region is seeking to reclaim its lost capacity through improved operations. Freeway ramp meters, incident management programs, traffic signal coordination, safety initiatives, traveler information and active management through camera and data monitoring are all employed to increase throughput. The region has a policy supporting the use of congestion pricing to improve system efficiency, and the SR 167 HOT lane pilot project will be completed in 2008 to test these concepts.

d. **System Expansion**: With the high levels of growth experienced in the past and expected in the future, the Central Puget Sound region has an aggressive transit and roadway expansion plan. The region's high capacity transit system has been developing over the past 10 years, with commuter rail and express buses already up and operating, and an initial light rail segment under construction. Plans include a large expansion of the light rail system to connect major regional growth centers, and other transit service expansions. On roadways, the region has a large expansion program underway, funded from state gas tax increases. The program includes replacing major at-risk facilities, completing freeway missing links, and widening major travel corridors across the region. An additional, complementary set of roadway expansions are expected as part of the regional roads and transit ballot.

The parts of the regional congestion reduction strategy outlined above are intended to work together to improve multimodal and freight travel conditions, provide choices, and

King County

to provide capacity for the additional one million people and 700,000 jobs expected in the next 20 years. Elements of this comprehensive strategy are reflected in the Lake Washington Urban Partnership proposal, which is built around the upcoming replacement and expansion of the SR 520 floating bridge. Since tolls on the new bridge are a likely part of the financing plan, the bridge replacement provides the region with an unparalleled opportunity to integrate the Urban Partnership "4T's" to improve travel in the corridor.

Specifically, these activities will be added:

- New transit service – financed by tolling of the corridor and innovative user information technologies – provide an alternative for cross-lake travel
- New technology and pricing to maintain travel speeds, guaranteeing bridge users a more reliable trip
- Increasing telecommuting programs
- Implementing active traffic management with overhead displays and automatic incident detection systems to smooth flow and provide travelers with information needed to make wise choices.

## 2. Congestion Pricing Measures & Affected Areas

*An application should describe the role pricing would play in the congestion reduction strategy. To the extent practical, an application should indicate, in specific terms, how traffic would be affected, what areas or routes would be priced, how congestion prices would be determined, and which vehicle categories would be affected (e.g., single occupant vehicles or all vehicles).*

Congestion pricing will be used to improve travel times and provide Lake Washington travelers with real time information for trip planning purposes. WSDOT is investigating a range of tolling plans to identify the best pricing strategy to improve commutes and make peak travel times more reliable. The Partnership and supporting grants will aide the continuation of this analysis, and then design and implement the toll systems. Congestion pricing will initially be implemented on SR 520 and possibly on I-90 between I-405 and I-5. Toll rates will vary according to congestion levels to keep traffic flowing efficiently while also providing needed revenue for the SR 520 bridge replacement.

WSDOT will not propose tolls for transit trips. As part of this work, WSDOT and its partners will determine the benefits and disadvantages of tolling HOV and vanpool trips.

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The Partnership will also consider, and address, the system impacts and operations opportunities that tolling the Lake Washington corridor will have on surrounding roadways to ensure regional traffic is moving as efficient as possible.

## 3. Transit Services

*An application should describe transit services, including BRT and other commuter transit services that are to be provided or supplemented, and the expected impacts of the expanded transit services on congestion. The application should also describe transit fare pricing policies to be adopted with the objective of increasing traveler throughput during peak traffic periods, while avoiding excessive congestion in the transit system.*

King County Metro and Sound Transit currently provide over 400 bus trips on the SR 520 corridor during the peak periods of each weekday, for a total of more than 10,000 peak-period rides each weekday. The Partnership would improve on existing transit services to reduce auto trips and provide toll free travel options. Congestion pricing will assure transit and vanpool speed and reliability across the Lake. Improved rider information will make transit services more convenient.

Added transit services paid for by tolling revenue can achieve the following goals for the Trans-Lake Washington Corridor:

- Increase transit ridership on SR 520 by a projected 15% to 35%.
- Provide sufficient capacity on transit service to accommodate those wishing to switch to transit when tolls are implemented.

To achieve these goals, the following specific improvements are planned for the Trans-Lake Washington corridor:

- Improve all-day and peak-period frequency of core routes. Higher frequency service throughout the day will provide additional peak-period transit capacity and will encourage off-peak-period use of transit to facilitate travel during non-traditional work hours.
- Provide additional capacity to serve more direct point-to-point commute travel to fully meet peak-period ridership demand.
- Add additional commuter parking (e.g. Brickyard Park and Ride), transit-only roadway facilities and technology components. For example, Metro is currently increasing bicycle carrying capacity of its buses crossing the bridge by 50% to increase non-SOV use.
- Implement new and expanded reverse peak service to better serve dense residential areas on the west side of the lake.
- Improve transfers to and from the core routes of the corridor with improved passenger waiting environments, including real time information signs to inform transit riders and make transfers more convenient.

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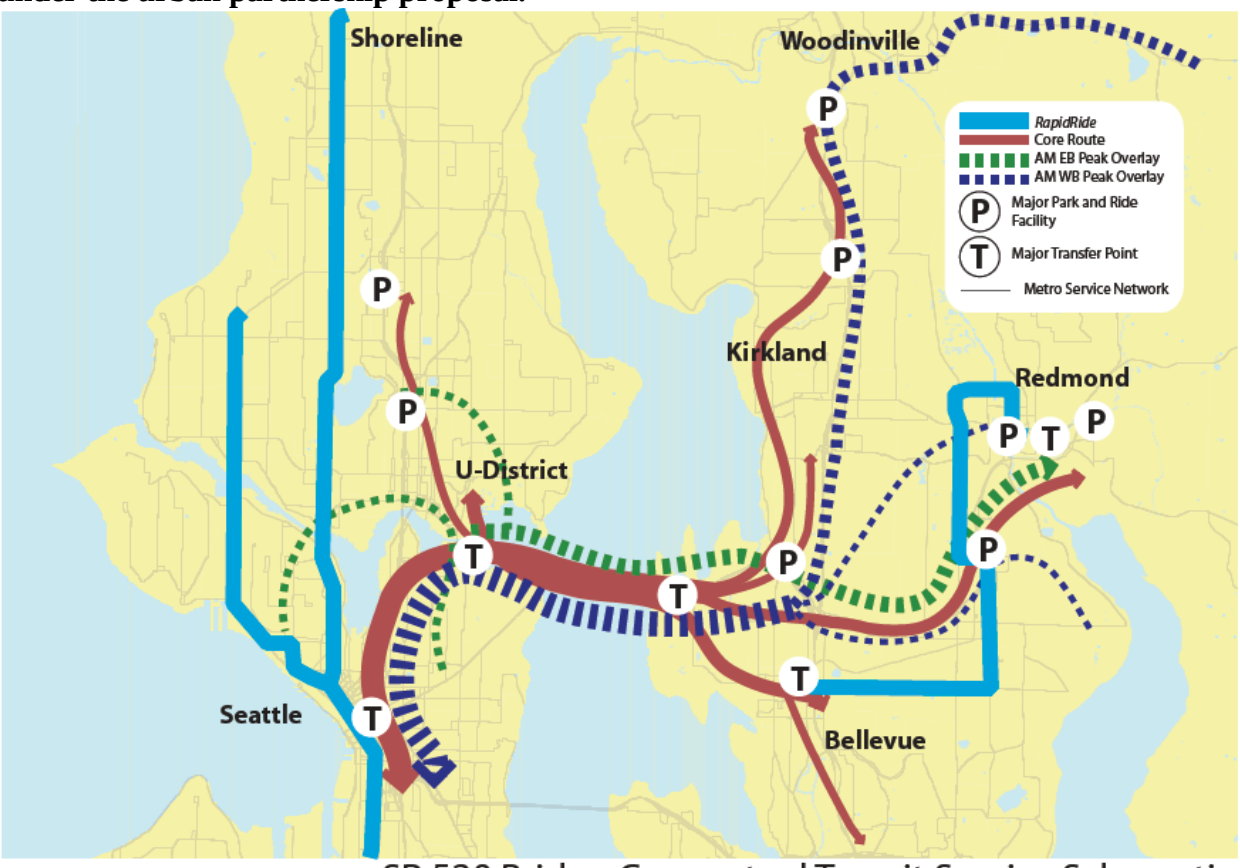
- Implement Metro's RapidRide BRT program to reduce car dependency and increase the capacity and quality of transit. The Bellevue-Redmond RapidRide route will intersect and parallel the SR 520 corridor and provide alternative mode of travel between Bellevue and Redmond with high frequency transit service seven days per week, approximately 18 hours per day or more.
- Use the RapidRide program to test and implement various technological and operational tools, programs and practices to improve transit service throughout the region (e.g. Pacific Highway South RapidRide BRT).

**The graphic below depicts Metro's conceptual plan for serving SR 520 travelers under the urban partnership proposal.**




SR 520 Bridge Conceptual Transit Service Schematic

To further enhance transit services in the State Route 520 corridor, WSDOT and its partners will seek additional funding through state and federal programs, grants and other revenue sources to:

- Increase the use of deadheading buses to provide reverse-commute peak services from Seattle to destinations such as Overlake Transit Center.
- Procure additional coaches to accommodate anticipated ridership growth resulting from the congestion pricing.
- Metro and its partners have a limited ability to operate, maintain and store additional vehicles. If ridership growth exceeds forecasts, Metro and its partners

will work with affected communities to improve trip utilization and available capacity through headway and route modifications and other creative ways to provide a greater person throughput.

- Fast-track planned transit investments in the corridor that otherwise would take place later than the implementation date for tolls.
- Seek out opportunities and funding to contract for additional leased commuter parking facilities and to increase the parking capacity of existing park and ride lots. The South Kirkland Park and Ride would be expanded through this program.

## 4. Financial Plan

Metro is seeking $41.1 million in 5309 funds to provide bus and bus facilities to achieve the stated goals, strategies and plans for transit services under the urban partnership application.

### Fleet Expansion

Using 5309 funds, procure additional coaches to accommodate anticipated ridership growth resulting from the congestion pricing. Metro and Sound Transit will provide roughly 60 additional one-way peak period trips on four core routes (255, 271, 540, 545) with a commensurate expansion of their fixed route fleets. Additionally Metro expects to provide nearly 30 additional one-way peak period trips on existing and new peak-period only routes made possible through the proposed fleet expansion. Forecasts indicate that this will require up to an additional twenty (20) 60’ articulated coaches and twenty-five (25) 40’ coaches. All coaches will have hybrid diesel-electric propulsion systems. The purchase of onboard systems, fare boxes, security cameras, etc will also be purchased and installed as part of this grant request. These procurements are estimated to cost approximately $31.7 million.

### Park and Ride Expansion

Metro requests $8.4 million to assist construct multi-level parking structure with 853 stalls, 250 more than the existing surface lot, as part of a Transit Oriented development which will combine parking and housing, office, and other mixed uses at the South Kirkland Park and Ride location and for the development of a structured garage at the Redmond Transit Oriented Development (TOD) project, as well provide additional capacity at other existing facilities.

South Kirkland Park and Ride is adjacent to SR 520 near Lake Washington Blvd. current operates at capacity (603 stalls) on a daily basis. It is anticipated that once tolling begins on the SR 520 corridor there will be a strong increase in demand for parking at this facility.

King County is re-developing the current downtown Redmond Park and Ride to include a 300+ housing project and a 386 stall garage. Surface parking will be moved to the 3 story garage making available a large parcel for construction of a 5 story housing and retail project. In conjunction with this project a new transit center is being developed

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adjacent to the parcel. The transit center features new passenger amenities and loading facilities. Collectively, these projects will increase ridership on the SR520 corridor due to better passenger facilities and ridership from the TOD project.

## Freeway Stations Upgrade

Metro requests $500,000 to design and install four freeway stations that will provide a more comfortable waiting area. The improvement of waiting conditions at these sites will reduce the perceived travel time costs of waiting and thereby facilitate more transfers to and from connecting services, strengthening the transit network's ability to accommodate increased transit demand in the SR 520 corridor. These new stations will placed at existing stops at Montlake and Evergreen Point, the freeway stops adjacent to either approach to the Evergreen Point Bridge.

## Real Time Information Signs

Metro requests $513,647 in federal funds to install real time information signs at 12 locations in the corridor to reduce the perceived costs of waiting for transit services. Metro has targeted the following locations for installation:

| Location | Number of Signs |
|---|---|
| SR 520 & Montlake Boulevard E | 2 (1 per travel direction) |
| SR 520 & Evergreen Point Road | 2 (1 per travel direction) |
| SR 520 & 92nd Avenue NE (aka Yarrow Point) | 2 (1 per travel direction) |
| SR 520 & NE 40th Street | 2 (1 per travel direction) |
| SR 520 & NE 51st Street | 2 (1 per travel direction) |
| Redmond Park and Ride | 1 |
| South Kirkland Park and Ride | 1 |

## Financial Plan Summary

The following table represents Metro's financial plan for procuring, design and implementing the bus and bus facilities proposed for the urban partnership proposal. The required 20% local match for project costs will be provided through toll credits available to the Washington State Department of Transportation.

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| | Cost per unit | Units | Total Cost | Federal Request | Match | Notes |
|---|---|---|---|---|---|---|
| **Fleet Expansion** | | | | | | |
| 60' Hybrid Coaches | $ 842,000 | 20 | $ 16,840,000 | $ 16,840,000 | The required 20% local match provided through available toll credits | Includes all on board systems |
| 40' Hybrid Coaches | 593,000 | 25 | 14,825,000 | 14,825,000 | | Includes all on board systems |
| **Fleet Expansion Total:** | | **45** | **31,665,000** | **31,665,000** | | |
| **Real Time Information Signs** | | | | | | |
| System Design | | | 111,621 | 111,621 | The required 20% local match provided through available toll credits | |
| Equipment Acquisition | 7,500 | 14 | 105,000 | 105,000 | | |
| Installation & Implementation | | | 223,124 | 223,124 | | |
| Contingency | | | 73,902 | 73,902 | | |
| **Real Time Information Total:** | | | **513,647** | **513,647** | | |
| **Park and Ride Expansion** | | | | | | |
| South Kirkland Park and Ride TOD and Expansion | | | | | | **Revenue from sale of lot** |
| Land Sale (revenue) | | | 0 | 0 | | 18,750,000 |
| Design/Construction Structured garage | 20,515 | 853 | 17,500,000 | 6,250,000 | The required 20% local match provided through available toll credits | 11,250,000 |
| Temp parking and roadway Improvements | | | 2,500,000 | 0 | | 2,500,000 |
| Transit Center Redevelopment | | | 5,000,000 | 0 | | 5,000,000 |
| **South Kirkland total:** | | | **25,000,000** | **6,250,000** | | |
| Redmond TOD | | | | | | **Revenue from sale of lot/Local Funds** |
| Land Sale (revenue) | | | 0 | 0 | | 10,500,000 |
| Design/Construction Structured garage | 34,974 | 386 | 13,500,000 | 2,163,750 | The required 20% local match provided through available toll credits | 11,336,250 |
| **Redmond TOD total:** | | | 13,500,000 | 2,163,750 | | 11,336,250 |
| **Park and Ride Expansion Total:** | | | **38,500,000** | **8,413,750** | | |
| **Passenger Facilities** | | | | | | |
| New shelters and improved lighting | 125,000 | 4 | 500,000 | 500,000 | The required 20% local match provided through available toll credits | Includes design and installation |
| **Passenger Facilities Total:** | | | **500,000** | **500,000** | | |
| **Grand Total:** | | | **$ 71,178,647** | **41,092,397** | **8,218,479** | **30,086,250** |

## Other Related Projects and Costs

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Metro will be submitting in the near future a "Very Small Starts" proposal for its RapidRide line that will serve downtown Bellevue, downtown Redmond and the Overlake area. This will provide frequent, all-day connections to destinations that are also connected by SR 520. The proposal will provide detailed cost estimates and implementation dates.

## Urban Partnership Financial Plan

The total estimated cost to implement the proposed congestion reduction strategies is just over $200 million, including $118 million for congestion pricing, active traffic management and supporting technologies deployment, $41.1 million in transit capital expenditures for increasing and improving transit services and $6.4 million for the first two years of what will be ongoing operations paid for by revenue generated from tolling the corridor, as well as $39 million for telecommuting and TDM activities. The Partnership seeks federal grant funding in the amount of $159.3 million in the first three years to develop and implement the proposed congestion reduction strategies before the program becomes self-sustaining in 2011. The table below shows detail breakdowns of cost and funding estimates from 2007 to 2010.

### Proposed Congestion Relief Strategies Implementation Costs and Funding Estimates (in $1,000s)

| *Work Program* | | | *2007* | *2008* | *2009* | *2010* | *Total* |
|---|---|---|---|---|---|---|---|
| Cost | Toll/ITS/ATM | Design/Communications | $ 2,100 | $ 9,000 | $ 3,000 | $ 2,600 | $ 16,700 |
| | | Deployment | $ - | $ 2,400 | $ 88,600 | $ - | $ 91,000 |
| | | Operation | $ - | $ - | $ - | $ 10,500 | $ 10,500 |
| | | **Subtotal** | **$ 2,100** | **$ 11,400** | **$ 91,600** | **$ 13,100** | **$ 118,200** |
| | Transit/P&R | Capital | $ - | $ 6,200 | $ 34,900 | $ - | $ 41,100 |
| | | Operation | $ - | $ - | $ 2,600 | $ 3,800 | $ 6,400 |
| | | **Subtotal** | **$ -** | **$ 6,200** | **$ 37,500** | **$ 3,800** | **$ 47,500** |
| | Telecommuting/TDM | | **$ 9,800** | **$ 9,800** | **$ 9,800** | **$ 9,800** | **$ 39,200** |
| | ***Total Cost*** | | ***$ 11,900*** | ***$ 27,400*** | ***$ 138,900*** | ***$ 26,700*** | ***$ 204,900*** |
| Funding | VPP Grant Funds (requested) | | $ 3,000 | $ 3,000 | $ 3,000 | $ - | $ 9,000 |
| | ITS-OTMC Grant Funds (requested) | | $ 109,200 | $ - | $ - | $ - | $ 109,200 |
| | FTA Funds (requested) | | $ 41,100 | $ - | $ - | $ - | $ 41,100 |
| | ***Subtotal Federal Funds (requested)*** | | *$ 153,300* | *$ 3,000* | *$ 3,000* | *$ -* | *$ 159,300* |
| | Other Souces & Employer Contributions | | $ 9,800 | $ 9,800 | $ 12,400 | $ 13,600 | $ 45,600 |
| | State Match | | *Toll Credits For ITS and VPP* | | | | |
| | ***Subtotal Non-Federal Funds*** | | *$ 9,800* | *$ 9,800* | *$ 12,400* | *$ 13,600* | *$ 45,600* |
| | ***Total Funding*** | | ***$ 163,100*** | ***$ 12,800*** | ***$ 15,400*** | ***$ 13,600*** | ***$ 204,900*** |

**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, CPRP,
Director of Parks and Community Services

**Date:** June 6, 2007

**Subject:** Proclaiming July as "Parks and Recreation Month"

## RECOMMENDATION:

It is recommended that Mayor Lauinger proclaim the month of July as "Parks and Recreation Month".

## BACKGROUND DISCUSSION:

Since 1985, the National Recreation and Parks Association has designated the month of July as *"Recreation and Parks Month."* Recreation facilities and parks across the country annually use July to celebrate the kick-off of summer programming as well as a time to pull their communities together to volunteer, get involved in outdoor physical activities and advocate for parks and recreation.

As part of this month's celebration Kirkland Parks and Community Services is planning activities to keep the community active and involved including the Concert Series at Marina Park Pavilion, Kirkland Steppers, Outdoor Movies at Juanita Beach, Juanita Bay Wildlife tours, Learn to Swim classes, and many more programs and classes!

Please join us in celebrating our parks and recreation during the month of July.

# A PROCLAMATION OF THE CITY OF KIRKLAND

## Designating the Month of July, 2007 as "Parks and Recreation Month" in the City of Kirkland

**WHEREAS**, parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society; and

**WHEREAS**, parks and recreation activities create lifelines and continued life experiences for older members of our community; and

**WHEREAS**, recreation programs provide safe and enjoyable activities promoting and developing healthy lifestyles, strong minds, and fit bodies; and

**WHEREAS**, recreation programs provide overall community well-being by providing opportunities for lifelong learning and social activities; and

**WHEREAS**, parks, greenways, natural areas, and open spaces provide a welcome respite from our fast-paced, high-tech lifestyles while protecting and preserving our natural environment; and

**WHEREAS**, the City of Kirkland's parks, natural areas, playgrounds, playfields, community and cultural centers, and recreation programs make the community an attractive and desirable place to live, work, play, and visit while contributing to our ongoing economic vitality; and

**WHEREAS**, the City of Kirkland Parks and Community Services Department's programs touch the lives of individuals, families, and groups which positively impacts the social, economic, health, and environmental quality of our community; and

**WHEREAS**, we recognize the vital contributions of the City of Kirkland's dedicated parks and recreation employees and volunteers.

**NOW, THEREFORE**, I, James L. Lauinger, Mayor of Kirkland, do hereby proclaim July as "*Parks and Recreation Month"* and encourage all citizens to celebrate by participating in their choice of pleasurable activities with family, friends and neighbors.

Signed this 19th day of June 2007.

_____

James L. Lauinger, 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
Tracy Burrows, Intergovernmental Relations Manager

**Date:** June 8, 2007

**Subject:** RESPONSE TO ANNEXATION CORRESPONDENCE

RECOMMENDATION:

City Council approve the attached letter as a general response to selected annexation correspondence.

BACKGROUND:

The City Council has recently been receiving a number of postcards and emails regarding the potential annexation. Most of the postcards and emails express an opinion about the annexation but do not pose any specific questions. Normally, if an email is addressed to "KirklandCouncil," the response is presented for Council review at a regular meeting under correspondence. In order to provide timely acknowledgement to these emails and postcards, staff is proposing that the attached letter be sent. The letter provides a brief description of the annexation process and lets people know where they can get more information and how they can stay up to date. The letter was reviewed by the Annexation Subcommittee and they suggested that we also attach a copy of the most recent informational brochure with the letter. If we receive correspondence with a specific question or concern, we will draft a letter for Council consideration.

**Proposed Response from the City Council to Annexation Related E-Mails**

Thank you for your recent e-mail regarding the issue of annexation. As you know, 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 of the decision-making process, continuing to explore annexation while involving both Kirkland and PAA residents. At the end of Phase 2, the Council will decide whether or not to initiate Phase 3, which would put annexation on the ballot for residents of the PAA.

The City has posted a great deal of information about the annexation issue on our web-site at: http://www.ci.kirkland.wa.us/depart/CMO/Annexation_Information.htm

Over the next few months, the City will be holding public forums on annexation in the annexation area. You can sign up to receive e-mail notices of these meetings and other annexation-related news at the City web-site.

I would encourage you to continue to review new information as it becomes available. Please contact Tracy Burrows, Intergovernmental Relations Manager tburrows@ci.kirkland.wa.us, 425-587-3009, if you need any additional information.

James L. Lauinger
Mayor
On Behalf of the Kirkland City Council

**CITY OF KIRKLAND**
**Information Technology Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3050**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Brenda Cooper, Chief Information Officer

**Date:** June 8th, 2007

**Subject:** J. Robert Havlick Award for Innovation in Local Government

RECOMMENDATION

None.

POLICY IMPLICATIONS

Supports the Council's policy of working together with other local jurisdictions.

BACKGROUND DISCUSSION

We are pleased to let the City Council know that eCityGov Alliance was awarded the J. Robert Havlick Award for Innovation in Local Government by the Alliance for Innovation at the Transforming Local Government conference in Bellevue this week. The Alliance for Innovation is the new name for the Innovation Group, and represents an extension of their original mission to include the International City Managers Association (ICMA) and Arizona State University.

# KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
June 05, 2007

1. CALL TO ORDER

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.

3. STUDY SESSION

a. Joint Meeting with Human Services Advisory Committee

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Parks and Community Services Deputy Director Carrie Hite, Human Services Coordinator Sharon Anderson, King County Alliance for Human Services representative Steve Daschle, and members of the Human Services Advisory Committee, Christine Houden, Katherine Robichaux, Bonnie Stinson, Anahita Nakhjiri and Chair Tom Sherrard.

4. EXECUTIVE SESSION

a. To Discuss Property Acquisition

5. SPECIAL PRESENTATIONS

a. Twenty-five Year Service Award, Sharon Anderson

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

c. Community Emergency Response Team (CERT) Graduates Recognition

d. Kirkland Concours d'Elegance

Jeff Clark, representing the Concours event, gave an overview of

planned activities and made a request of Council that City taxes collected in connection with the charity event be refunded as a further contribution to the charity. Council will consider the request at a future meeting.

e. Puget Sound Regional Council Regional Plan Preparation Status Report

Robin McClellan, Principal Planner with the Puget Sound Regional Council, reviewed the draft vision.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding attendence at a Citizen Corps "Map Your Neighborhood/Train the Trainer" class as part of neighborhood emergency response training; Jail Advisory Group Jail Development Committee meeting; Community meeting in Bridle Trails neighborhood hosted by King County Solid Waste regarding the Houghton Transfer Station; ARCH (A Regional Coalition for Housing) Affordable Housing Workshop; recent Legislative Committee activities; Sound Transit Bus Tunnel Construction Tour; Sound Transit Board Meeting; Sound Transit Canyon Park I-405 Pedestrian Bridge; Everett Affordable Housing seminar; Totem Lake Restoration event; Veterans Conservation Corps; Kirkland Steppers annual kickoff; and the Mayors' 520 Group meeting.

b. City Manager

(1) Calendar Update

(2) City Manager Dave Ramsay introduced the City's new Communications Coordinator, Marie Stake.

7. COMMUNICATIONS

a. Items from the Audience

Vicki Storino, 160 Waverly Way, Kirkland, WA
Sheri Larsen 134 5th Avenue West, Kirkland, WA
Mike Magan, 430 11th Avenue West, Kirkland, WA
Michelle Sailor, 135 5th Avenue West, Kirkland, WA

Scott St. Clair, 11704 NE 148th Place, Kirkland, WA
Rob Butcher, 1640 2nd Street, Kirkland, WA
Chris Fox, 1916 2nd Street, Kirkland, WA
Jim McElwee, 12907 NE 78th Place, Kirkland, WA
Todd Woosley, Seattle-King County Assoc of Realtors,
12001 NE 12th Street, Suite 44, Bellevue, WA
Bill Vadino, Greater Kirkland Chamber of Commerce,
401 Park Place, Kirkland, WA

b. Petitions

None.

Council recessed for a short break.

8. CONSENT CALENDAR

a. Approval of Minutes: May 15, 2007

b. Audit of Accounts:
Payroll $ 1,750,802.66
Bills $ 1,738,071.32
run # 673 check #'s 488700 - 488901
run # 674 check #'s 488927 - 489056
run # 675 check #'s 489060 - 489190

c. General Correspondence

(1) Rob Butcher, Regarding Potential Annexation

This item was pulled for discussion as item 11.c. under New Business.

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) The Bid for Juanita Creek Channel Enhancements at Juanita Beach Park was awarded to Taggart Construction Inc.

in the amount of $395,421.35 and Additional Funds in the amount of $202,000. from the Surface Water Capital Contingency reserve fund were authorized.

(2) The construction contract for the 2007 Sidewalk Maintenance Project was awarded to Dennis R. Craig Construction Inc. in the amount of $138,245.50.

(3) The contract for the 2007 Street Preservation Program was awarded to Watson Asphalt Paving Company in the amount of $1,263,064.55.

g. Acceptance of Public Improvements and Establishing Lien Period

h. Approval of Agreements

(1) The 2007-2009 Commissioned Police Agreement was ratified.

i. Other Items of Business

(1) Resolution R-4646, entitled "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."

(2) Resolution R-4647, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES."

(3) Resolution R-4648, entitled "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)."

(4) Resolution R-4649, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH MIKE RENWICK AND AUTORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

(5) Ordinance No. 4098 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS AND MOORAGES AND THE COMMERCIAL TOUR BOAT FACILITY."

(6) Ordinance No. 4099 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION."

(7) A Purchase and Sale agreement was ratified for the purchase of real property consisting of open space adjacent to Everest Park consistent with the Comprehensive Park, Open Space and Recreation Plan.

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

| 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 |

Motion to Approve the Consent Calendar with the exception of item 8.c. (1)., which was pulled for discussion as item 11.c.
Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride
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

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

Said Agreement

Development Engineering Manager Rob Jammerman provided background on the issues relevant to the proposed agreement. Mayor Lauinger opened the public hearing.
Testimony was provided by David Johnston, the attorney representing the Arndts, 121 Third Avenue, Kirkland, WA.
No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4645, entitled "A RESOLUTION OF THE CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT WITH DEREK AND SUSAN ARNDT AND AUTHORIZING THE CITY MANAGER TO SIGN."
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.

10. UNFINISHED BUSINESS

a. Adopting Impact Fees:

Finance and Administration Director Tracey Dunlap responded to Council questions.

(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

Motion to Approve Ordinance No. 4100 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND 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."
Moved by Deputy Mayor Joan McBride, seconded by

Councilmember Mary-Alyce Burleigh
Vote: Motion carried 6-1
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.
No: Councilmember Bob Sternoff.

(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

Motion to Approve Ordinance No. 4101 and its Summary, entitled "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."
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Mary-Alyce Burleigh
Vote: Motion carried 6-1
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.
No: Councilmember Bob Sternoff.

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

Capital Projects Manager Ray Steiger, as well as Sound Transit staff members Dan Eder and Mark Johnson, summarized work to date and reviewed the preferred design concept for Council.

Motion to Authorize an amended letter of support (including a third paragraph as proposed by Councilmember Asher) to Sound Transit for the Downtown Transit Center Preferred Design Concept and approving additional funds (up to $10,000) from the Building And Property Reserve fund to develop options for the Peter Kirk Restroom.
Moved by Councilmember Dave Asher, seconded by Councilmember

Mary-Alyce Burleigh
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.

c. Potential Annexation

Assistant City Manager Marilynne Beard provided an overview of the phase two activities, timeline and communications plan. She also reviewed policy issues involved and requested Council's preliminary direction. Consultant Penny Maybe with EnviroIssues also responded to Council questions.

11. NEW BUSINESS

a. Authorizing Permit Process Improvement Project and Approve Additional Funding

Motion to authorize the Permit Process Improvement Project and approve additional funding in the amount of $31,500. from the contingency fund.
Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride
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. 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

Motion to Approve Ordinance No. 4097 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIKRKLAND 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."
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.

c. Rob Butcher Correspondence

Council agreed to send the draft letter as presented.

12. ANNOUNCEMENTS

13. ADJOURNMENT

The Kirkland City Council regular meeting of June 5, 2007 adjourned at 11:48 p.m.

City Clerk Mayor

**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:** Van Ingram-Lock, Management Analyst
Erin Leonhart, Facilities & Administrative Manager
Daryl Grigsby, Public Works Director

**Date:** June 7, 2007

**Subject:** TYLER AHLGREN RESPONSE LETTER REGARDING CLIMATE CHANGE AND YOUTH PROGRAMS

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign the attached letter to Mr. Tyler Ahlgren.

BACKGROUND AND DISCUSSION:

Mr. Ahlgren sent a letter expressing his general concerns about Kirkland's response to climate change and efforts pertaining to youth education and outreach.

The attached response letter was prepared explaining that Kirkland signed the U.S. Mayors' Climate Protection Agreement and, as a result, committed to: conduct a greenhouse gas emissions inventory (already completed), set reduction targets, and develop and implement an action plan for reduction. The response also highlights the efforts of the Parks and Recreation Department's Youth Services Programs including youth's appointment to City Boards and Commissions, the formation of the Youth Council, and the establishment of the Teen Center, Youth Peer Court and Junior Park Rangers.

# Tyler Ahlgren

**POBox 2849**
**Port Angeles, Wa. 98362**


Mayor Lauinger and Council Members
Office of the Mayor
123 5th Avenue
Kirkland, Wa 98033

May 22, 2007

Dear Mayor Lauinger,

These days, it isn't hard to find problems confronting our communities. Most will agree that education and prevention are the most cost effective way to deal with many of them, whether they be social issues such as substance abuse and crime, or environmental problems like pollution and Climate Change.

While lawmakers and civic leaders talk about legislating "change" with laws, ordinances and fines, the reality is that these problems exist because of our activities and consuming habits. No one forces each of us to abuse substances, commit crimes, waste energy or buy gas guzzling vehicles; these are things we've learned to do as we have grown up. Values we have learned to incorporate into our lives, coming from the cultural sources we interact with, one of the most influential being television.

But we can learn to do things differently. Drinking and driving, smoking, and teen pregnancies have been declining for years now, as a result of ongoing public education programmes. Seat belt use in vehicles has increased, and lives have been saved because of public education efforts.

I'm sending letters to schools, colleges, universities, and student groups suggesting the following. That the drama, creative writing, media arts, communications, audio/visual departments and other such classes consider encouraging their students to create ads, public service announcements, plays, and skits about social issues and Climate Change from their perspectives. That these be directed at their peers, as well as others, using references relevant to them. Suggesting that the local media be asked to do stories on these efforts, to publish or air the ads and PSAs, as incentives for the students to see their works go public, and to help educate others. Perhaps create contests with regional educational facilities each submitting entries, with winners in each of a number of categories having their ads or PSAs aired.

" It isn't cool to be the fool". Or, " You're only fooling yourself if you think it is cool to be the fool." Video clips with teenagers hanging around drinking and "party-ing".. transforming into a group of older homeless street people drinking and "party-ing" under a bridge in a stereotypical encampment … with a line like " Working towards YOUR future?" ..

Or, a video clip of a stereotypical "air-head" "clueless" teenager going about their daily life, leaving incandescent lights burning, turning on TV shows glamorising fuel guzzling vehicles with obvious joy.. eating lots of junk food.. Then, as they are continuing with these behaviours.. they are seen to be sweating increasingly ( ridiculously so) .. make-up running.. otherwise perfect hair- dos collapsing into sweaty straggly messes.. with a line like " Making Climate Change happen isn't a pretty sight!"..

RECEIVED

MAY 25 2007

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

I think providing the students with a few examples to stimulate their imaginations would be helpful in getting them to start thinking how their actions, activities and beliefs are contributing to these problems. And, to start to change the peer pressures that dictate that engaging in harmful behaviour is "cool". Adults cannot tell youth such things with any real successes, but peers can.

The budgets and resources expended by city, county, state and federal governmental agencies and departments (such as law enforcement, the courts, medical services, social services, infrastructure and maintenance, site remediation, FEMA, etc) in their efforts to deal with the aftermath effects of the various problems such as substance abuse, crime, pollution and Climate Change comprise the bulk of taxpayers' monies. Certainly attempting to address the root causes of these issues can be seen as benefiting taxpayers, too.

Perhaps you will find this proposal worthy of your advocacy, and will know of ways to promote such ideas to the local media, schools, service groups and others. With the computer technologies now commonplace in many educational facilities, such efforts are do-able, and will help teach students a wide range of skills, besides personal responsibility.

Again, thank you for efforts and forward thinking leadership,

Tyler Ahlgren

June 20, 2007 **DRAFT**

Mr. Tyler Ahlgren
P O Box 2849
Port Angeles, WA 98362

RE: CLIMATE CHANGE EFFORTS AND YOUTH OUTREACH

Dear Mr. Ahlgren:

Thank you for your letter regarding climate change and outreach to youth. The City of Kirkland has many exciting efforts underway in both areas. Kirkland signed the U.S. Mayors' Climate Protection Agreement and, as a result, committed to: conduct a greenhouse gas emissions inventory, set reduction targets, and develop and implement an action plan for reduction. We just completed the first step and City Council received a report of the emissions inventories at our Council Study Session on May 1, 2007.

In regards to youth outreach, the City of Kirkland is recognized as a regional leader in the areas of Youth Services. Solid partnership relationships have been established with the Kirkland Police and the Lake Washington School District and with every youth-serving social, recreational, and health service agency in the area. As of spring 2001, youth have been appointed to the City Boards and Commissions, serving as full voting members. Positive youth issues have risen to the forefront of community awareness.

The next step in meeting our Climate Protection Agreement commitment is establishing emissions reduction targets and development of an action plan to meet those targets. We will examine the full spectrum of alternatives to reduce our emissions, including capitalizing on our strong Youth Services programs.

We appreciate your interest. If you would like to know more about the May 1st Council meeting, the City's current environmental initiatives or our Youth Services programs, please visit our website at www.ci.kirkland.wa.us. Please contact Van Ingram-Lock in our Public Works Department at (425) 587-3907 or vingram-lock@ci.kirkland.wa.us if you have additional questions.

Sincerely,

James L. Lauinger, Mayor
For the Kirkland City Council

cc: Jennifer Schroder, Director of Parks & Community Services
Daryl Grigsby, Public Works Director
Paul Stewart, Planning & Community Development Department Deputy Director

Council Meeting: 06/19/2007
Agenda: General Correspondence
Item #: 8. c. (2).

**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, PE, Capital Projects manager

**Date:** June 7, 2007

**Subject:** SANBORN RESPONSE LETTER REGARDING NE 73RD STREET SIDEWALK PROJECT

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign the attached letter to Mr. Matt Sanborn.

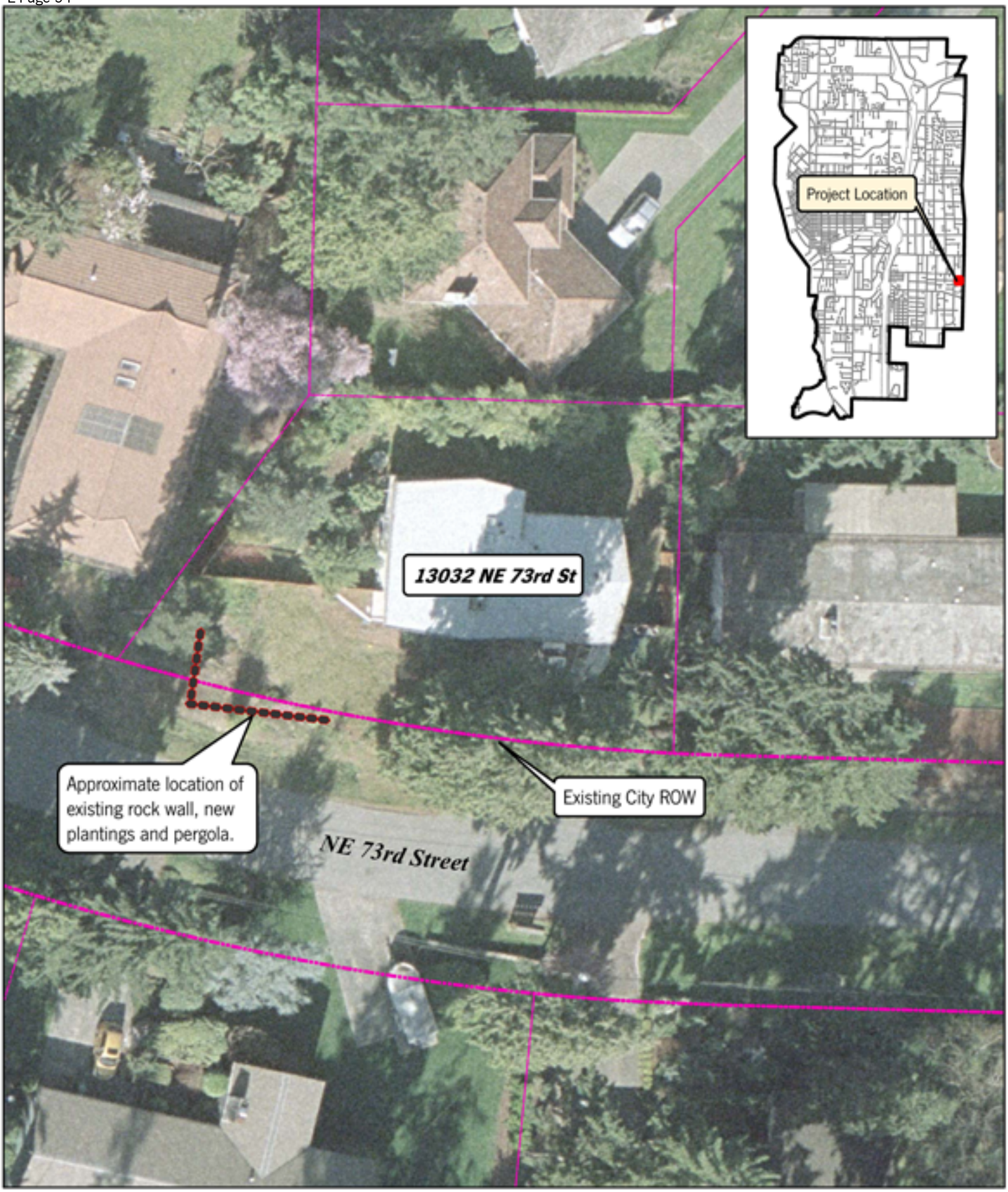
BACKGROUND AND DISCUSSION:

Mr. Sanborn sent a letter expressing his general concerns about the City's plans to build a sidewalk in front of his property at 13032 NE 73rd Street and perceived impacts that the new sidewalk may have on recent improvements he has made to the right-of-way the front of his property.

The Sanborns have installed significant landscaping improvements within the public right-of-way (Attachment 1) and the planned sidewalk will have an impact on those improvements. On Wednesday June 6th staff met with the Sanborn's and other neighbors to explain the options under consideration for the sidewalk, including the possibility of a new low impact design.

Attachment: (1)

**ATTACHMENT 1**

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1 inch equals 30 feet

**CITY OF KIRKLAND**
**DEPARTMENT OF PUBLIC WORKS**

# SANBORN RESIDENCE

May 18, 2007

RECEIVED
MAY 21 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

City of Kirkland
Mayor James L. Lauinger
123 5th Avenue
Kirkland WA, 98033

RE: NE 73rd Street Sidewalk Project

Dear Mayor Lauinger,

This letter is written in reference to the City of Kirkland's proposed sidewalk project for NE 73rd Street from 130th to 132nd Avenue that is scheduled to commence in September of this year. The specific purpose of this letter is to address the concern that my wife and I share with our neighbors regarding the proposed design options for the sidewalk project.

My wife and I have been residents of Kirkland for four years. We have spent this time remodeling our fixer-upper into a wonderful home, one that has enhanced our neighborhood. Our most recent improvement has been the re-grading and landscaping of our front yard.

In February of this year we were informed of the City's proposed plan to install a sidewalk in front of our home, along NE 73rd Street. The two sidewalk design options presented by the Public Works Department on May 8, 2007 at the South Rose Hill Neighborhood Association Meeting call for the demolition and removal of much of the landscaping that my wife and I have installed over the past 9 months. The proposed demolition would impact and/or destroy rockeries, trees, irrigation, lighting, perennials, and a pergola, all of which we personally installed since the fall of last year. I have included before-and-after pictures on the following page to illustrate some of these improvements. As currently planned, the City's sidewalk design options will require that much of this landscape be demolished.

Our home was built in 1963. For forty-four (44) years the right-of-way in front of our home remained an un-landscaped drainage ditch, overgrown with weeds. My wife and I have recently expended countless hours of labor and thousands of dollars to improve the condition of our yard and the adjacent right-of-way. We are extremely disappointed that the City of Kirkland has not taken into consideration improvements, such as these, that property owners have made while designing the proposed sidewalk installation.

The most frustrating aspect of the City's proposed sidewalk design is that none of the demolition described above is necessary to accommodate the installation of a sidewalk. The City's design calls for a width of more than 15' of land to be confiscated for the sidewalk installation. The existing drainage ditch separating our yard from the street is greater than 12' wide, which is more than enough space to install a standard 5' wide sidewalk. It is puzzling that the City would choose to unnecessarily destroy privately landscaped lawns, waste taxpayer dollars, and alienate its residents. My neighbors share this opinion.

We ask for the City of Kirkland's commitment to revise it's proposed sidewalk design to absolutely minimize impacts to the yards along NE 73rd Street from 130th to 132nd Avenue. Our

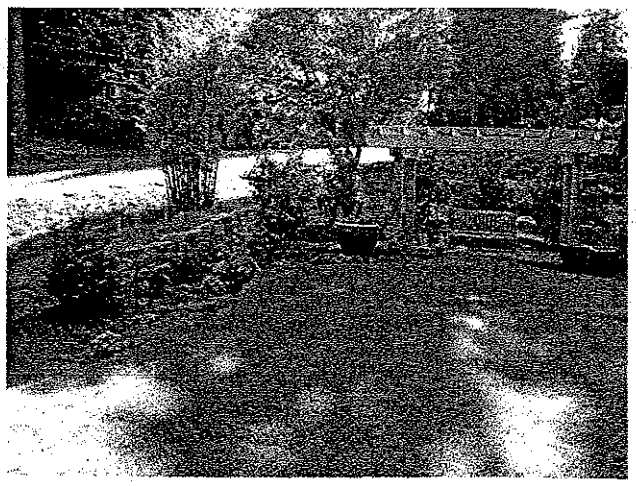
neighbors share our desire. Your recommendation to the Public Works Department to revise their plan accordingly is greatly appreciated.

Should you have any questions or if you would like to further discuss this issue in person please do not hesitate to contact me.

Sincerely,

Matt Sanborn
13032 NE 73rd Street
Kirkland, WA 98033
(425) 242-0547
matt.sanborn@skanskausa.com

Cc:
Deputy Mayor: Joan McBride
Council Member: Dave Asher
Council Member: Mary-Alyce Burleigh
Council Member: Jessica Greenway
Council Member: Tom Hodgson
Council Member: Bob Sternoff
City Manager: Dave Ramsay



June 20, 2007

DRAFT

Matt Sanborn
13032 NE 73RD ST
Kirkland WA 98033

**RE: NE 73rd ST Sidewalk Installation Project**

Dear Mr. Sanborn;

Thank you for your recent letter regarding the City's plans to build a new sidewalk along NE 73rd Street. We appreciate the comments and concerns expressed by you and your wife regarding impacts that the construction of the City's sidewalk project may have on your property.

As a part of the Non-Motorized Transportation Plan and the City's School Walk Route Program, the planned sidewalk in front of your home ranks very high. As it was most recently evaluated, NE 73rd Street, between 130th Avenue NE and 132nd Avenue NE, was ranked in the top 5 out of a total of sixty (60) sidewalk locations being monitored City-wide.

Since its inception in 1995, the sidewalk project for NE 73rd Street has progressed through the City's Capital Improvement Program with 2007 being identified as its completion year. At this point, what makes the timing of this project particularly exciting for City Council and staff is that over the past few years a number of environmentally beneficial design concepts have come to the forefront of urban sidewalk construction. With this letter, we wish to assure you that the entire City Council is most interested in seeing this particular project become a showcase for establishing a new Low Impact Design (LID) standard for future capital improvement sidewalk projects throughout the City. That being said, we do understand there may be some reservation on the part of you and your neighbors over being part of a "pilot project" on something new for the City, however, we can tell you that with all of the LID successes in Seattle and other communities around the country, we are fully confident that the LID method of construction is the most environmentally beneficial way for us to proceed where feasible.

We have been informed by staff that you recently opened your home to neighbors on your street for a staff presentation and discussion about design alternatives for the project. Since you are receiving this response letter after that meeting, we hope that you will continue to work with staff and the design team to arrive at a project that can address your needs as well at those of the community.

In regards to project impacts on your property, it is our understanding that, regardless of the design concept decided upon, certain improvements that you have made within the public right-of-way will have to be relocated. While we commend the work you did to improve your neighborhood, home and property, the improvements you made were built into the public right-of-way and, unfortunately, in order to accomplish our project, certain modifications will have to occur. However, by your continuing to work with staff, we are confident that the public improvements can be coordinated with your relocated improvements.

We anticipate receiving a staff report regarding the project's June 6th open house meeting at our regular City Council meeting of July 3, 2007, and we look forward to hearing about the outcome of that meeting. We also hope you join us as we all look forward to the completion of another pedestrian sidewalk amenity for you and your young family, your neighbors and the surrounding community.

Sincerely,

James L. Lauinger
For the Kirkland City Council

**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:** Brenda Cooper, Chief Information Officer
David Snider, PE, Capital Projects Supervisor

**Date:** June 7, 2007

**Subject:** INFORMATION TECHOLOGY TENANT IMPROVEMENT PROJECT PHASE I ELECTRICAL AWARD CONTRACT

RECOMMENDATION:

It is recommended that City Council award the contract for the Information Technology Tenant Improvement Project, Phase I – Electrical Work to Modular Electric, Kirkland, WA, in the amount of $66,836.29.

BACKGROUND DISCUSSION:

A 2005 Information Technology (IT) Department Space Needs Assessment resulted in a recommendation for a two-phased approach in implementing a general office space improvement within the existing IT facilities located in City Hall. This first phase project includes a general office area configuration to address the May 2005 move of Multi-Media Services to the IT Department.

In order to accomplish the office reconfiguration a number of vendors, suppliers and construction trades will be required. Of the various trades needed to complete the project, the work required to be performed by an electrical contractor is the most extensive and costly. By utilizing the City's Small Works Roster a number of electrical contractors accepted the City's notice to review the Project's plans and specifications and on May 31, 2007 three electrical contractor bids were received with the results as follows:

| COMPANY | AMOUNT |
|---|---|
| *Engineer's Estimate* | $60,000.00 |
| **Modular Electric** | **$66,836.29** |
| High Mountain Electric | $67,518.00 |
| Mastercraft Electric | $75,141.00 |

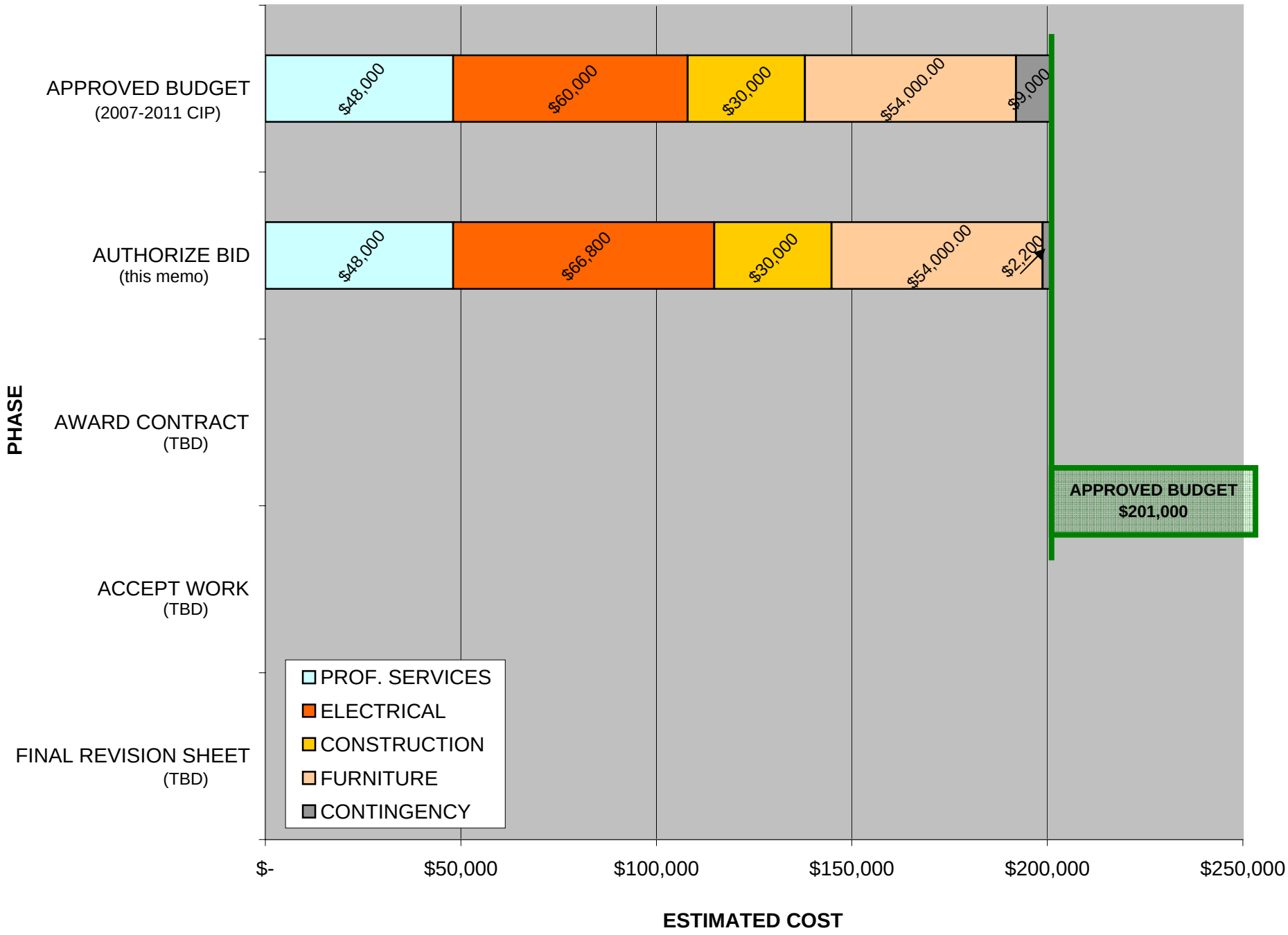
The low bid amount of $66,836 is approximately 11% higher than the engineer's estimate for the electrical work, resulting in a project contingency balance of only $2,200, or 2.4% of the anticipated construction budget (Attachment A). At this time, staff will endeavor to work through the project's other budget line items (i.e., miscellaneous construction and furniture) in order to complete the project within the overall established budget of $201,000.

With an award of the contract by Council at their June 19th meeting, construction will begin immediately with total project completion expected in September, 2007.

cc: Erin Leonhart, PW Facilities and Operations Admin Manager

## INFORMATION TECHNOLOGY TI PROJECT

### PROJECT BUDGET REPORT




Attachment A

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

**To:** David Ramsay, City Manager

**From:** Jennifer Schroder, Director of Parks and Community Services
Michael Cogle, Park Planning Manager

**Date:** June 7, 2007

**Subject:** **AWARD OF BID: Ben Franklin Elementary School Improvements**

RECOMMENDATION:

That the City Council award a construction contract to Pacific Earth Works, Inc. in the amount of $271,502 for park-related improvements at Ben Franklin Elementary School.

BACKGROUND DISCUSSION:

At their meeting of April 17, 2007, the City Council authorized staff to call for bids for this project. Bids were opened on June 6, 2007. We had two bidders. Results:

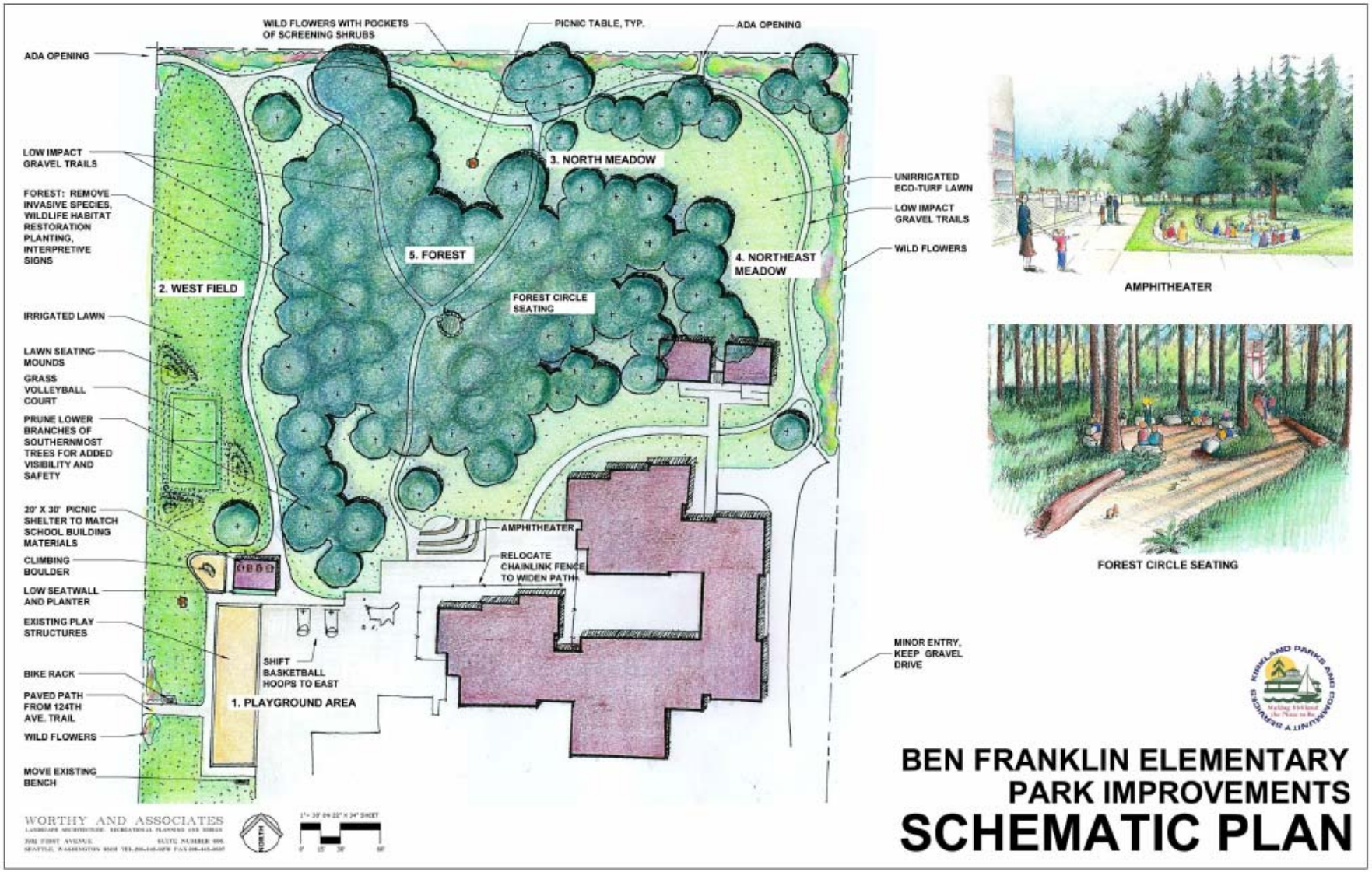
| BIDDER | BASE BID | ADD ALTERNATE Climbing Boulder | SALES TAX | TOTAL |
|---|---|---|---|---|
| Amount Budgeted | $255,000.00 | $20,000.00 | $24,200.00 | $299,200.00 |
| *Pacific Earth Works* | *$214,894.00* | *$34,648.00* | *$21,960.00* | *$271,502.00* |
| A-1 Landscaping | $249,300.00 | $26,920.00 | $24,307.36 | $300,527.36 |

Staff recommends award of bid to the low bidder, Pacific Earth Works, Inc. Total cost of the contract, including sales tax, is $271,502. Staff recommends award of the additive alternate for the playground climbing boulder.

We have checked references for Pacific Earth Works and have verified that they are qualified and capable of doing the project. In addition to work in Kirkland at Heritage Park Phase 1, their recent projects have included playfield construction for the Seattle and Northshore school districts. .

This project is funded via the 2002 Kirkland Park Bond and is the latest partnership project with the Lake Washington School District. Construction is slated for the summer and will include forest restoration, trail improvements, landscaping, a climbing boulder play area, and a picnic shelter. The overall budget is $425,000.

# PARK IMPROVEMENTS PLAN



Council Meeting: 06/19/2007
Agenda: Other Business
Item #: 8. i. (1).

**CITY OF KIRKLAND**
**Department of Finance & Administration**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Tracey Dunlap, Director of Finance and Administration
Sandi Hines, Financial Planning Manager

**Date:** June 7, 2007

**Subject:** 2007 MID-YEAR BUDGET REVIEW & ADJUSTMENTS

## RECOMMENDATION

City Council receive an update on the City's financial condition and approve the attached ordinance adjusting the 2007-08 budget appropriation for selected funds.

## BACKGROUND:

The Mid-Year Budget review addresses a variety of topics regarding the current budget biennium. This memo describes the various attachments included in the packet.

- **Financial Status** – Highlights of the Financial Management Report (FMR) for the period ending March 31, 2007 (Attachment A).
- **Budget Adjustments** - A recommendation concerning mid-year budget adjustments needed to meet unanticipated needs and phase 2 annexation work (Attachment B).

## FINANCIAL STATUS

The Financial Management Report provides an update on the City's financial condition for the current fiscal year. The report includes discussions on the economic environment, budget to actual comparison for all operating funds, sales tax performance, investment activity, and the status of reserves.

As the City enters into its second biennial budget, we undertook redesigning the FMR to a biennial analysis. After research of neighboring cities' reports and reviewing what questions the report aims to answer, it became clear that a biennial analysis was not the best course to take. With so many events happening during the course of two years, a more meaningful analysis is looking at the current period as it compares to the same period of the previous year. Also important is to analyze why and how much revenues and expenditures have (or have not) increased from the prior year compared to our budgeted plan. To this end, a comparison of the current period to the same period of the previous year has been added to the FMR, as well as undergoing a formatting overhaul to better illustrate the data provided. The Finance Committee reviewed and approved the revised format at their May 29th meeting.

In general terms, the first year of the biennium is "on track" with regard to revenues and expenditures to date. A few highlights worth noting:

- The local economy continues to experience strong economic growth with job growth remaining strong, especially in the aerospace and technology sectors, with over 65,000 jobs added in the Seattle-Tacoma metropolitan area since January 2005. Local experts have expressed confidence that the economy is likely to continue to improve in 2007, although the chances of a recession in the next two to three years are getting higher based on historical trends.

- Sales tax growth shows a small decline from the same period of 2006, but this is mostly due to a one-time spike in development-related sales tax revenue that was received in February 2006. Overall, sales tax revenue continues to be strong with the auto/gas retail sector being the star performer so far this year. Development-related sectors are down this year compared to the same period last year due more to the strength in 2006 than weakness in 2007. Construction activity in the city remains high and revenue continues to remain strong compared with historical trends.

  The FMR provides sales tax data through March 2007 which shows year-to-date growth at a negative 2.9% over the same period last year. Results through May have reversed this trend, returning to a positive growth trend.

- Development revenue is reflecting the cyclical nature of construction projects. Activity remains strong in the commercial sector, but single family activity is down from the same period of 2006 but strong compared to historical trends. Plan check fees and planning revenues are higher than last year but building permits and engineering charges are coming in below the same period last year. With plan check and planning fees being an indicator of development activity, an upswing in building and engineering permit activity is expected to follow.

MID-YEAR BUDGET ADJUSTMENTS

State law prohibits expenditures from exceeding the budgeted appropriation for any fund and requires the City to adjust budget appropriations when:

1. Unanticipated revenue exists and will potentially be expended;
2. New funds are established during the budget year which were not included in the original budget; or
3. The City Council authorizes positions, projects, or programs not incorporated into the current biennial budget.

Unless there is an immediate need, budget adjustments that represent ongoing increases in the level of service are generally not introduced at mid-year. Rather, they are submitted as service package requests during the budget preparation process.

Carryovers and other one-time housekeeping adjustments to the 2007-2008 budget were presented and adopted by the Council on April 3. Since that time, unexpected issues such as grant funding and Council use of reserves have occurred creating a need for additional budget adjustments to the 2007-08 budget. Additionally, the Council made the "go" decision to move to phase 2 of the annexation process and on April 17 approved a recommendation for annexation service packages needed for phase 2 tasks. The annexation service package adjustments for 2007 and 2008 are also included in the attached ordinance. Listed below is a brief summary of the recommended adjustments.

- **Annexation Service Packages** – Additional resources are needed for phase 2 of the annexation process. Council approved the recommended 2007-08 annexation service packages on April 17 in the amount of $581,925 for 2007 and $380,199 for 2008 (assuming the Council decides to proceed to phase 3) for a total of $962,124. These approved service packages are funded by the sales tax hold back. The available sales tax hold back was $483,418 for 2007 and $830,487 for 2008 for a total of $1,313,905. After funding the approved 2007-08 service packages, the sales tax hold back remaining balance is $351,781, but future annexation work is identified at a cost of $487,977.

- **Department of Health EMS Grant** – The Fire & Building Department received an EMS Prehospital Participation grant from the State Department of Health for the purchase of medical supplies in the amount of $1,439.

- **King County 4 Culture Donation** – The Parks & Community Services Department received $5,500 from King County 4 Culture for the summer concert series.

- **Auction Proceeds** – Proceeds in the amount of $2,165 from the sale of surplus tools and equipment from the Parks & Community Services Department.

- **NIMS Reimbursement** – King County has reimbursed the City for overtime costs in the amount of $4,220 associated with public safety personnel attending NIMS training classes.

- **Housekeeping Adjustment** – The ARCH carryover in the Planning & Community Development Department did not recognize a credit received in 2005. This adjustment increases the ARCH budget by $31,629 within the Planning Department and is funded by resources forward in excess of planned needs.

- **Reserve Uses** – During the course of the year, requests for use of reserves come before the Council for a variety of projects. Once Council has given its approval, it is necessary to make the associated adjustments in the budget appropriation to expend the funds. Listed below are the previously approved Council uses of reserves that are included in the attached ordinance as a change in appropriation.

    - **REET 1 Reserve** - $235,840 for the purchase of the Irvin Property in the Yarrow Bay Wetlands area; $362,354 for the purchase of undeveloped greenbelt near Everest Park.

    - **Council Special Projects Reserve** - $7,500 per year for 2007 and 2008 for the Assistance League of the Eastside's Operation School Bell program.

    - **Street Improvement Fund** - $91,100 as additional funding to complete the Central Way Improvement street and overhead utility conversion projects; $70,000 as additional funding to complete the 2007 Striping Program.

    - **Contingency Fund** - $31,500 for a Permit Process Improvement project (phase I) to assess the single family building permit process.

    - **Building and Property Reserve** - $10,000 for funding of a Peter Kirk Restroom study in conjunction with the timing of the downtown transit center design.

The next budget adjustment will be presented to Council in November 2007 as part of the Mid-Biennial Review.

# Financial Management Report

## AS OF MARCH 31, 2007

**AT A GLANCE:**

**General Fund revenues ahead of last year by 3.7 percent.**

**Puget Sound 2006 area job growth largest in 8 years**

**Washington State predicts continued job growth in local area**

**Global economic conditions expected to create positive growth in local area**

**Local economist cautions that historical trends may point toward recession in two to three years (see page 7)**

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## Summary of All Operating Funds: *Revenue*

- **General Fund** revenue is budgeted to increase 5.5 percent in 2007 over 2006, largely from expectations of higher sales and utility tax revenue and property tax dedicated to public safety staffing. Actual revenues are trailing, at 3.7 percent ahead of the same period last year, largely due a dip in sales tax and building permit revenues and despite strong utility tax revenue and plan check development fees. An unusual spike in February sales tax revenue in 2006 skews the year-to-date comparison. Total General Fund revenues are expected to track at or above budget as the year progresses.
- **Other General Government Funds** revenues are budgeted 9.4 percent higher in 2007 than last year largely due to increased internal charges and the move of Multi-media Services from the General Fund to the Information Technology Fund. Actual collections are tracking higher than planned, at 12.9 percent ahead of the same period last year, mostly due to the receipt of 2006 cable tax revenue in 2007.
- **Water Sewer Operating Fund** revenue is budgeted 4.3 percent higher in 2007 than 2006 due to water and sewer rate increases and normal growth. Actual revenue is tracking just above expected, at 5.2 percent, which is within a normal range of revenue collection for this utility.
- **Surface Water Management Fund** revenue collection is budgeted 4.9 percent higher in 2007 than 2006 due to rate increases and normal growth. Actual revenue is 11.6 percent ahead of the same period last year. There is a lag in timing when a rate increase is adopted, which was the case in 2006, skewing the comparison between the years since 2007 revenue reflects collection of the rate increase for the full year. Surface Water fees are paid through property tax collection, which are primarily received in April and October. This causes the relatively small collection rate as of March 31st.
- **Solid Waste Fund** revenue collection is budgeted to increase 5.6 percent in 2007 over 2006 due to higher rates and normal growth. Actual revenue is 2.3 percent behind the same period last year due to variability in collections for this utility. Revenue is expected to track at budget as the year progresses.

| | Year-to-Date Actual | | | Budget | | | % of Budget | |
|---|---|---|---|---|---|---|---|---|
| **Resources by Fund** | **3/31/2006** | **3/31/2007** | **% Change** | **2006** | **2007** | **% Change** | **2006** | **2007** |
| ***General Gov't Operating:*** | | | | | | | | |
| General Fund | 9,926,350 | 10,292,726 | 3.7% | 49,091,816 | 51,809,969 | 5.5% | 20.2% | 19.9% |
| Other General Gov't Operating Funds | 2,695,268 | 3,044,199 | 12.9% | 15,170,554 | 16,590,146 | 9.4% | 17.8% | 18.3% |
| **Total General Gov't Operating** | **12,621,618** | **13,336,925** | **5.7%** | **64,262,370** | **68,400,115** | **6.4%** | **19.6%** | **19.5%** |
| ***Utilities:*** | | | | | | | | |
| Water/Sewer Operating Fund | 3,487,695 | 3,669,418 | 5.2% | 15,802,180 | 16,474,571 | 4.3% | 22.1% | 22.3% |
| Surface Water Management Fund | 210,499 | 234,850 | 11.6% | 4,977,108 | 5,222,394 | 4.9% | 4.2% | 4.5% |
| Solid Waste Fund | 1,972,141 | 1,925,842 | -2.3% | 7,449,930 | 7,864,908 | 5.6% | 26.5% | 24.5% |
| **Total Utilities** | **5,670,335** | **5,830,110** | **2.8%** | **28,229,218** | **29,561,873** | **4.7%** | **20.1%** | **19.7%** |
| **Total All Operating Funds** | **18,291,953** | **19,167,035** | **4.8%** | **92,491,588** | **97,961,988** | **5.9%** | **19.8%** | **19.6%** |

* Budgeted and actual revenues exclude resources forward and include interfund transfers.

**Volatility in Other Operating Funds expenditures often occurs from the timing of major equipment purchases, such as the Kirkland fire engine pictured above**

# Summary of All Operating Funds: *Expenditures*

- **General Fund** expenditures are budgeted to increase 5.3 percent in 2007 over 2006 largely due to increased personnel costs and additional staffing. Actual expenditures are 12.2 percent ahead of the same period last year primarily due to the settlement of a labor contract from 2006 in 2007.
- **Other Operating Funds** expenditures are budgeted to increase 15.3 percent over 2006 primarily due to increased personnel, operating and fuel costs, and the shift of Multi-media Services from the General Fund. Actual expenditures are 7 percent behind the same period last year due to several large vehicle purchases made in the first quarter of 2006 (such as a fire engine and dump trucks) and despite the settlement of a labor contract from 2006 in 2007.
- **Water/Sewer Operating Fund** expenditures are budgeted to increase 9.3 percent in 2007 over 2006 due to higher water purchases and sewer treatment costs and increased regional connection charges paid to Cascade Water Alliance (covered by connection charge revenue). Actual expenditures are slightly higher, at 10 percent ahead of the same period in 2006, primarily due to the settlement of a labor contract from 2006 in 2007.
- **Surface Water Management Fund** expenditures are budgeted to increase 14.8 percent in 2007 over 2006 largely due to increased funding for capital projects and additional plans generated from the completed Surface Water Master Plan, and increased personnel costs. Actual expenditures are tracking higher, 20.2 percent ahead of the same period in 2006 due to the settlement of a labor contract from 2006 in 2007, as well as relatively significant staffing vacancies in the first part of 2006.
- **Solid Waste Fund** expenditures are budgeted to increase 8 percent in 2007 over 2006 due to higher solid waste contract rates. Actual 2007 expenditures are slightly behind at 4.4 percent over the same period in 2006 due to normal variability in disposal contract payment timing.

| | Year-to-Date Actual | | | Budget | | | % of Budget | |
|---|---|---|---|---|---|---|---|---|
| **Expenditures by Fund** | **3/31/2006** | **3/31/2007** | **% Change** | **2006** | **2007** | **% Change** | **2006** | **2007** |
| ***General Gov't Operating:*** | | | | | | | | |
| General Fund | 11,359,810 | 12,750,856 | 12.2% | 49,962,235 | 53,460,486 | 7.0% | 22.7% | 23.9% |
| Other General Gov't Operating Funds | 4,037,710 | 3,753,650 | -7.0% | 15,072,831 | 17,384,421 | 15.3% | 26.8% | 21.6% |
| **Total General Gov't Operating** | **15,397,520** | **16,504,506** | **7.2%** | **65,035,066** | **70,844,907** | **8.9%** | **23.7%** | **23.3%** |
| ***Utilities:*** | | | | | | | | |
| Water/Sewer Operating Fund | 3,876,429 | 4,265,210 | 10.0% | 15,492,943 | 16,932,266 | 9.3% | 25.0% | 25.2% |
| Surface Water Management Fund | 430,810 | 518,006 | 20.2% | 4,939,600 | 5,672,207 | 14.8% | 8.7% | 9.1% |
| Solid Waste Fund | 1,819,378 | 1,900,195 | 4.4% | 7,247,024 | 7,828,067 | 8.0% | 25.1% | 24.3% |
| **Total Utilities** | **6,126,617** | **6,683,411** | **9.1%** | **27,679,567** | **30,432,540** | **9.9%** | **22.1%** | **22.0%** |
| **Total All Operating Funds** | **21,524,137** | **23,187,917** | **7.7%** | **92,714,633** | **101,277,447** | **9.2%** | **23.2%** | **22.9%** |

* Budgeted and actual expenditures exclude working capital, operating reserves, capital reserves, and include interfund transfers.

# General Fund Revenue

***Many revenues are subject to seasonal variability and timing of large receipts can also skew year -to-year comparisons***

- **Sales tax** revenue collection is budgeted to increase 7.3 percent ahead of 2006 due to expected strong development-related activity. Actual receipts are 3 percent behind the same period last year due to an unusual one-time spike in receipts received in February 2006. Revenue is expected to rebound to or above the budgeted amount as the year progresses. A more detailed analysis of sales tax revenue can be found starting on page 5.
- **Utility tax** revenue is budgeted to increase 10.9 percent ahead of 2006 primarily due to higher utility rates. Actual revenue collection is up 13.7 percent ahead of the same period last year primarily due to natural gas and electricity (higher rates and weather conditions) and also strong telephone utility tax receipts.
- **Business licenses and franchise fees** are budgeted to increase 19.8 percent over 2006 primarily due to franchise fees. Actual revenue shows no growth so far this year due to timing of business license renewals. The **revenue generating regulatory license** fee is budgeted to increase 8.3 percent over 2006. Actual revenue is actual down 4 percent compared to the same period last year, also due to timing of business license renewals.
- **Development-related fees** revenues are a mixed bag. **Building/structural permits** are budgeted 4.7 higher than 2006, but actual revenue is 15.3 percent lower than the same period in 2006. **Plan check/development** fees are budgeted 19.8 percent lower than 2006, but actual revenue is 16.1 percent higher compared to 2006. **Engineering development charges** are budgeted 56.3 percent higher than 2006 and actual revenues are trailing 2006, down 16.1 percent compared to the same period. The trends for development-related revenue this year reflect the volatility that is inherent in development activity.
- **Fines/forfeits** revenue was expected to remain flat, budgeted 0.4 percent lower than 2006. Actual revenue is up 39.4 percent compared to the same period in 2006 as a result of the timing of traffic cases as well as higher than expected revenue from the new false alarm program.

**General Fund revenues as of March 31 are over $350,000 ahead of the same period in 2006.**

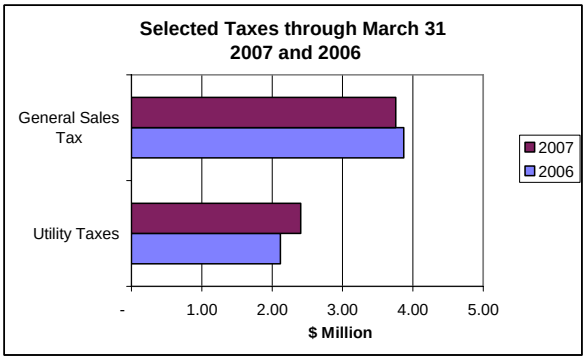
**General Fund revenue is budgeted to increase 5.5 percent over 2006. Actual revenue is trailing just slightly, up 3.7 percent over the same period last year largely due to sales tax anomalies discussed above.**

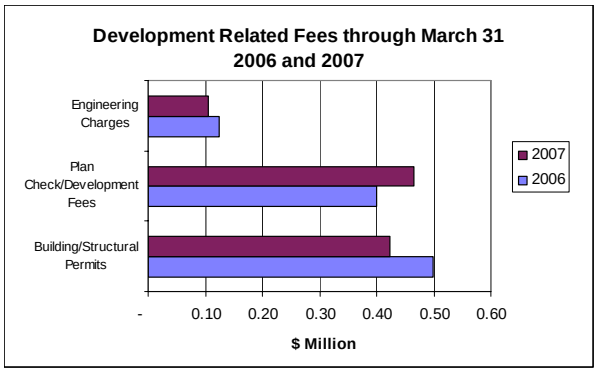
***The General Fund is the largest of the General Government Operating funds. It is primarily tax supported and accounts for basic services such as public safety, parks and recreation, and community development.***

***About 355 of the City's 447 employees are budgeted within this fund.***

| General Fund Resource Category | Year-to-Date Actual | | | Budget | | | % of Budget | |
|---|---|---|---|---|---|---|---|---|
| | 3/31/2006 | 3/31/2007 | % Change | 2006 | 2007 | % Change | 2006 | 2007 |
| ***Taxes:*** | | | | | | | | |
| Retail Sales Tax: General | 3,871,420 | 3,755,081 | -3.0% | 14,132,692 | 15,158,006 | 7.3% | 27.4% | 24.8% |
| Retail Sales Tax: Criminal Justice | 259,888 | 280,977 | 8.1% | 890,000 | 1,025,000 | 15.2% | 29.2% | 27.4% |
| Property Tax | 365,996 | 385,463 | 5.3% | 8,117,113 | 8,790,086 | 8.3% | 4.5% | 4.4% |
| Utility Taxes | 2,115,356 | 2,405,025 | 13.7% | 7,171,200 | 7,950,034 | 10.9% | 29.5% | 30.3% |
| Rev Generating Regulatory License | 276,804 | 265,644 | -4.0% | 900,000 | 975,000 | 8.3% | 30.8% | 27.2% |
| Other Taxes | 136,506 | 105,221 | -22.9% | 464,800 | 461,000 | -0.8% | 29.4% | 22.8% |
| **Total Taxes** | **7,025,970** | **7,197,411** | **2.4%** | **31,675,805** | **34,359,126** | **8.5%** | **22.2%** | **20.9%** |
| ***Licenses & Permits:*** | | | | | | | | |
| Building, Structural & Equipment Permits | 498,944 | 422,598 | -15.3% | 2,084,742 | 2,183,450 | 4.7% | 23.9% | 19.4% |
| Business Licenses/Franchise Fees | 363,130 | 363,170 | 0.0% | 1,184,775 | 1,418,950 | 19.8% | 30.6% | 25.6% |
| Other Licenses & Permits | 35,454 | 32,458 | -8.5% | 169,020 | 169,900 | 0.5% | 21.0% | 19.1% |
| **Total Licenses & Permits** | **897,528** | **818,226** | **-8.8%** | **3,438,537** | **3,772,300** | **9.7%** | **26.1%** | **21.7%** |
| ***Intergovernmental:*** | | | | | | | | |
| Grants | 34,996 | 88,265 | 152.2% | 207,017 | 163,795 | -20.9% | 16.9% | 53.9% |
| State Shared Revenues & Entitlements | 132,493 | 138,871 | 4.8% | 590,033 | 606,715 | 2.8% | 22.5% | 22.9% |
| Fire District #41 | - | - | N/A | 3,141,052 | 3,329,121 | N/A | N/A | N/A |
| EMS | - | - | N/A | 489,685 | 504,376 | N/A | N/A | N/A |
| Other Intergovernmental Services | 250,275 | 166,341 | -33.5% | 438,539 | 423,870 | -3.3% | 57.1% | 39.2% |
| **Total Intergovernmental** | **417,764** | **393,477** | **-5.8%** | **4,866,326** | **5,027,877** | **3.3%** | **8.6%** | **7.8%** |
| ***Charges for Services:*** | | | | | | | | |
| Internal Charges | 741,033 | 840,636 | 13.4% | 3,531,586 | 3,365,127 | -4.7% | 21.0% | 25.0% |
| Engineering Services | 124,323 | 104,269 | -16.1% | 400,000 | 625,000 | 56.3% | 31.1% | 16.7% |
| Plan Check & Development Fees | 400,751 | 465,417 | 16.1% | 2,276,836 | 1,825,900 | -19.8% | 17.6% | 25.5% |
| Recreation | 4,470 | - | -100.0% | 74,000 | 81,000 | 9.5% | 6.0% | N/A |
| Other Charges for Services | 92,407 | 187,730 | 103.2% | 674,199 | 752,591 | 11.6% | 13.7% | 24.9% |
| **Total Charges for Services** | **1,362,984** | **1,598,052** | **17.2%** | **6,956,621** | **6,649,618** | **-4.4%** | **19.6%** | **24.0%** |
| ***Fines & Forfeits*** | 149,838 | 208,873 | 39.4% | 1,157,550 | 1,152,750 | -0.4% | 12.9% | 18.1% |
| ***Miscellaneous*** | 72,266 | 76,687 | 6.1% | 590,991 | 405,900 | -31.3% | 12.2% | 18.9% |
| **Total Revenues** | **9,926,350** | **10,292,726** | **3.7%** | **48,685,830** | **51,367,571** | **5.5%** | **20.4%** | **20.0%** |
| ***Other Financing Sources:*** | | | N/A | | | N/A | | |
| Interfund Transfers | - | - | N/A | 405,986 | 442,398 | N/A | N/A | N/A |
| **Total Other Financing Sources** | **-** | **-** | **N/A** | **405,986** | **442,398** | **N/A** | **N/A** | **N/A** |
| **Total Resources** | **9,926,350** | **10,292,726** | **3.7%** | **49,091,816** | **51,809,969** | **5.5%** | **20.2%** | **19.9%** |

* Budgeted and actual revenues exclude resources forward.




# General Fund Expenditures

| General Fund | Year-to-Date Actual | | | Budget | | | % of Budget | |
|---|---|---|---|---|---|---|---|---|
| Department Expenditures | 3/31/2006 | 3/31/2007 | % Change | 2006 | 2007 | % Change | 2006 | 2007 |
| Non-Departmental | 181,513 | 243,917 | 34.4% | 851,614 | 1,128,527 | 32.5% | 21.3% | 21.6% |
| City Council | 132,108 | 128,848 | -2.5% | 311,733 | 316,392 | 1.5% | 42.4% | 40.7% |
| City Manager's Office | 624,588 | 689,715 | 10.4% | 2,431,813 | 3,150,421 | 29.6% | 25.7% | 21.9% |
| Human Resources | 204,778 | 242,015 | 18.2% | 855,969 | 1,036,649 | 21.1% | 23.9% | 23.3% |
| City Attorney's Office | 212,337 | 218,180 | 2.8% | 881,406 | 957,460 | 8.6% | 24.1% | 22.8% |
| Parks & Community Services | 1,057,717 | 1,153,405 | 9.0% | 5,096,976 | 5,847,886 | 14.7% | 20.8% | 19.7% |
| Public Works (Engineering) | 717,771 | 918,037 | 27.9% | 2,887,897 | 3,611,756 | 25.1% | 24.9% | 25.4% |
| Finance and Administration | 726,572 | 827,999 | 14.0% | 2,891,824 | 3,473,508 | 20.1% | 25.1% | 23.8% |
| Planning & Community Development | 730,863 | 852,065 | 16.6% | 2,965,328 | 3,706,159 | 25.0% | 24.6% | 23.0% |
| Police | 3,047,449 | 3,245,152 | 6.5% | 12,962,506 | 13,745,515 | 6.0% | 23.5% | 23.6% |
| Fire & Building | 3,599,492 | 4,106,446 | 14.1% | 14,578,689 | 15,780,853 | 8.2% | 24.7% | 26.0% |
| **Total Expenditures** | **11,235,188** | **12,625,779** | **12.4%** | **46,715,755** | **52,755,126** | **12.9%** | **24.1%** | **23.9%** |
| ***Other Financing Uses:*** | | | | | | | | |
| Interfund Transfers | 124,622 | 125,077 | 0.4% | 3,246,480 | 705,360 | -78.3% | 3.8% | 17.7% |
| **Total Other Financing Uses** | **124,622** | **125,077** | **0.4%** | **3,246,480** | **705,360** | **-78.3%** | **3.8%** | **17.7%** |
| **Total Expenditures & Other Uses** | **11,359,810** | **12,750,856** | **12.7%** | **49,962,235** | **53,460,486** | **-65.3%** | **22.7%** | **23.9%** |

* Budgeted and actual expenditures exclude working capital, operating reserves, and capital reserves.

- The **Non-departmental** division expenditures are budgeted 32.5 percent higher than 2006 due to a relocation of the Multi-media functions to Information Technology resulting in a change in accounting for the internal charges. Actual expenditures are 34.4 percent higher than the same period in 2006.

Budgeted and current year actual expenditures compared to 2006 for the following departments are up primarily due to higher personnel costs, including an unsettled labor contract from 2006 that settled in 2007 and additional positions added in 2007. In addition to this general trend, specific highlights by selected department are listed below:

- The **City Manager's** expenditures are budgeted 29.6 percent higher than 2006 due the addition of a communications coordinator and municipal court staffing, and additional funding for economic development and outside agencies. Actual expenditures are only 10.4 percent ahead of the same period last year primarily due to the normal delay in hiring newly approved positions.
- The **Human Resources Department** expenditures are budgeted 21.1 percent higher than 2006 due to an additional temporary human resources analyst. Actual expenditures are only 18.2 percent ahead

*(Continued on page 5)*

**Compared to budget, 2007 General Fund actual expenditures are tracking at about the same trend as last year (23.9 percent of budget in 2007 compared to 23.6 percent of budget in 2006).**

**Adjustments in 2007 for an unsettled 2006 labor contract are the primary driver of cost increases between the years.**

of the same period last year due to the delay of hiring the new position.

- The **Public Works Department** expenditures are budgeted 25.1 percent higher than 2006 due to additional administrative support and a temporary construction inspector, as well as transportation-related service packages for traffic counts and transportation management plans. Actual expenditures are 27.9 percent higher than the same period in 2006.
- The **Finance & Administration Department** expenditures are budgeted 20.1 percent higher due to additional utility billing staff. Actual expenditures are trailing slightly, only 14.0 percent higher than the same period in 2006 due to the timing of election cost payments.
- The **Planning Department** expenditures are budgeted 25 percent higher than 2006 due to additional development-related staffing. Actual expenditures are only 16.6 percent ahead compared to the same period last year due to the delay in hiring additional staffing.
- The **Fire & Building Department** expenditures are budgeted 8.2 percent higher than 2006 due to additional development staff and a temporary emergency preparedness coordinator. Actual expenditures are 14.1 percent ahead compared to the same period last year primarily due to 2006 staff vacancies and one-time expenditures for computer-aided dispatch software and Emergency Operation Center laptop computers in 2007.

**Lake Washington Shoreline at Juanita Bay Park**

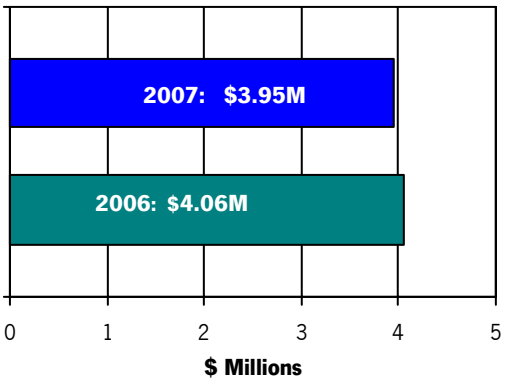
## Sales Tax Revenue Analysis

2007 sales tax revenue is down 2.9 percent compared to the same period in 2006 primarily due to a one-time spike in development-related revenue received in February 2006. Overall, sales tax revenue remains strong due to auto/gas retail and even though development-related activity is behind last year, it also is performing well compared to historical levels.

**Review by business sectors:**

- **Auto/gas retail** is the star performer so far this year, **up 16.7 percent** compared to the same period last year due to strong performance of several key retailers.
- **General merchandise/miscellaneous retail** is **up 6.4 percent** over the same period last year due to strong performance by key retailers.
- **Other retail declined 9.9 percent** over the same period last year due to decreases in electronics/appliances and one-time anomalies in the retail food and retail health care sectors in 2006 that skew comparisons between the years.
- **Retail eating/drinking** is flat, **up only 0.7 percent** compared to the same period last year.
- Business sectors impacted by development-related activity (contracting, wholesale, and services) are down in 2007 compared to the same period last year due more to the phenomenal strength in 2006 rather than weakness in 2007. (**Wholesale** is **down 35.3 percent**, **contracting** is **down 1.3 percent** and **services is down 22.2 percent**.)

**Sales Tax Receipts through March 2006 & 2007**




**While development-related sales tax revenue is down from last year, it remains strong compared to historical trends.**

**Auto/gas retail is the star performer so far this year.**

| Business Sector Group | Jan - Mar | | Dollar Change | Percent Change | Percent of Total | |
|---|---|---|---|---|---|---|
| | 2006 | 2007 | | | 2006 | 2007 |
| Services | 515,182 | 401,042 | -114,140 | -22.2% | 12.7% | 10.2% |
| Contracting | 759,803 | 749,689 | -10,114 | -1.3% | 18.7% | 19.0% |
| Communications | 140,146 | 139,841 | -305 | -0.2% | 3.4% | 3.5% |
| Auto/Gas Retail | 664,605 | 775,882 | 111,277 | 16.7% | 16.4% | 19.7% |
| Gen Merch/Misc Retail | 617,898 | 657,612 | 39,714 | 6.4% | 15.2% | 16.7% |
| Retail Eating/Drinking | 284,062 | 285,984 | 1,922 | 0.7% | 7.0% | 7.2% |
| Other Retail | 502,642 | 452,662 | -49,980 | -9.9% | 12.4% | 11.5% |
| Wholesale | 391,710 | 253,625 | -138,085 | -35.3% | 9.6% | 6.4% |
| Miscellaneous | 187,873 | 231,239 | 43,366 | 23.1% | 4.6% | 5.8% |
| **Total** | **4,063,921** | **3,947,576** | **-116,345** | **-2.9%** | **100.0%** | **100.0%** |

***Kirkland's sales tax base is comprised of a variety of businesses which are grouped and analyzed by business sector (according to NAICS, or "North American Industry Classification System"). Nine business sector groupings are used to compare 2006 and 2007 year-to-date sales tax receipts in the table to the left.***

*When analyzing monthly sales tax receipts, there are two items of special note: First, most businesses remit their sales tax collections to the Washington State Department of Revenue on a monthly basis. Small businesses only have to remit their sales tax collections either quarterly or annually, which can create anomalies when comparing the same month between two years. Second, for those businesses which remit sales tax monthly, there is a two month lag from the time that sales tax is collected to the time it is distributed to the City. For example, sales tax received by the City in March 2007 is for sales actually made in January 2007. Monthly sales tax receipts through March 2006 and 2007 are compared in the table above.*

| Month | Sales Tax Receipts | | Dollar Change | Percent Change |
|---|---|---|---|---|
| | 2006 | 2007 | | |
| January | 1,116,572 | 1,267,021 | 150,449 | 13.5% |
| February | 1,821,021 | 1,525,665 | (295,356) | -16.2% |
| March | 1,126,328 | 1,154,890 | 28,562 | 2.5% |
| **Total** | **4,063,921** | **3,947,576** | **150,449** | **-2.9%** |

**A one-time spike in development-related revenue in February 2006 skews the comparison to 2007 (see table above).**

***Kirkland's sales tax base is further broken down by business district (according to geographic area) , as well as "unassigned or no district" for small businesses and businesses with no physical presence in Kirkland.***

**Totem Lake**, which accounts for over 32 percent of the total sales tax receipts, **is up 9 percent**, primarily due to strong performance in "auto/gas retail" and despite the closure of a major supermarket and electronics store. The impact of the new sporting goods store that opened in April will not be seen until later this year.

**NE 85th Street**, which accounts for over 14 percent of the total sales tax receipts, **is up 2.3 percent** primarily due to the "retail automotive/gas" sector and despite weak performance in the "general merchandise/ miscellaneous retail" sector.

**Downtown**, which accounts for almost 7 percent of the total sales tax receipts, **is up 1 percent** reflecting flat performance across virtually all sectors in this business district.

**Carillon Point & Yarrow Bay**, which accounts for almost 3 percent of the total sales tax receipts, **is down 23.7 percent** reflecting the inherent volatility of software/technology companies performance.

**Houghton & Bridle Trails**, which accounts for over 3 percent of the total sales tax receipts, **is up 20.7 percent** almost entirely due to "miscellaneous retail".

**Juanita**, which accounts for almost 2 percent of the total sales tax receipts, **is up 5.3 percent** largely due to the "retail eating/drinking" sector.

**When reviewing sales tax receipts by business district, it's important to point out that over 40 percent of the revenue received in 2007 is in the "unassigned or no district" category largely due to strong contracting revenue, but it also reflects increasing revenue from Internet and catalog sales from businesses located outside of the City.**

| Business District | Jan - Mar Receipts | | Dollar Change | Percent Change | Percent of Total | |
|---|---|---|---|---|---|---|
| | 2006 | 2007 | | | 2006 | 2007 |
| Totem Lake | 1,168,125 | 1,273,514 | 105,389 | 9.0% | 28.7% | 32.3% |
| NE 85th St | 554,950 | 567,930 | 12,980 | 2.3% | 13.7% | 14.4% |
| Downtown | 269,448 | 272,053 | 2,605 | 1.0% | 6.6% | 6.9% |
| Carillon Pt & Yarrow Bay | 140,341 | 107,091 | -33,250 | -23.7% | 3.5% | 2.7% |
| Houghton & Bridle Trails | 112,099 | 135,251 | 23,152 | 20.7% | 2.8% | 3.4% |
| Juanita | 67,258 | 70,806 | 3,548 | 5.3% | 1.7% | 1.8% |
| Unassigned or No District: | | | | | | |
| Contracting | 759,848 | 749,688 | -10,160 | -1.3% | 18.7% | 19.0% |
| Other | 991,852 | 771,243 | -220,609 | -22.2% | 26.0% | 21.3% |
| **Total** | **4,063,921** | **3,947,576** | **-116,345** | **-2.9%** | **100.0%** | **100.0%** |

## Sales Tax Revenue Outlook

Although sales tax revenue is down slightly through March 2007 compared to March 2006, it is expected to recover as the year progresses. However, the dependence on one-time revenue from development-related activity is illustrated by the impact on this year's revenue. If these sectors were performing at a more typical growth rate (6 percent), total revenue would be up 6.1 percent over last year instead of down 2.9 percent.

Opportunities for growth exist from the redevelopment of Totem Lake Mall and Park Place, current major expansions at key automobile dealerships, and the hotel that opened last year and one currently under construction downtown. However, the economic recession a few years ago and the current reliance on construction-related sales tax growth serve as reminders that sales tax is an economically sensitive revenue source. In good times, sales tax growth easily outpaces the rate of inflation and is an attractive funding source for service packages. However, when a downturn occurs, the City's financial ability to maintain existing services can be quickly threatened. Additional volatility is created by gaining or losing significant businesses, shifts in construction activity due to economic conditions, and one-time field audit recoveries.

**OFFICE VACANCIES:**
**Eastside vacancy rates remain low at 8.62 percent at the end of the first quarter 2007 compared to 24 percent in 2003 according to CB Richard Ellis Real Estate Services.**

**LODGING TAX REVENUE:**
**Lodging tax revenue is up 75 percent compared to the same period last year due to overall strong performance in the accommodations industry as well as the new hotel in Totem Lake.**

## Economic Environment Update

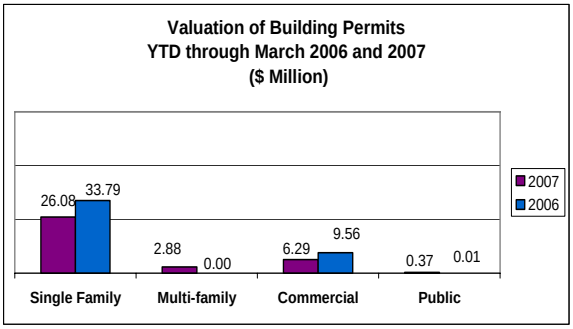
Local job growth remains strong in 2007, especially in the important aerospace and technology sectors. The Seattle-Tacoma metropolitan area added over 65,000 jobs since January 2005 and the unemployment rate in King County dropped to 4.3 percent as of March 2007, slightly below the national average of 4.5 percent. The Hebert Research-Business Journal Business Confidence Index rose to 62.7 for the first quarter of 2007, up from 60.8 in the fourth quarter of 2006. Local executives expressed confidence by overwhelming margins that the economy is likely to improve in 2007 in this recent survey. (It should be noted that a score of more than 50 points signals an expanding economy, while a score of less than 50 points indicates a shrinking economy.) However, Jim Hebert, president of Hebert Research said that chances of a recession in the next two or three years are getting higher, based on historical trends.

In a regional and national economic outlook prepared by the Puget Sound Business Journal and enterpriseSeattle, a mild global slowdown that's forecasted could help the local economy by reducing price pressures on energy and raw materials. This, along with the decline of the dollar relative to major trading partners, could provide positive growth for local exports. Regional economist Dick Conway sees the global conditions supporting a 9 percent growth in exports from our state, which would add 0.5 percent to Puget Sound's growth rate.

## Economic Environment Update *continued*



Local **development-activity** through March 2006 and 2007 as measured by the valuation of City of Kirkland building permits is illustrated in the chart to the right. Activity remains relatively strong, especially in the commercial sector. While single family activity in 2007 falls below 2006 levels, it still remains very strong compared to normal historical trends. Plan check fees (a leading indicator of development activity) are up in 2007 compared to the same period in 2006, so an upswing in building permit activity should follow.



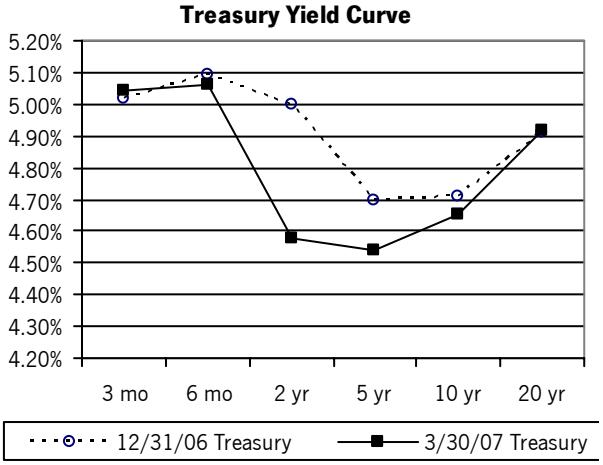

In regard to **housing prices and sales** , the region seems to be escaping the major slow-down experienced elsewhere in the country. With warmer temperatures, the residential real estate market is heating up around Western Washington, according to the recent report from Northwest Multiple Listing Service. Eastside housing prices are up 9.6 percent and sales are up 1.5 percent comparing March 2007 to March 2006.

**Seattle metro CPI** continues to track higher than the national average (3.9 percent compared to 2.2 percent as of February).

# Investment Report

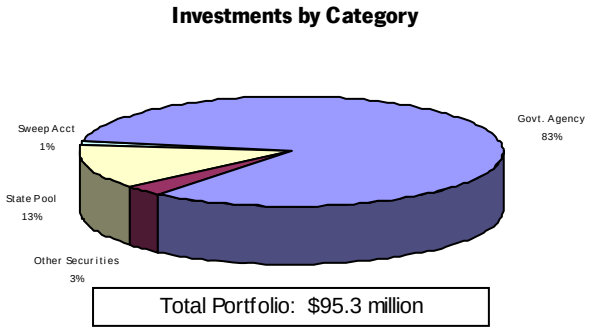
### MARKET OVERVIEW

Fed Funds rate remained at 5.25 percent during the first quarter of 2007. The yield curve dropped in the one to ten year range while short term and long term rates remained fairly stable. Following the end of the first quarter the yield curve has risen and flattened as economic indicators have been mixed.




### Diversification

The City's current investment portfolio is composed of Government Agency bonds, State and Local Government bonds, US Treasury notes, the State Investment Pool and an overnight bank sweep account. City investment procedures allow for 100% of the portfolio to be invested in US Treasury or Federal Government obligations.




### CITY PORTFOLIO

It is the policy of the City of Kirkland to invest public funds in a manner which provides the highest investment return with maximum security while meeting the City's daily cash flow requirements and conforming to all Washington state statutes governing the investment of public funds.

The primary objectives for the City of Kirkland's investment activities are: legality, safety, liquidity and yield. Additionally, the City diversifies its investments according to established maximum allowable exposure limits so that reliance on any one issuer will not place an undue financial burden on the City. The City's portfolio decreased slightly in the 1st quarter of 2007 to 95.3 million compared to $97.9 million on December 31, 2006.

**2007 ECONOMIC OUTLOOK and INVESTMENT STRATEGY**

**The forecast for the U.S. economy has not changed significantly during the first quarter. GDP growth for 2007 is expected to be 2.6 percent and GDP inflation at 2.3 percent. Beyond the very short term, the forecasters see little threat of accelerating inflation. CPI inflation is projected at 2.6 percent in 2007. The Fed Funds rate is expected to remain at 5.25 percent through the third quarter of 2007 with possible movements downward later in the year depending on the economy.**

**Investments beyond 2 and 3 years will be purchased as opportunities are available to obtain a return above the State Pool which is currently near 5.2 percent. We will continue to watch the economy closely and lengthen the duration as interest rates level off. Total budgeted investment income for 2007 is $4 million**

# Investment Report *continued*

**Liquidity**

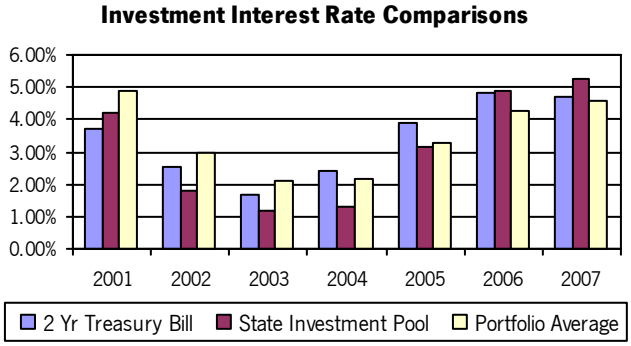
The target duration for the City's portfolio is based on the 2 year treasury rate which decreased from 4.82 percent on December 31, 2006 to 4.58 percent on March 31, 2007. The average maturity of the City's investment portfolio increased from .99 years on December 31, 2006 to 1.32 years on March 31, 2007.

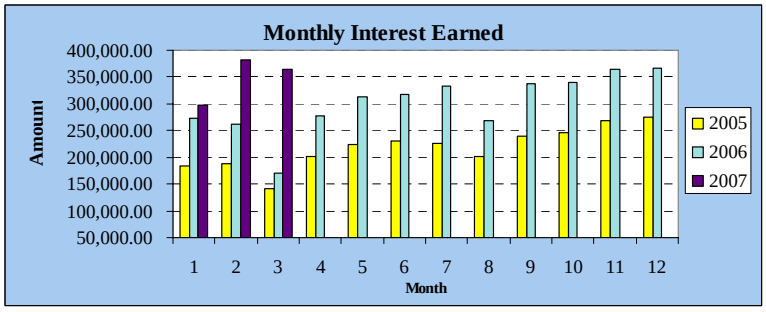
**Yield**

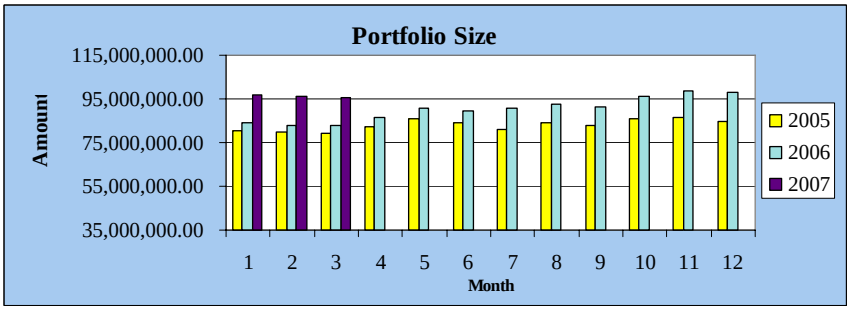
The City Portfolio yield to maturity increased from 4.51 percent on December 31, 2006 to 4.56 percent on March 31, 2007. Through March 31, 2007, the City's annual average yield to maturity was 4.56 percent, which performed under the State Investment Pool annual average yield to maturity at 5.24 percent and was below the 2 Year Treasury note annual average for 2007 at 4.72 percent .

| Benchmark Comparison | 31-Dec-06 | 31-Mar-07 |
|---|---|---|
| City Yield to Maturity (YTM) | 4.51% | 4.56% |
| City Average YTM | 4.25% | 4.56% |
| City Year to Date Yield | 3.99% | 3.99% |
| State Pool Average Yield | 4.90% | 5.24% |
| 2 yr Treasury Note Avg YTM | 4.81% | 4.72% |

The City's practice of investing further out on the yield curve than the State Investment Pool results in earnings higher than the State Pool during declining interest rates and lower earnings than the State Pool during periods of rising interest rates. This can be seen in the adjacent graph.



# Reserve Summary

### General Operating Reserve

For the City's "Rainy Day" fund, the target is established by fiscal policy at five percent of the operating budget (excluding utility and internal service funds). Each year, the target amount will change proportional to the change in the operating budget. To maintain full funding, the increment between five percent of the previous year's budget and the current budget would be added or subtracted utilizing interest income and year-end transfers from the General Fund. It is a reserve to be used for unforeseen revenue losses and other temporary events. If the reserve is utilized by the City Council, the authorization should be accompanied by a plan for replenishing the reserve within a two to three year period.

### Revenue Stabilization Reserve

The Revenue Stabilization Reserve was approved by Council in July 2003 and was created by segregating a portion of the General Operating Reserve. The purpose of this reserve is to provide an easy mechanism to tap reserves to address temporary revenue shortfalls resulting from temporary circumstances (e.g. economic cycles, weather-related fluctuations in revenue). Council set the target at ten percent of selected General Fund revenue sources which are subject to volatility (e.g. sales tax, development fees and utility taxes). The Revenue Stabilization Reserve may be used in its entirety; however, replenishing the reserve will constitute the first priority for use of year-end transfers from the General Fund.

### Contingency Fund

The Contingency Fund was established pursuant to RCW 35A.33.145 to "provide monies with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget." State law sets the maximum balance in the fund at $.375 per $1,000 of assessed valuation. This reserve would be used to address unforeseen expenditures (as opposed to revenue shortfalls addressed by the Revenue Stabilization Reserve). The fund can be replenished through interest earnings up to the maximum balance or through the year-end transfer if needed.
project).

***Reserves are an important indicator of the City's fiscal health. They effectively represent "savings accounts" that are established to meet unforeseen budgetary needs (general purpose reserves) or are otherwise dedicated to a specific purpose (special purpose reserves). The City's reserves are listed with their revised estimated balances at the end of the biennium in the table below:***

| Reserves | 2007-08 Est End Balance | 2007 Auth. Uses | 2007 Auth. Additions | Revised 2007-08 End Balance |
|---|---|---|---|---|
| **GENERAL PURPOSE RESERVES** | | | | |
| Contingency | 3,193,826 | 31,500 | | 3,162,326 |
| General Capital Contingency | 3,312,834 | | | 3,312,834 |
| Park & Municipal Reserve: | | | | |
| General Oper. Reserve (Rainy Day) | 2,712,836 | | | 2,712,836 |
| Revenue Stabilization Reserve | 2,082,380 | | | 2,082,380 |
| Building & Property Reserve | 1,316,124 | 10,000 | | 1,306,124 |
| Council Special Projects Reserve | 309,960 | 15,000 | | 294,960 |
| **Total General Purpose Reserves** | **12,927,960** | **56,500** | **0** | **12,871,460** |
| **SPECIAL PURPOSE RESERVES** | | | | |
| Excise Tax Capital Improvement: | | | | |
| REET 1 | 6,673,678 | 598,194 | | 6,075,484 |
| REET 2 | 6,067,898 | | | 6,067,898 |
| Equipment Rental: | | | | |
| Vehicle Reserve | 5,907,138 | | | 5,907,138 |
| Radio Reserve | 36,000 | | | 36,000 |
| Information Technology: | | | | |
| PC Replacement Reserve | 453,670 | | | 453,670 |
| Major Systems Replacement Reserve | 666,500 | | | 666,500 |
| Facilities Maintenance: | | | | |
| Operating Reserve | 550,000 | | | 550,000 |
| Facilities Sinking Fund | 1,439,951 | | | 1,439,951 |
| Impact Fees | | | | |
| Roads | 1,984,145 | | | 1,984,145 |
| Parks | 920,086 | | | 920,086 |
| Park Bond Reserve | 502,916 | | | 502,916 |
| Cemetery Improvement | 476,401 | | | 476,401 |
| Off-Street Parking | 29,564 | | | 29,564 |
| Tour Dock | 73,211 | | | 73,211 |
| Street Improvement | 1,121,498 | 161,100 | | 960,398 |
| Firefighter's Pension | 1,359,860 | | | 1,359,860 |
| Park & Municipal Reserve: | | | | |
| Litigation Reserve | 20,004 | | | 20,004 |
| Labor Relations Reserve | 51,255 | | | 51,255 |
| Police Equipment Reserve | 26,519 | | | 26,519 |
| LEOFF 1 Police Reserve | 625,754 | | | 625,754 |
| Facilities Expansion Reserve | 800,000 | | | 800,000 |
| Development Services Reserve | 1,290,831 | | | 1,290,831 |
| Tree Ordinance | 13,750 | | | 13,750 |
| Donation Accounts | 143,859 | | | 143,859 |
| Revolving Accounts | 148,606 | | | 148,606 |
| Water/Sewer Operating Reserve | 1,511,245 | | | 1,511,245 |
| Water/Sewer Debt Service Reserve | 820,155 | | | 820,155 |
| Water/Sewer Capital Contingency | 1,703,640 | 113,900 | | 1,589,740 |
| Water/Sewer Construction Reserve | 8,738,358 | 350,000 | | 8,388,358 |
| Surface Water Operating Reserve | 320,299 | | | 320,299 |
| Surface Water Capital Contingency | 876,760 | 202,000 | | 674,760 |
| Surface Water-Transp. Related Rsv | 1,417,365 | | | 1,417,365 |
| Surface Water Construction Reserve | 1,240,563 | | | 1,240,563 |
| **Total Special Purpose Reserves** | **48,011,479** | **1,425,194** | **0** | **46,586,285** |

# Reserve Summary *continued*

| RESERVE | AMOUNT | DESCRIPTION |
|---|---|---|
| **2007 Council Authorized Uses** | | |
| Contingency Fund | $31,500 | Funding for phase 1 of the Permit Process Improvement Project to review the single family building permit process. |
| Building/Property Reserve | $10,000 | Funding for a study of the Peter Kirk Restroom to coincide with the timing of the design for the downtown transit center. |
| Council Special Projects Reserve | $15,000 | Funding for the Assistance League of the Eastside's Operation School Bell program. |
| Real Estate Excise Tax (REET) 1 Reserve | $235,840 | Funding for the purchase of the Irvin Property in the Yarrow Bay Wetlands. |
| | $362,354 | Funding for purchase of greenbelt property near Everest Park. |
| Street Improvement Reserve | $91,100 | Additional funding for completion of the Central Way Improvements project (street portion). |
| | $70,000 | Additional funding for the 2007 Pavement Striping Program. |
| Water/Sewer Capital Contingency | $113,900 | Additional funding for completion of the Central Way Improvements project (utilities portion). |
| Water/Sewer Construction Reserve | $350,000 | Additional funding to complete the 2007 Emergency Sewer Program. |
| Surface Water Capital Contingency | $202,000 | Additional funding for the Juanita Creek Channel Enhancement project. |
| **2007 Council Authorized Additions** | | |
| No Council Authorized Additions as of March 31, 2007. | | |

| Reserves | Revised 2007-08 End Balance | 2007-08 Target | Over (Under) Target |
|---|---|---|---|
| **GENERAL PURPOSE RESERVES** | | | |
| Contingency | 3,162,326 | 3,698,455 | (536,129) |
| General Capital Contingency | 3,312,834 | 5,822,280 | (2,509,446) |
| Park & Municipal Reserve: | | | |
| General Oper. Reserve (Rainy Day) | 2,712,836 | 3,134,779 | (421,943) |
| Revenue Stabilization Reserve | 2,082,380 | 2,143,422 | (61,042) |
| Council Special Projects Reserve | 294,960 | 250,000 | 44,960 |
| **Total General Purpose Reserves** | **12,871,460** | **15,048,936** | **(3,483,600)** |
| **SPECIAL PURPOSE RESERVES** | | | |
| Excise Tax Capital Improvement: | | | |
| REET 1 | 6,075,484 | 1,435,000 | 4,640,484 |
| REET 2 | 6,067,898 | 4,959,200 | 1,108,698 |
| Information Technology: | | | |
| Major Systems Replacement Reserve | 666,500 | 1,025,000 | (358,500) |
| Firefighter's Pension | 1,359,860 | 1,103,000 | 256,860 |
| Park & Municipal Reserve: | | | |
| Litigation Reserve | 20,004 | 50,000 | (29,996) |
| LEOFF 1 Police Reserve | 625,754 | 855,000 | (229,246) |
| Development Services Reserve | 1,290,831 | 1,290,831 | 0 |
| Water/Sewer Operating Reserve | 1,511,245 | 1,511,245 | 0 |
| Water/Sewer Debt Service Reserve | 820,155 | 820,155 | 0 |
| Water/Sewer Capital Contingency | 1,589,740 | 1,703,640 | (113,900) |
| Surface Water Operating Reserve | 320,299 | 320,299 | 0 |
| Surface Water Capital Contingency | 674,760 | 876,760 | (202,000) |
| **Total Special Purpose Reserves** | **46,586,285** | **24,300,889** | **5,072,400** |

***The summary schedule in the table above details all Council authorized uses and additions to each reserve through March 2007.***

***The table to the left compares the revised ending balance to the targets established in the budget process.***

123 5th Avenue
Kirkland, Washington 98033
425-587-3101

- Tracey Dunlap, Director of Finance & Administration
- Sandi Hines, Financial Planning Manager
- Michael Olson, Treasury Manager
- Teresa Levine, Interim Financial Operations Manager
- Sri Krishnan, Senior Financial Analyst
- Neil Kruse, Budget Analyst

www.ci.kirkland.wa.us

The **Financial Management Report (FMR)** is a high-level status report on the City's financial condition that is produced quarterly.

- It provides a summary **budget to actual** comparison for year-to-date revenues and expenditures for all operating funds. The report also compares this year's actual revenue and expenditure performance to the prior year.
- The **Sales Tax Revenue Analysis Report** takes a closer look at the City's largest and most economically sensitive revenue source.
- **Economic environment** information provides a brief outlook at the key economic indicators for the Eastside and Kirkland such as office vacancies, residential housing prices/sales, development activity, inflation and unemployment.
- The **Investment Summary** report includes a brief market overview, a snapshot of the City's investment portfolio, and the City's year-to-date investment performance.
- The **Reserve Summary** report highlights the uses of and additions to the City's reserves in the current year as well as the projected ending reserve balance relative to each reserve's target amount.

***Economic Environment Update References***:

- Glen Pascall, *Finding good news as economy throttles back,* Puget Sound Business Journal, January 19, 2007
- Jeff Meisner, *Executives bullish over the near-term economy,* Puget Sound Business Journal, May 18, 2007
- CB Richard Ellis Real Estate Services, Market View Puget Sound, First Quarter 2007
- Northwest Multiple Listing Service
- Washington State Economic and Revenue Forecast Council
- City of Kirkland Building Division
- City of Kirkland Finance Department

**City of Kirkland** **ATTACHMENT B**

**2007-2008 Budget**

**June 2007 Budget Adjustment Summary: Mid-year Budget Adjustments**

| GENERAL FUND | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | Funding Source | | | | |
| Adjustment Type | Dept. | Description | Uses | Reserves | Resources Forward | Operating Transfers | External Revenue | Funding Source Notes |
| Annexation | CM | Public Safety Building Feasibility Analysis | 50,000 | | | | 50,000 | Sales Tax |
| Annexation | ND | Coordination | 152,781 | | | | 152,781 | Sales Tax |
| Annexation | CM | Communications | 27,700 | | | | 27,700 | Sales Tax |
| Annexation | CM | Administration Support | 112,360 | | | | 112,360 | Sales Tax |
| Annexation | CA | Legal Services | 40,000 | | | | 40,000 | Sales Tax |
| Annexation | PW | CIP Assessment of Streets | 65,500 | | | | 65,500 | Sales Tax |
| Annexation | PW | Surface Water Facility Assessment | 95,000 | | | | 95,000 | Sales Tax |
| Annexation | F&A | Fiscal Services Resources | 35,000 | | | | 35,000 | Sales Tax |
| Annexation | PCD | Planning Department Support | 188,688 | | | | 188,688 | Sales Tax |
| Annexation | PD | Recruitment &Liaison Officer | 195,095 | | | | 195,095 | Sales Tax |
| Other Adj | PCS | Assistance League of Eastside's Operation School Bell Program | 15,000 | 15,000 | | | | Council Special Projects Reserve |
| Other Adj | PCS | Peter Kirk Restroom Study | 10,000 | 10,000 | | | | Building & Property Reserve |
| Other Adj | PCS | Parks Surplus Equipment Auction Proceeds | 2,165 | | | | 2,165 | Auction Proceeds |
| Carryover | PDC | ARCH (correction to previous carryover) | 31,629 | | 31,629 | | | Fund Balance |
| Other Adj | F&B | Permit Process Improvement Project Phase I | 31,500 | 31,500 | | | | Contingency Fund |
| Other Adj | F&B | Emergency Management Grant | 1,439 | | | | 1,439 | Department of Health Grant |
| Other Adj | F&B | NIMS Training Reimbursement | 4,220 | | | | 4,220 | King County Grant |
| **General Fund Total** | | | **1,058,077** | **56,500** | **31,629** | **-** | **969,948** | |

| OTHER FUNDS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **STREET OPERATING FUND** | | | | | | | | |
| Other Adj | PW | 2007 Striping Program (additional funding) | 70,000 | 70,000 | | | | Street Improvement Fund Reserve |
| **Street Operating Fund Total** | | | **70,000** | **70,000** | **-** | **-** | **-** | |

| Adjustment Type | Dept. | Description | Uses | Funding Source | | | | Funding Source Notes |
|---|---|---|---|---|---|---|---|---|
| | | | | Reserves | Resources Forward | Operating Transfers | External Revenue | |
| **RECREATION REVOLVING FUND** | | | | | | | | |
| Other Adj | PCS | "4-Culture" Summer Concert Series Funding | 5,500 | | | | 5,500 | King County Grant |
| **Recreation Revolving Fund Total** | | | **5,500** | **-** | **-** | **-** | **5,500** | |
| **GENERAL CAPITAL FUND** | | | | | | | | |
| Other Adj | PCS | Irvin Property Purchase in Yarrow Bay Wetlands area | 235,840 | 235,840 | | | | REET 1 Reserve |
| Other Adj | PCS | Greenbelt Purchase adjacent to Everest Park | 362,354 | 362,354 | | | | REET 1 Reserve |
| Other Adj | PW | Central Way Improvements (additional funding) | 91,100 | 91,100 | | | | Street Improvement Fund Reserve |
| **General Capital Fund Total** | | | **689,294** | **689,294** | **-** | **-** | **-** | |
| **TOTAL OTHER FUNDS** | | | **764,794** | **759,294** | **-** | **-** | **5,500** | |
| **TOTAL ALL FUNDS** | | | **1,822,871** | **815,794** | **31,629** | **-** | **975,448** | |

ORDINANCE NO. 4104

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2007-2008.

WHEREAS, the City Council finds that the proposed adjustments to the Biennial Budget for 2007-2008 reflects revenues and expenditures that are intended to ensure the provision of vital municipal services at acceptable levels;

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

Section 1. Midyear 2007 adjustments to the Biennial Budget of the City of Kirkland for 2007-2008 are hereby adopted.

Section 2. In summary form, modifications to the totals of estimate revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are as follows:

| Funds | Current Budget | Adjustments | Revised Budget |
|---|---|---|---|
| General | 110,077,857 | 1,058,077 | 111,135,934 |
| Lodging Tax | 398,214 | 0 | 398,214 |
| Street Operating | 9,163,791 | 70,000 | 9,233,791 |
| Cemetery Operating | 337,514 | 0 | 337,514 |
| Parks Maintenance | 1,959,973 | 0 | 1,959,973 |
| Recreation Revolving | 2,141,701 | 5,500 | 2,147,201 |
| Facilities Maintenance | 8,917,749 | 0 | 8,917,749 |
| Contingency | 3,193,826 | 0 | 3,193,826 |
| Cemetery Improvement | 550,473 | 0 | 550,473 |
| Impact Fees | 4,002,831 | 0 | 4,002,831 |
| Park & Municipal Reserve | 11,426,772 | 0 | 11,426,772 |
| Off-Street Parking Reserve | 69,564 | 0 | 69,564 |
| Tour Dock | 93,211 | 0 | 93,211 |
| Street Improvement | 2,600,998 | 0 | 2,600,998 |
| Grant Control Fund | 285,873 | 0 | 285,873 |
| Excise Tax Capital Improvement | 21,642,983 | 0 | 21,642,983 |
| Limited General Obligation Bonds | 4,966,356 | 0 | 4,966,356 |
| Unlimited General Obligation Bonds | 3,256,779 | 0 | 3,256,779 |
| L.I.D. Control | 7,361 | 0 | 7,361 |
| General Capital Projects | 27,112,151 | 689,294 | 27,801,445 |
| Grant Capital Projects | 15,974,263 | 0 | 15,974,263 |
| Water/Sewer Operating | 38,467,206 | 0 | 38,467,206 |
| Water/Sewer Debt Service | 3,756,868 | 0 | 3,756,868 |
| Utility Capital Projects | 16,360,710 | 0 | 16,360,710 |
| Surface Water Management | 11,784,790 | 0 | 11,784,790 |
| Surface Water Capital Projects | 10,093,676 | 0 | 10,093,676 |
| Solid Waste | 17,062,870 | 0 | 17,062,870 |

| Funds | Revised Budget | | Revised Budget |
|---|---|---|---|
| Equipment Rental | 12,262,223 | 0 | 12,262,223 |
| Information Technology | 10,130,815 | 0 | 10,130,815 |
| Firefighter's Pension | 1,381,860 | 0 | 1,381,860 |
| | 349,481,258 | 1,822,871 | 351,304,129 |

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

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of June, 2007.

Signed in authentication thereof this 19th day of June, 2007.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Council Meeting: 06/19/2007
Agenda: Other Business
Item #: 8. i. (2).

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

# MEMORANDUM

**To:** David Ramsey, City Manager

**From:** Katy Coleman, Development Engineering Analyst
Daryl Grigsby, Public Works Director

**Date:** June 7, 2007

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

RECOMMENDATION**:**

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest in a portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 29, 30, and 31, except the west 10 feet of Lot 29, in Block 21 of Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 86, records of King County, Washington.

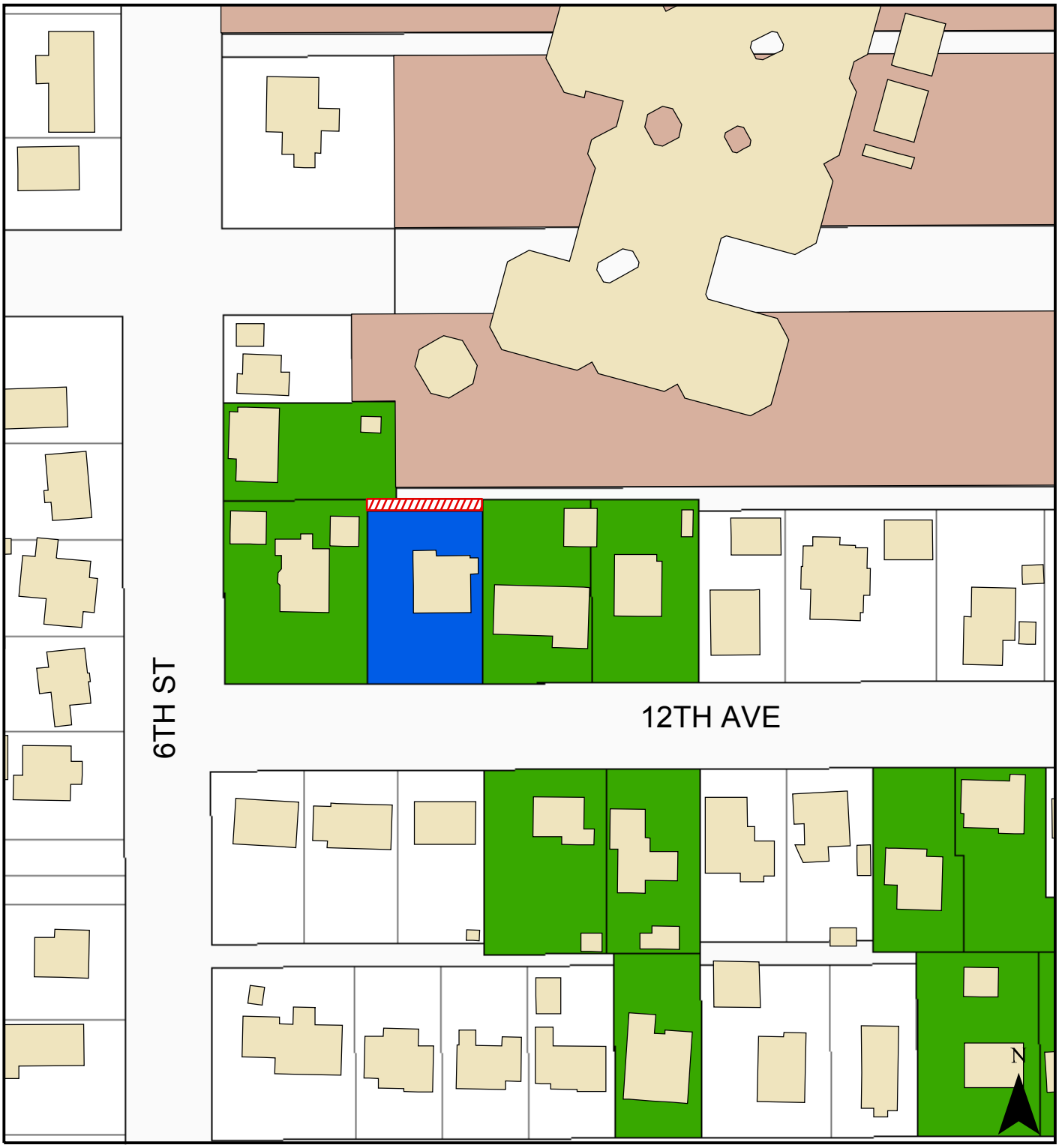
BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 634 12th Avenue was originally platted and dedicated in 1890 as Lake Avenue Addition to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

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

Attachments: Vicinity Map
Resolution

Copy: Rob Jammerman, Development Engineering Manager




# BOTH RESIDENCE NON-USER VACATION
# 634 12TH AVENUE

- Both Residence
- Proposed_Vacation
- Granted Non-User Vacation
- Pedestrian Easement
- Building Outline
- School
- Park

*Produced by the City of Kirkland.*

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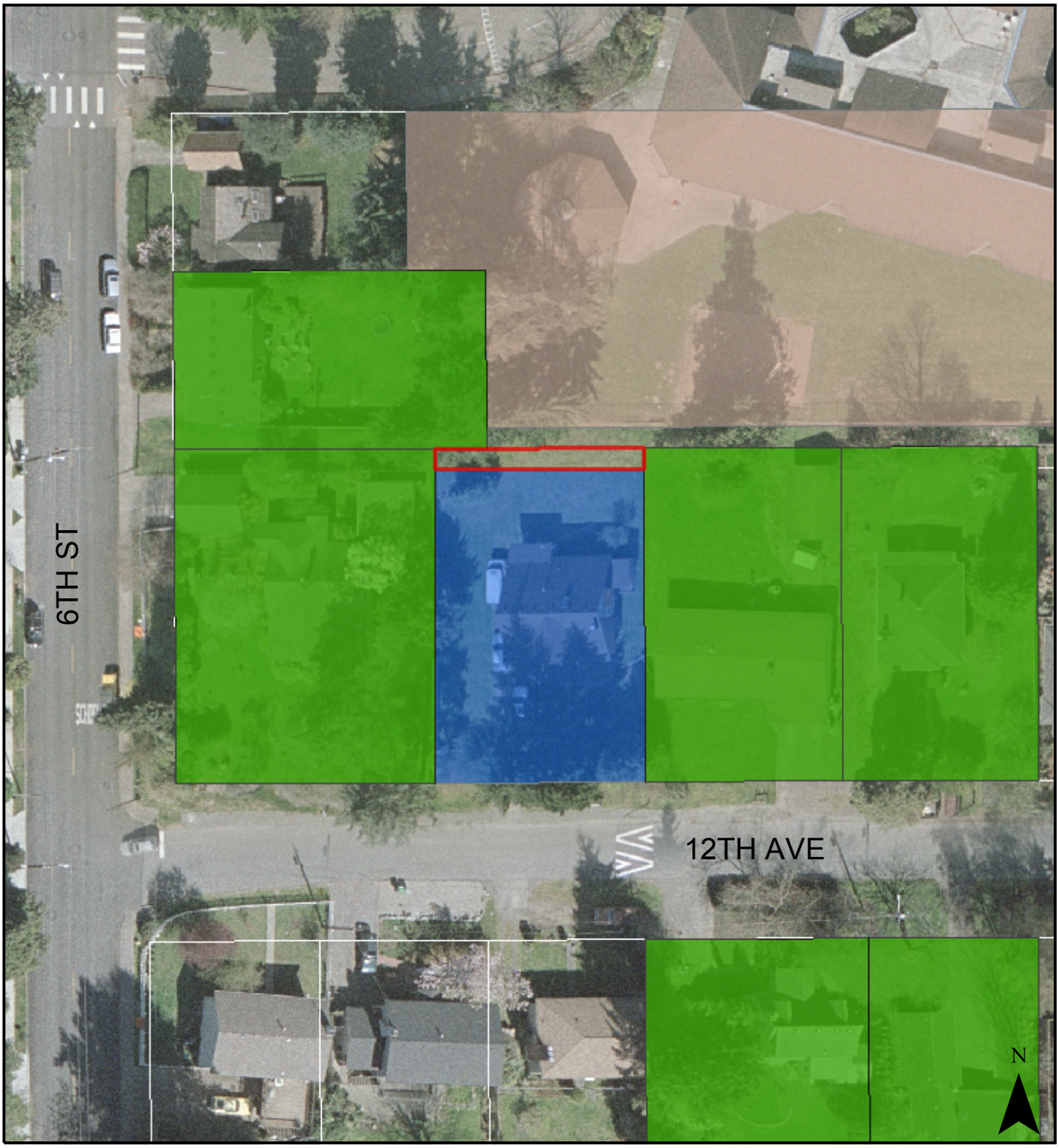
*No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.*

*Map Printed June 6, 2007 - Public Works GIS*




# BOTH RESIDENCE NON-USER VACATION
# 634 12TH AVENUE

- Both Residence
- Proposed Vacation
- Other Pending Vacations
- Granted Non-User Vacation
- School
- Park
- Pedestrian Easement

*Produced by the City of Kirkland.*

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*Map Printed June 6, 2007 - Public Works GIS*

RESOLUTION R-4650

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS MEGAN E. AND RANDY R. BOTH

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

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

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

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

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

Section 1. As requested by the property owners Megan E. and Randy R. Both, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 29, 30, and 31, except the west 10 feet of Lot 29, in Block 21 of Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 86, records of King County, Washington.

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007

Signed in authentication thereof this _____ day of _____, 2007.

_____
MAYOR

Attest:

_____
City Clerk

# CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3000

## DEPARTMENT OF FINANCE AND ADMINISTRATION
## MEMORANDUM

**To:** David Ramsay, City Manager

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

**Date:** June 12, 2007

**Subject:** Transportation Commission Resignation

RECOMMENDATION**:**

That Council acknowledge the receipt of a resignation letter from Transportation Commission member Dan Fisher and authorize the attached correspondence thanking him for his service.

BACKGROUND DISCUSSION:

Mr. Fisher's resignation notes that he will no longer meet the residency requirement for Commission membership due to an impending move. Interviews to fill this vacancy are scheduled for July 10, 2007.

May 6, 2007

Mayor Lauinger,

It is with much regret that I have to inform you that I will be resigning my position on the Kirkland Transportation Commission effective Thursday, May 24th, 2007. I will be moving out of Kirkland and thus will no longer meet the residency requirements nor do I work in Kirkland. My last meeting on the commission will be on Wednesday, May 23rd, 2007.

Jon Pascal will move into my position as Chair of the Commission and I know he will do an excellent job leading the commission through the remainder of our 2007 work plan and beyond.

I have enjoyed my 4½ years on the Commission and would like to thank the Council for the opportunity to serve the city.

Sincerely,

Daniel Fisher
Kirkland Transportation Commission Chair

**DRAFT**

June 19, 2007

Dan Fisher
1216 5th Place
Kirkland, Washington 98033

Dear Mr. Fisher:

We have regretfully received your letter of resignation from the Kirkland Transportation Commission. You have been an important and dedicated member of the Commission, serving both as vice-chair and as chair. I understand that your perspective as a leader in the Norkirk neighborhood association was of great value to the Commission,as were your calm manner and good judgment. You will be hard to replace and I'm sure that you will find a way to use your leadership skills to the benefit of your new home in the City of Kenmore.

The City Council appreciates your contributions to the Commission, and we thank you for volunteering your time and talent to serve our community.

Best wishes in your current and future endeavors.

Sincerely,
KIRKLAND CITY COUNCIL

James L. Lauinger
Mayor

# CITY OF KIRKLAND

123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425)587-3225

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MEMORANDUM

**To:** David Ramsay **QUASI JUDICIAL**

**From:** Eric Shields, AICP, Planning Director
Dawn Nelson, AICP, Planning Supervisor
Ronald Hanson, Planning Consultant

**Date:** June 8, 2007

**Subject:** APPEAL OF DIRECTOR APPROVAL OF AUBRY SHORT PLAT, FILE NO. SPL06-00007; APPEAL FILE NO's APL07-00002 AND APL07-00003

RECOMMENDATION

Conduct the appeal hearing on June 19, 2007. Following the hearing, the City Council should pass a motion that either:

1. Affirms the decision being appealed; or

2. Reverses the decision being appealed; or

3. Modifies the decision being appealed.

The motion should include a request for staff to prepare a written decision for consideration by the City Council at its next meeting. If the Council modifies the decision being appealed, they should specify the level of improvements to be installed in the 5th Avenue South right-of-way.

BACKGROUND DISCUSSION

1. Review Process:

   Kirkland Municipal Code Section 22.20.245 (Subdivision Code) states that the City Council, rather than the Hearing Examiner, will decide an appeal of the Planning Director's decision on a short subdivision when the short plat would result in the dedication of a new through public right-of-way, including right-of-way designed for future connection (See Enclosure 1). Procedures for these appeals are set forth in Zoning Code Sections 145.60 through 145.110 (See Enclosure 2).

   Zoning Code Section 145.70 permits only those persons entitled to appeal the Planning Director's decision on this matter to participate in the appeal hearing. They may participate by submitting written testimony to the City before or at the City Council hearing, or by testifying in person or through a representative at the hearing.

Zoning Code Section 145.75 limits the scope of the appeal hearing to the specific elements of the Planning Director's decision disputed in the letter of appeal. Council may only consider comments, testimony, and arguments on the specific appeal elements.

The appellant has the responsibility of convincing the City Council that the Planning Director made an incorrect decision on this short plat.

2. Location: The site is located at 341 8th Street South (see page 5). The site is currently accessed from 8th Street South to the east. The unopened 5th Avenue South right-of-way is located to the south.

3. Application: David Aubry submitted a Short Subdivision request to subdivide a developed 24,375 square foot (.56 acres) single-family lot into three (3) lots within the RS 8.5 zone. There is an existing single family home on the site that is being retained with the short plat. It was recently moved from near the center of the site to proposed Lot 1.

4. Short Plat Decision: On March 22, 2007, after consideration of the short plat proposal against the applicable review criteria and after consideration of the issues raised in the public comment letters, the Planning Director approved the short plat, subject to conditions (See Enclosure 3).

5. Letters to City Council: After approval of the short plat by the Planning Director, the City received seven letters addressed to the City Council opposing the City's decision to require the applicant to install street improvements in the currently unopened 5th Avenue South right-of-way (See enclosures 4 a-g). Since the City's decision had already been appealed to the City Council, the letters were not forwarded to the council members due to the "Appearance of Fairness" law (Chapter 42.36 RCW). The individuals who wrote letters were informed in writing of this fact.

6. Appeal of Short Plat Decision: Two appeals of the short plat decision were filed in a timely manner.

   The applicant, David and Anna Aubry filed an appeal on April 10, 2007 (See Enclosure 5-A). David and Anna Aubry subsequently revised their appeal on May 13, 2007 withdrawing two of the three appeal issues including: (1) Public Works Department conditions related to surface water; and (2) the requirement to underground overhead utility lines (See Enclosure 5-B)

   The second appeal was filled by Jerry and Beverly Gilbert, Tom and Sherri Lynn, Karen Tipp, and Doug Thompson on April 9, 2007 (See Enclosure 5-C)

   Both appellants are appealing city staff's decision to require the short plat applicant to install street improvements in the existing 5th Avenue South right-of-way, adjacent to the property, which would open 5th Avenue South between 6th Street South and 8th Street South. 5th Avenue South is currently unopened between 7th Street South and 8th Street South (See Enclosure 6). Street improvements on the north side of the right-of-way are to include a minimum of 20 feet of asphalt (14 feet from the centerline of the street to the new curb), install storm drainage, curb, gutter, a 4.5 foot wide planter strip with street trees planted 30 feet on-center, and a 5 foot wide sidewalk. On the south side of the right-of-way install storm drainage collection and conveyance as necessary.

   A summary of the reasons why the appellants are appealing the city's decision to open the 5th Avenue South right-of-way and staff responses to them are provided below.

   1. The emphasis of the goals and policies in the Comprehensive Plan are that transportation systems should not be improved to the detriment of neighborhood integrity.

2. Because 5th Avenue South ends at 6th Street South and Everest Park, opening this street does nothing to improve the City's grid system and does not provide improved access into, out of, or within the neighborhood.

3. Opening this street would provide an alternative arterial to congested traffic on 6th Street South through an established neighborhood to reach the 85th Street/I-405 interchange.

4. Opening the street will increase traffic on 7th Street South and the north end of 8th Street South. It will not disperse traffic more evenly in the neighborhood.

5. Opening the street will put an intersection centered on Everest Park that will fill with commuters at the same time of day that the park is heavily used by children's baseball teams.

6. There is currently full and convenient access to all areas of the neighborhood. Opening the street will not improve driving times, emergency vehicle response times or access routes.

7. Providing an improved pedestrian/bicycle pathway at this location fulfills the regulation found in the Subdivision Ordinance.

8. The integrity of the road base, the engineering and safety requirements necessary due to local topography, the environmental impact of the street improvement, and the additional hidden costs of these items have not been fully considered.

   Staff Response: All of these issues, except Item 8, were raised in some form by the appellants during the original notice period for the Short Plat. The issues were addressed by staff at that time in the Planning Department's Staff Report [See Enclosure 3, Staff Report Section II.C (Public Comment, pages 4 to 6), Section II.E.5 (Development Regulations, pages 3 and 4), and Memo from Rob Jammerman, City of Kirkland Development Engineering Manager (Attachment 5)].

   In reference to Item 8, the City has not completely evaluated engineering factors related to the installation of the required 5th Avenue South street improvements. Factors related to specific roadway design and construction methods are generally considered at the time of submittal of the required Land Surface Modification (LSM) permit for the installation of the required short plat infrastructure improvements. All factors related to roadway design and installation will be considered by the applicant's engineer and city staff at that time.

   Kirkland Zoning Code Section 110.25 states that if the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of the Kirkland Zoning Code Chapter 110, the applicant shall install improvements in the right-of-way to include: (1) the required improvements from his/her property line to and including the curb; (2) grade to finish grade all the required driving and parking lanes in the entire right-of-way and a 5-foot wide shoulder on the side of the right-of-way opposite the subject property; and (3) pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.

   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.

   The Public Works Department has evaluated the subject short plat and the required improvements to the 5th Avenue South right-of-way. It was determined that the proposed

short plat does not meet the required criteria for waiving the street improvements (See Memo from Rob Jammerman, Development Engineering Manager, Enclosure 7).

Enclosures

1. Kirkland Municipal Code Section 22.20.245 (Subdivision Code)
2. Kirkland Zoning Code Section 145.60 – 145.110
3. Staff Report
4. Letters to City Council
   4A – Penny Ryan
   4B – Rhonda Marshall
   4C – Susan Leonhardt
   4D – Carol Parker
   4E – James Lauinger
   4F – Kathleen Sutton
   4G- Anne Ryan
   4H- Neil and Donna Clement
5. Letters of Appeal
   5.A – David and Anna Aubry
   5.B – David and Anna Aubry Revision to Appeal
   5.C – Jerry and Beverly Gilbert, Tom and Sherri Lynn, Karen Tipp, and Douglas Thompson
6. Vicinity Map
7. Memo from Rob Jammerman, Development Engineering Manager

Aubry Short Plat
341 8TH ST S
New Single-Family Home
Everest Park
To Be Opened
KIRKLAND AVE
RAILROAD AVE
8TH ST S
N

(19) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines, if they are within twenty feet of existing or proposed lot lines;

(b) A vicinity map at a scale of one inch equals four hundred feet or larger showing the proposed short subdivision's relation to the area for a distance of at least three hundred feet on which the subject property is outlined with a bold or colored line;

(c) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the short plat application. The certificate must include the name of all persons holding any ownership interest in the property;

(d) Any additional information required by the planning official;

(e) The filing fee as established by ordinance;

(f) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 4011 § 1, 2005: Ord. 3705 § 2 (part), 1999)

*Code reviser's note: Ord. 4011 § 6 provides as follows: "This ordinance shall be in full force and effect on January 1, 2006."

**22.20.070 Application—Distribution—Water and sewer service.**

Upon receipt of a short plat application, the planning official shall, in addition to all interested city departments, send a copy of the application to the authorities and agencies reviewing or furnishing water service and sanitary sewer service to the proposed short plat. (Ord. 3705 § 2 (part), 1999)

**22.20.140 Planning director's decision—Criteria.**

In addition to the decisional criteria identified in Section 145.45(2) of the zoning code, the planning director may approve the short subdivision only if:

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

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

**22.20.170 Planning director's decision—Dedication of land or easements.**

The planning director may require dedication of land or easements for right-of-way, utility or other public purposes. (Ord. 3705 § 2 (part), 1999)

**22.20.245 Appeal to city council—When.**

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed for future connection); or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in Sections 145.60 through 145.110 of Title 23 of this code will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted. (Ord. 3705 § 2 (part), 1999)

**22.20.270 Staff report on appeal—Distribution.**

In the event of an appeal to the city council as provided for in Section 22.20.245, the planning official shall distribute copies of the staff report as follows: to the city council prior to the hearing. (Ord. 3705 § 2 (part), 1999)

**22.20.340 Public hearing—Decision—Final.**

The decision by the hearing examiner is the final decision of the city. If the hearing examiner affirms the approval of the proposed short plat, the hearing examiner shall sign the short plat documents on behalf of the city. (Ord. 3705 § 2 (part), 1999)

**22.20.355 Short plat approval.**

Short plats shall be approved, disapproved or returned to the owner within thirty calendar days following the date of filing of a complete application unless the time frame for processing the short plat is extended pursuant to Chapter 20.12. (Ord. 3705 § 2 (part), 1999)



ENCLOSURE 1

APL07-00002 & APL07-00003

d. A statement of the Director's conclusions based on those facts;

e. A statement of the criteria used by the Director in making the decision; and

f. A summary of the procedures, as established in this chapter, to appeal the decision of the Director.

5. Notice of Decision – Within four business days after the Planning Director's written decision is issued, the Planning Official shall mail a copy of the decision to the following persons:

a. The applicant.

b. Each person who submitted written comments or information on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

c. Each person who has requested notice of the decision.

Ord 4072
eff 3-12-07

In addition, within four ~~calendar~~ business days after the Planning Director's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 145.22(2)(b).

6. The Planning Director retains jurisdiction to correct errors in and/or to clarify the decision until the appeal period under KZC 145.60 has expired.

145.50 Effect of the Decision

The applicant may not engage in any activity based on the decision granting the application until the time to appeal has expired. If the decision is appealed, the applicant may not engage in any activity based on the decision granting the application until the City issues a final decision on the matter. If the decision of the Planning Director is not appealed, that decision is the final decision of the City.

145.60 Appeals

1. Who May Appeal – The decision of the Planning Director may be appealed by:

a. The applicant, or

b. Any person who submitted written comments or information to the Planning Director on the application. A party who signed a petition may not appeal unless such party also submitted independent written comments or information.

2. 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 distribution of the Planning Director's decision; provided, that the appeal letter must be delivered to the Planning Department within 21 calendar days of the postmarked date of distribution of the Planning Director's decision if state or local rules adopted pursuant to SEPA allow for public comment on a declaration of nonsignificance issued on the proposed development activity; and provided further, that if the fourteenth or twenty-first day, as applicable, of the appeal period falls on a Saturday, Sunday, or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. It must contain:

a. A clear reference to the matter being appealed; and

b. A statement of the specific elements of the Planning Director's decision disputed by the person filing the appeal.



ENCLOSURE 2
APL07-00002 + APL07-00003

3. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

4. Jurisdiction – Appeals from the decision of the Planning Director will be heard by the Hearing Examiner.

145.65 Notice of the Appeal Hearing

1. Content – The Planning Official shall prepare a notice of the appeal containing the following:

   a. The file number and a brief verbal description of the matter being appealed.

   b. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.

   c. The time and place of the public hearing on the appeal before the Hearing Examiner.

   d. A statement of who may participate in the appeal.

   e. A statement of how to participate in the appeal.

2. 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 each person entitled to appeal the decision under KZC 145.60.

145.70 Participation in the Appeal

Only those persons entitled to appeal the decision under KZC 145.60 may participate in the appeal. These persons 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.

2. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

145.75 Scope of the Appeal

The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Director's decision disputed in the letter of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements.

145.80 Staff Report on the Appeal

1. Content – The Planning Official shall prepare a staff report containing the following:

   a. The written decision of the Planning Director.

   b. All written comments submitted to the Planning Director.

   c. The letter of appeal.

   d. All written comments on the appeal received by the Planning Department from persons entitled to participate in the appeal and within the scope of the appeal.

e. An analysis of the specific elements of the Planning Director's decision disputed in the letter of appeal.

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report as follows:

a. A copy will be sent to the Hearing Examiner.

b. A copy will be sent to the applicant.

c. A copy will be sent to the person who filed the appeal.

d. A copy will be sent to any person who received a copy of the Director's decision.

145.85 Public Hearing on the Appeal

1. Hearing in General – The Hearing Examiner shall hold a public hearing on the appeal.

2. Hearing Declared Open – The hearings of the Hearing Examiner are open to the public.

145.90 Electronic Sound Recordings

The Hearing Examiner shall make a complete electronic sound recording of each hearing.

145.95 Burden of Proof

The person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.

145.100 Continuation of the Hearing

The Hearing Examiner may continue the hearing if, for any reason, he/she is unable to hear all of the public comments on the appeal or if the Hearing Examiner determines that he/she needs more information within the scope of the appeal. If, during the hearing, the Hearing Examiner announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

145.105 Decision on the Appeal

1. General – 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, he/she shall either:

a. Affirm the decision being appealed;

b. Reverse the decision being appealed; or

c. Modify the decision being appealed.

2. Time Limits – The Hearing Examiner shall issue his/her decision within 90 calendar days of the date the letter of appeal was filed under KZC 145.60.

3. Notice of Decision – Within four business days after it is issued, the Hearing Examiner shall mail a copy of his/her decision to the following persons:

a. The applicant.

b. The person who filed the appeal.

c. All other persons who participated in the appeal.

d. Each person who has requested notice of the decision.

In addition, within four calendar days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 145.22(2)(b).

4. Effect – The decision by the Hearing Examiner is the final decision of the City.

145.110 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

145.115 Lapse of Approval

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

145.120 Bonds

The Planning Director and the Hearing Examiner may require a bond as per Chapter 175 KZC to insure compliance with any aspect of a permit or approval.

145.125 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to do everything authorized by that approval.

2. Exception – Subsequent Modification – If a specific use or site plan is approved through this process, or any quasijudicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this process for a subsequent change in use or site plan unless:

   a. There is a change in use and this code establishes different or more rigorous standards for the new use than for the existing use; or

   b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

# CITY OF KIRKLAND

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# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
# ADVISORY REPORT
# FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**To:** Eric R. Shields, AICP, Planning Director

**From:** Ronald Hanson, Project Planner (Consultant)

Teresa Swan, Planning Supervisor

**Date:** March 20, 2007

**File:** AUBRY SHORT PLAT, SPL06-00007

## I. INTRODUCTION

### A. APPLICATION

1. Applicant: David Aubry

2. Site Location: 341 8th Street South (See Vicinity Map, Attachment 1)

3. Request: Subdivide one developed 24,375 square foot (.56 acres) single family zoned site located in the single-family RS 8.5 zone into three single-family lots. Proposed Lot 1 is 8,170 square feet, Lot 2 is 8,098 square feet, and Lot 3 is 8,107 square feet. Since the total site area is less than normally required for a 3 lot short plat in the RS-8.5 zone (25,500 square feet), this application is being reviewed under the lot size reduction provisions of Kirkland Municipal Code Section 22.28.030. In addition, pursuant to KZC Section 90.60, the applicant is requesting approval of a Wetland Buffer Modification to the on-site Type III Wetland (See Attachment 2, and Section II.E).

4. Review Process: Short Plat, Planning Director decision.

5. Summary of Key Issues and Recommendations: The key issues in consideration of this short plat are compliance with established development regulations, deviation from the minimum lot size requirements, compliance with the required FAR reduction one each lot, compliance with the applicable wetland buffer modification requirements, and the opening of 5th Avenue South right-of-way (See Attachment 3, Development Regulations, Attachment 5, Public Works Memo, Section II.C, Public Comments, Section II.E, and Section I.B. Recommendations).

### B. RECOMMENDATIONS

Based on Findings of Fact and Conclusions (Section II), and the Attachments included in this report, city staff recommends approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these

ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (See Conclusion II.G.2).

2. The applicant shall install the following required half-street improvements to 8th Street. South and to 5th Ave South abutting the property as outlined in the Development Standards in Attachment 3:

   - 8th Street South shall be widened to 14 feet of asphalt from the centerline to face of the curb. Storm drainage, curb and gutter, a 4.5 foot wide planter strip with street trees 20 feet on center and a 5 foot wide sidewalk shall be installed.

   - 5th Ave South shall be improved with a minimum of 20 feet of asphalt (14 feet of asphalt from the centerline to the new curb). On the north side of the new asphalt, install storm drainage, curb and gutter, a 4.5 foot wide planter strip with street trees 20 feet on center, and a 5 foot wide sidewalk. On the south side of the street improvements, install storm drainage collection and conveyance as necessary.

3. Prior to issuance of a Land Surface Modification Permit for the required short plat improvements, or recording the short plat with King County, the applicant shall submit to the Planning Department for review and approval, a revised Wetland Buffer Enhancement and Monitoring Plan incorporating the changes recommended by The Watershed Company in their letter dated January 25, 2007 (See Conclusion II.A.4.b).

4. Prior to recording the short plat with King County, the applicant shall sign a covenant ensuring that the buildings on the new lots will comply with an FAR restriction of at least ten percentage points less (maximum 40%) than that allowed for the RS 8.5 zoning district (See Conclusion II.E.3.b).

5. Trees shall not be removed following short plat approval, except as approved by the Planning Department.

   a. Tree removal requests shall be approved by the Planning Department in two stages: as part of the Land Surface Modification Permit and as part of the Building Permit. No trees shall be removed other than those approved as part of the permits (See Conclusions II.E.2.b).

   b. As part of the Land Surface Modification Permit, the applicant shall revise the Tree Plan III submitted with the short plat application to show removal of only those viable trees that must be removed for installation of the plat improvements (roads, utilities, sidewalks, trails and storm drainage improvements). The City may require alterations in the design of the short plat improvements in order to achieve maximum retention of viable trees (See Conclusions II.E.2.b).

   c. As part of the Building Permit Application for each lot, the Tree Plan III submitted with the Land Surface Modification Permit shall be revised to show those viable trees that must be removed for the placement of buildings and other associated site improvements. The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve maximum retention of viable trees (See Conclusion II.E.2.b).

d. During construction activities associated with the LSM permit for the installation of the short plat improvements, and during the development of each individual lot, the applicant shall follow the arborist's recommendations contained in the approved Tree Plan III (See Conclusion II.E.2.b).

e. Pursuant to Kirkland Zoning Code Section 95.35.5, the applicant shall provide a minimum of 17 tree credits for the short plat site. If after selecting the trees to be retained at each phase in the development, the site falls below the minimum required tree density, replanting of trees will be required to meet the minimum density (See Conclusion II.E.2.b).

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

(1) Size: The gross site area is 24,375 square feet (.56 acres). The site is rectangular in shape, with an approximate north/south dimension of 125 feet and an east/west dimension of 195 feet.

(2) Land Use: The site is presently developed with a single family home on proposed Lot 1. The house was recently moved from near the center of the site, as shown on the short plat site plan (See Attachment 2), to proposed Lot 1. The approved building permit for the relocation of the house also included a remodel and an addition (BLD06-00492). The approved building permit for the relocated house on proposed Lot 1 meets the required structure setback, reduced FAR (40%), and site coverage requirements of the RS 8.5 zone (See Section II.E.3).

(3) Zoning: RS 8.5, a single-family residential zone with a minimum lot size of 8,500 square feet. Proposed Lot 1 is 8,170 square feet, Lot 2 is 8,098 square feet, and Lot 3 is 8,107 square feet. Since the total site area is less than normally required in the RS 8.5 zone, this application is being reviewed under the lot size reduction provisions of KMC Section 22.28.030 (See Section II.E.3).

(4) Terrain: The site slopes down from an approximate elevation of 208 feet along the east property line adjacent to 8th Street South, to an approximate elevation of 194 feet along the west property line. The average grade across the site is approximately 7 percent (See Attachment 2).

(5) Vegetation: There are 6 significant trees on the site. The majority of the residential landscaping on the lot was removed with the relocation of the existing house (See Section II.E.2).

(6) Wetlands: There is a Type 3 Wetland located almost entirely on the site to the west, with 11 square feet of the wetland located on the subject site. The site is located in the Moss Bay Basin, which is considered a Secondary Basin. A Type 3 Wetland in a Secondary Basin is required to provide a 25 foot wide buffer with a 10 foot building setback from the

buffer edge. The applicant is proposing a 1/3 Wetland Buffer reduction as part of the subject short plat application (See Section II.E.4)

b. Conclusions: Size, land use, zoning, terrain, and vegetation are not constraining factors in this application. With the approval of the requested wetland buffer modification, as conditioned, the wetland is not a constraining factor.

2. Neighboring Development and Zoning:

a. Facts: The subject property is surrounded by the following uses:

North: The area is zoned RS 8.5 and is developed with single family homes.

South: To the south is the unimproved 5th Avenue South right-of-way and an area zoned RS 7.2 developed with single family homes.

East: To the east is 8th Street South and an area zoned "P" (Park/Open Space) developed with the Everest Park.

West: The site immediately to the west is zoned RS 8.5. A single family house is currently under construction on the site. The property further to the west, extending to 6th Street South, is zoned LIT and is partially developed on the western portion of the site with a single family home.

b. Conclusion: The neighborhood development and zoning are not constraining factors in this short plat.

## B. HISTORY

1. Facts: The subject short plat site includes a portion of Tract 52, of the plat of Alexander Acre Tracts.

2. Conclusion: The subject short plat application is being processed under current Zoning and Subdivision regulations that apply to the property. The short plat will comply with all zoning, subdivision and municipal code requirements currently in effect in order to receive approval (See Section II.D). History is not a constraining factor in this application.

## C. PUBLIC COMMENT

The public comment period for the short plat extended from May 18, 2006 to June 5, 2006. The Planning Department received 5 written responses during the above comment period (See Attachments 4a through 4e).

The first letter is signed by Jerry and Beverly Gilbert, Tom and Sherri Lynn, and Karen Tipp (See Attachment 4a). The letter includes a signed petition by approximately 138 people, and historical information from 1990 regarding a past proposal to open 5th Avenue South. In addition, a second letter was submitted by Beverly Gilbert with similar project issues (See Attachment 4b). The letters express opposition to the City's requirement to open the existing 5th Avenue South right-of-way and install street improvements from 8th Street South to the west property line of the short plat site. A summary of the reasons provided include: (1) Opening 5th Avenue South to vehicular traffic would devastate the character of the neighborhood and severely compromise the safety of the neighborhood streets; (2) The proposed right-of-way improvements would remove the existing

community maintained pedestrian path located within the existing right-of-way; (3) Increase cut through traffic throughout the neighborhood and; (4) Introduce a vehicle intersection between 5th and 8th at a location where the number of children crossing and playing is high.

*Staff Response:* *As a condition of approval of the subject short plat application, the Public Works Department is requiring that the applicant open the existing 5th Avenue South right-of-way between 8th Street South and the west property line of the short plat site. Improvements would include installing a minimum of 20 feet of asphalt from the center line of the existing right-of-way to the new curb, install storm drainage, curb, and gutter, a 4.5 foot wide planter strip with street trees 30 feet on-center, and a 5 foot wide sidewalk. Also, storm drainage collection and conveyance would be installed on the south side of the street improvements as necessary (See Attachment 3, Development Standards/Street and Pedestrian Improvement Conditions).*

*In addition, the Public Works Department is requiring that the applicant install improvements to 8th Street South, adjacent to the site, including widening the street to 14 feet from center line to face of curb, and installing storm drainage, curb, gutter, a 4.5 foot wide planter strip with street trees 30 feet on-center, and a 5 foot wide sidewalk.*

*Although not part of this short plat application, the Public Works Department has required the builder of the new home being constructed on the RS 8.5 zoned site immediately west of the subject short plat site, to install the same street improvements along their portion of the 5th Avenue South right-of-way. The builder submitted a performance bond to the Public Works Department for the installation of these street improvements prior to issuance of a building permit for the house. With the installation of the required street improvements described above, the street connection between 8th Street South to the east and 6th Street South to the west would be complete.*

*In 1991, the City proposed to open the 5th Avenue South right-of-way in conjunction with the proposed Everest Park improvements. Primarily due to neighborhood opposition, the City Council decided not to open the right-of-way at that time. Since 1991 there has not been any development activity in the neighborhood that caused the opening of the street to be reexamined until the subject short plat application and adjacent building permit were submitted.*

*As discussed below under Section II.E.5, the recommended opening of 5th Avenue South is supported by the Subdivision Ordinance Sections 22,28,070 (Blocks – Maximum length) and 22.28.090 (Access--Right-of-way-Adjacent to plat), the Kirkland Zoning Code, Chapter 110 (Required Public Improvements), and the Comprehensive Plan's Framework FG-9 (accessibility to pedestrians, bicyclists within and between neighborhoods, public spaces and business districts), Land Use Element Goal LU-3 and Policy LU-3.6 (land use pattern that promotes mobility with vehicular and non-motorized connections between adjacent properties), and Transportation Element Policies T-2.2, T-4.3 and T-4.5 (maintain system of local access streets for an inter-connected network for vehicular circulation and quick emergency access).*

*There are several parcels in the immediate neighborhood that are of sufficient size to allow future short platting to occur. In particular, there are two short plats in the neighborhood that are currently being reviewed by the City. The first is a 2-lot short plat located at 710 7th Street South (File SPL07-00004), and the second is a 2-lot short plat located at 685 8th Street South. As these short plats are developed, and as other parcels in the neighborhood are short platted, there will be an increasing need to improve vehicular access in the neighborhood.*

*The proposed street improvement will help to improve emergency vehicle access and response times, provide for improved bicycle and pedestrian circulation, and help disperse traffic in the neighborhood. Please see the memo from Rob Jammerman, City of Kirkland Development Engineering Manager, for further discussion of the issues related to the opening of the 5th Avenue South right-of-way (Attachment 5).*

*It should be noted that those who signed the petition letter are not legal parties of record, and therefore cannot appeal the decision of the short plat (KZC 145.60).*

The third letter is from Douglas Thompson who resides at 507 8th Street South, one lot south of the 5th Avenue South right-of-way (See Attachment 4c). Mr. Thompson is also concerned with the requirement to open the 5th Avenue South right-of-way as part of the short plat. The letter also addresses a separate issue on a different short plat site unrelated to the subject application. City staff is following up on that issue with Mr. Thompson.

*Staff Response: See above for a discussion of the required 5th Avenue South improvements.*

The forth letter is from Lisa Cox, who resides at 535 8th Street South, located south of the short plat site (See Attachment 4d). Ms. Cox is also concerned with the impacts to the neighborhood with the opening of the 5th Avenue South right-of-way.

*Staff Response: See above for a discussion of the required 5th Avenue South improvements.*

The fifth letter is from Julia Livas who resides at 842 8th Avenue South, located south of the short plat site (See Attachment 4e). Ms. Livas is supportive of the opening of the 5th Avenue South right-of-way. A summary of the reasons provided include (1) By not opening the street the City would be taking value from private property, and denying property owners the right to normal street access; (2) The new street improvements would provide for guest parking on the street; (3) Better access for waste management trucks; (4) Neighborhood traffic would be better distributed; (5) There are other methods to control traffic such as speed bumps, lower speed limits, and other traffic control devices; and (6) The existing nature trail may not be maintained after existing residents move. Due to the condition of the existing trail, a formal sidewalk is preferred.

*Staff Response: See above for a discussion of the required 5th Avenue South improvements.*

## D. APPROVAL CRITERIA

1. Facts:

Municipal Code Section 22.20.140 states that the Planning Director may approve a short subdivision only if:

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

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

Zoning Code Section 145.45 states that the Planning Director may approve a short subdivision only if:

a. It is consistent with all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.

2. Conclusion: The proposal complies with Municipal Code Section 22.20.140 and Zoning Code Section 145.45. It is consistent with the Comprehensive Plan (See Section II.F). With the recommended conditions of approval, including the requirement to open 5th Avenue South, it is consistent with the Zoning Code and Subdivision regulations (See Section II. D), and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because the proposal will retain the existing home on the site (Lot 1) while providing for additional infill development.

## E. DEVELOPMENT REGULATIONS

1. Maximum Development Potential

a. Facts:

1) Zoning Code Section 90.135 provides that the maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by KZC Chapters 15 through 60, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified in KZC Chapters 15 through 60, multiplied by the development factor derived from Subsection 2 of KZC Section 90.135.

2) The gross site area of the subject site is 24,375 square feet. The net site area, minus the 11 square foot on-site wetland, and the 1,309 square foot wetland buffer, is 23,055 square feet of buildable area. The maximum potential number of units allowed based on the buildable area only is 2.71 dwelling units. The site contains 1,309 square feet (5.3% of site) within the required sensitive area buffer. Based on KZC Section 90.135, Subsection 2, the allowable development factor is 100%. The maximum potential number of units allowed based on the wetland buffer area only is .154 units. The total maximum potential number of units allowed is 2.86 units. Since the shortage of site size is between 10 and 15 percent of the minimum lot size, subdivision into 3 lots may be considered under the provisions of Kirkland Municipal Code Section 22.28.030 (See Section II.E.3).

b. Conclusions: The proposal conforms to the maximum development potential requirements of KZC Section 90.135.

2. Natural Features - Significant Vegetation

a. Facts:

1) The tree preservation requirements are contained in Section 22.28.210 of the Kirkland Municipal Code and Chapter 95 of the Kirkland Zoning Code (Tree Management and Required Landscaping).

2) Kirkland Municipal Code Section 22.28.210 states that the applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Zoning Code, maximize the chances of survival of trees and associated vegetation designated for retention, and minimize potential hazards to life or property.

3) Kirkland Zoning Code Section 95.05 establishes the purpose of the tree regulations. The purposes include minimizing adverse impacts of land disturbing activities, improving air quality, reducing effects of noise pollution, providing protection from severe weather conditions, providing visual relief and screening, providing recreational benefits, providing habitat cover, food supply and corridors for a diversity of fish and wildlife, and providing economic benefit by enhancing property values and the region's natural beauty, aesthetic character, and livability of the community.

4) Kirkland Zoning Code Section 95.35.1 states that it is the City's objective to retain as many viable trees as possible while still allowing the development proposal to move forward in a timely manner. Zoning Code provisions have been established to allow development standards to be modified in order to retain viable significant trees.

5) Kirkland Zoning Code Section 95.35.2.b.3), requires that a Tree Plan III be submitted with new residential short plats, subdivisions, and related land surface modification applications. See Attachment 6 for an overview of the tree requirements associated with a Tree Plan III. Section 95.35.2.b.1).c).iv requires that for lots from a short subdivision with an approved Tree Plan III, the tree information shall be transferred over from the short plat to the individual building permit for each lot, and the applicant must comply with the applicable Tree Plan III requirements.

6) Kirkland Zoning Code Section 95.35.4 establishes the site design review standards for tree retention. Tree retention shall not reduce the applicant's development potential (lot coverage, floor area ratio, and density) allowed by the Kirkland Zoning Code. In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. In addition, the Planning Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways easements or utilities.

7) Kirkland Zoning Code Section 95.35.5 establishes the minimum tree density requirements. For a short plat or subdivision, with an approved Tree Plan III, the tree density shall be calculated based on the entire site area excluding existing City right-of-way, or areas to be dedicated as City right-of-way. The minimum tree density is 30 tree credits per acre. The gross site area is 24,375 square feet or .56 acres. Based on the requirement of 30 tree credits per acre, the proposed short plat site must provide a minimum of 17 tree credits. The site contains a total of 67 tree credits.

8) The applicant submitted a Tree Plan III with the subject short plat application

(See Attachment 7). The Tree Plan has been reviewed by the City's Arborist There are a total of 6 significant trees on the site, 5 of which are viable trees. The Tree Plan III provides that 4 of the viable trees are Type 2 trees, and 1 is a Type 3. The applicant is proposing to retain all of the viable trees with the approval of the short plat. Additional trees may be required to be removed in conjunction with other required short plat improvements, and with the building permits on each of the new single family lots.

9) Zoning Code Section 115.75.3.a states that a land surface modification is permitted only if it has been approved as part of a valid development permit, subdivision, or substantial development permit.

b. Conclusions:

1) The applicant has provided a Tree Plan III with the short plat application that has been reviewed by the City's Arborist. There are 5 viable trees on the site, 4 Type 2 trees and 1 Type 3 tree. A total of 67 tree credits are shown on the tree plan. The minimum of 17 tree credits is met for the short plat.

2) The applicant should retain all of the viable trees on the site at the short plat approval stage. In addition, all viable trees should be retained with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the new public road, and other plat infrastructure improvements.

3) The applicant should retain all of the viable trees on the site during the development of each single family lot except those trees required to be removed for the construction of the house and other associated site improvements.

4) The Planning Official is authorized to require site plan alterations to retain Type 1 trees, including modifications to development standards and minor adjustments to the location of buildings, driveways, access ways, walkways, easements and utilities.

5) The applicant should follow the arborist's recommendations contained in the Tree Plan III submitted with the short plat application during installation of the required short plat improvements, and during development of each single family lot.

6) If after selecting the trees to be retained at each phase in the development, the site falls below the minimum required tree density, replanting of trees will be required to meet the minimum density.

3. Lot Size

a. Fact: Municipal Code Section 22.28.030 requires that all lots meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. If a property is smaller than that required for subdivision by an amount greater than 10 percent and less than or equal to 15 percent of the minimum lot size for the zoning district as shown on the Kirkland Zoning Map, subdivision may still proceed as long as: (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even

distribution of the size shortage difficult); (b) All lots shall have a minimum lot width at the back of the required front yard of no less than 50 feet (unless the garage is located at the rear of the lot or the lot is a flag lot; (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the short plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland Zoning Map; and (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than 5% of the minimum lot size, the subdivision shall be reviewed and decided using Process IIB.

The RS 8.5 zone has a minimum lot size of 8,500 square feet. A total of 25,500 square feet would normally be required for the proposed three lot short plat. The existing site area is 24,375 square feet, which is 1,125 square feet (13.2 percent) less than that normally required, but the site area meets the lot size reduction provision noted above.

All three proposed lots are approximately the same size, with Lot 1 being slightly larger to allow the single family home that was proposed to be moved to Lot 1 to meet the required structure setback, FAR, and site coverage requirements. All proposed lots have a minimum width at the back of the required front yard of no less than 50 feet. All proposed lots are larger than 5 percent less than the minimum 8,500 square foot minimum lot size of the RS 8.5 zone (Minimum of 8,075 square feet), so the above Process IIB restriction does not apply.

b. Conclusion: The proposed short plat conforms to the lot size reduction provisions of Municipal Code Section 22.28.030 provided that the applicant sign and record with King County, a covenant limiting the future homes constructed on the lots to a maximum FAR of at least 10 percentage points less than normally required, or a maximum of 40%.

4. Approval Criteria (Wetland Buffer Modification)

a. Fact: Pursuant to KZC Section 90.60, the applicant is requesting approval of a 1/3 reduction of the normally required 25 foot wide Type III Wetland Buffer in a Secondary Basin down to 16.5 feet in width. KZC Section 90.60 establishes that a Type III Wetland Buffer may only be granted by the Planning Official when the proposed development is consistent with all of the following criteria:

1. Criterion 1: It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc. 1998).
2. Criterion 2: It will not adversely affect water quality.
3. Criterion 3: It will not adversely affect fish, wildlife, or their habitat.
4. Criterion 4: It will not have an adverse effect on drainage and/or storm water detention capabilities.
5. Criterion 5: It will not lead to unstable earth conditions or create erosion hazards.
6. Criterion 6: It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole.

7. Criterion 7: Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.

8. Criterion 8: All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.

9. Criterion 9: There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

2. Conclusion: Pursuant to the attachments included with this report, including the proposed site plan (Attachment 2), The Watershed Company Wetland Delineation Report dated August 10, 2006 (Attachment 8), the Wetland Buffer Mitigation Plan prepared by Aquatica Environmental Consulting, LLC dated November 1, 2006 (Attachment 9), and The Watershed Company Wetland Buffer Modification Review Letter dated January 25, 2007 (Attachment 10), the proposed development is consistent with the above criteria for a wetland buffer modification.

   The applicant should follow the enhancement and monitoring plan as identified in Attachment 9, along with the recommended changes outlined by The Watershed Company in Attachment 10.

5. Opening of the 5th Avenue South right-of-way

   a. Facts:

      1) The Kirkland Subdivision Section 22.28.070 states that generally blocks should not exceed 500 feet in length. Blocks that are more than 750 feet in length should allow for mid block pedestrian access.

      2) 8th Street South is a "super block" of 2,762.14 lineal feet (over 1/2 mile in length) with no through connection between 9th Ave South to the south and Kirkland Ave far to the northeast. The 50 foot wide unimproved right-of-way of 5th Ave South is the only through block connection along 8th Street South that can be made using an existing dedicated street. Opening 5th Avenue South would break the super block into a 1,240.02 lineal foot section in the southern portion and a 1,522.12 lineal foot section in the northern section (see Attachments 1 and 5).

      3) The Kirkland Subdivision Section 22.28.090 requires that the applicant shall comply with the requirements of the Zoning Code with respect to dedication and improvements of rights-of-way adjacent to the plat.

      4) The Zoning Code Sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of way abutting the subject property, including 5th Ave. South. Sections 110.30 through 110.50 establish what street improvements are required. The Development Standards in Attachment 3 lists the required improvements for 5th Ave South, including.

         A minimum of 20 feet of asphalt (14 feet of asphalt from the centerline to the new curb). On the north side of the new asphalt, install storm drainage, curb and gutter, a 4.5 foot wide planter strip with street trees 20 feet on center, and a 5 foot wide sidewalk shall be installed. On the south side of the street improvements, install storm drainage collection and conveyance as necessary.

5) The Comprehensive Plan has numerous policies that support opening of the 5th Ave South right of way:

- Framework Goal FG-9: "Provide accessibility to pedestrians, bicyclists and alternative mode users within and between neighborhoods, public spaces and business districts and to regional facilities."

- The Land Use Element's Goal LU-3: "Provide a land use pattern that promotes mobility and access to goods and services and physical activity." Policy LU-3.6 says to "Encourage vehicular and non-motorized connections between adjacent properties."

- The Transportation Element's Policy T-2.2: "Promote a comprehensive and interconnected network of pedestrian and bike routes within the neighborhoods." Policy: T-4.3: "Maintain a system of arterials, collectors, and local access streets that forms an inter-connected network for vehicular circulation." Policy T-4.5 "Maintain and improve convenient access for emergency vehicles."

6) Looking at the street network in the area, opening of 5th Ave South would provide convenient vehicle access and reduce driving distances for the property owners along the northern half of 8th Street South. Opening of the street would also disperse the neighborhood traffic along 8th Street South more evenly so that the neighbors on each end of 8th Street South would not have all of the traffic crossing in front of their properties.

7) Looking at the street network in the area, opening of the street would provide for safe and convenient pedestrian and bicycle connections at mid block along 8th Street South. The existing unimproved 5th Ave South has an informal pedestrian connection with no sidewalks and no stop sign at 8th Street South and 5th Ave South.

8) A new home is currently under construction on the lot to the west of the proposed short plat and on the north side of 5th Ave South. The same right-of-way improvements will be required to be installed on 5th Avenue South by the applicant for the new home if this short plat is required to install the improvements. With these two actions, 5th Ave South could then be open for use.

9) Land use patterns in the immediate neighborhood will be changing in the near future. Several parcels in the immediate neighborhood are of sufficient size to allow future short platting to occur. In particular, there are two short plats in the neighborhood that are currently being reviewed by the City. The first is a 2-lot short plat located at 710 7th Street South (File SPL07-00004), and the second is a 2-lot short plat located at 685 8th Street South. As these two short plats are developed, and as other parcels in the neighborhood are short platted, there will be an increasing need to improve vehicular access in the neighborhood.

b. Conclusions: Based on the goals and policies in the Comprehensive Plan and regulations found in the Subdivision Ordinance and the Zoning Code, 5th Avenue South should be opened and improved. By reducing the super block size almost in half, opening of 5th Avenue South would provide a convenient through vehicular and non-motorized connection for the local neighborhood

and a much quicker emergency services route. Opening of the street would disperse traffic more evenly in the neighborhood with less impact on the homes on each end of the super block and would reduce the vehicle driving distance for those residents located in the center of the super block. As the land use patterns change in the neighborhood and redevelopment of the larger lots in the area results in more homes, there will be a greater need to disperse the neighbor traffic with more through connections.

### F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Everest Neighborhood. The Land Use Plan on page XV.E-2, Figure E-1, designates the subject property for low-density residential, 5 dwelling units per acre (See Attachment 11). The proposed density is approximately 5.80 dwelling units per acre.

2. Conclusion: The proposal is consistent with the Comprehensive Plan designation.

### G. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.

2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

## III. SUBSEQUENT MODIFICATIONS

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

## IV. APPEALS AND JUDICIAL REVIEW

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

### A. APPEALS

Appeal to the Hearing Examiner:

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless the party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., APRIL 10, 2007, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

### B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

## V. LAPSE OF APPROVAL

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

## VI APPENDICES

Attachments 1 through 11.

1. Vicinity Map
2. Boundary and Topographic Survey
3. Development Standards
4. Public Comments
    a. Letter signed by Beverly and Jerry Gilbert, Tom and Sherri Lynn, and Karen Tipp with a petition letter attached to the letter.
    b. Letter from Beverly Gilbert
    c. Letter from Douglas Thompson
    d. Letter from Lisa Cox
    e. Letter from Julie Livas
5. Memo From Rob Jammerman, City of Kirkland, Development Engineering Manager
6. Tree Plan III Handout
7. Arborist Report prepared by Northwest Woodlands, Urban Forestry Consultants, Inc.
8. Wetland Delineation Report prepared by the Watershed Company
9. Wetland Buffer Mitigation Plan prepared by Aquatica Environmental Consulting, LLC
10. Wetland Buffer Modification review letter prepared by The Watershed Company
11. Everest Land Use Plan on Page XV.E-2, Figure E-1

## VII. PARTIES OF RECORD

David Aubry, 341 8th Street South, Kirkland, Wa. 98033
Douglas Thompson, 507 8th Street South, Kirkland, Wa. 98033
Beverly and Jerry Gilbert, 504 7th Street South, Kirkland, Wa. 98033
Julie Livas, 842 8th Avenue South, Kirkland, Wa. 98033
Lisa Cox, 535 8th Street South, Kirkland, Wa. 98033
Tom and Sherri Lynn, 501 8th Street South, Kirkland, Wa. 98033
Karen Tipp, 709 7th Street South, Kirkland, Wa. 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

(Note that those who signed only the Petition letter are not classified as parties of record per KZC 145.60)

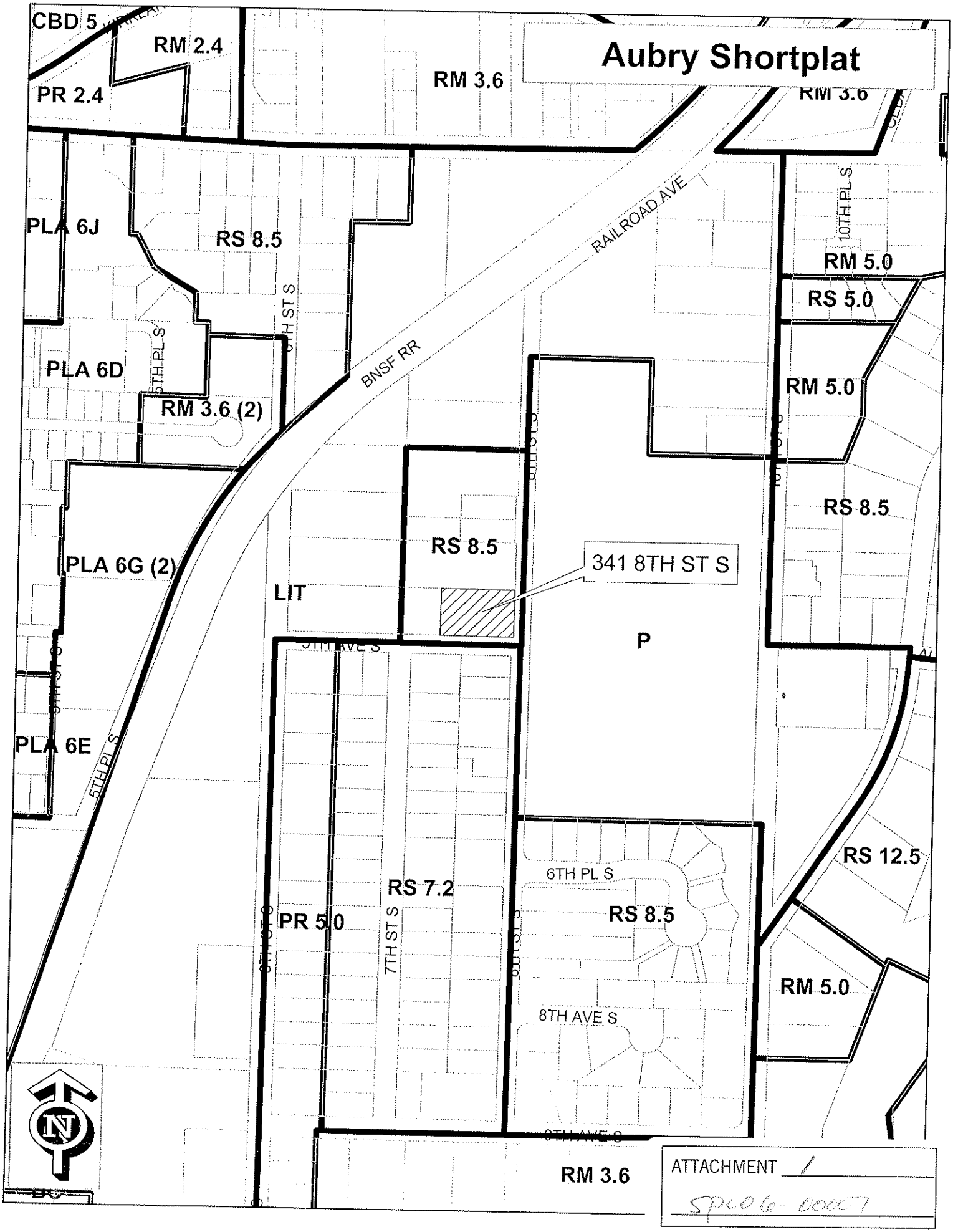
Review by Planning Director:

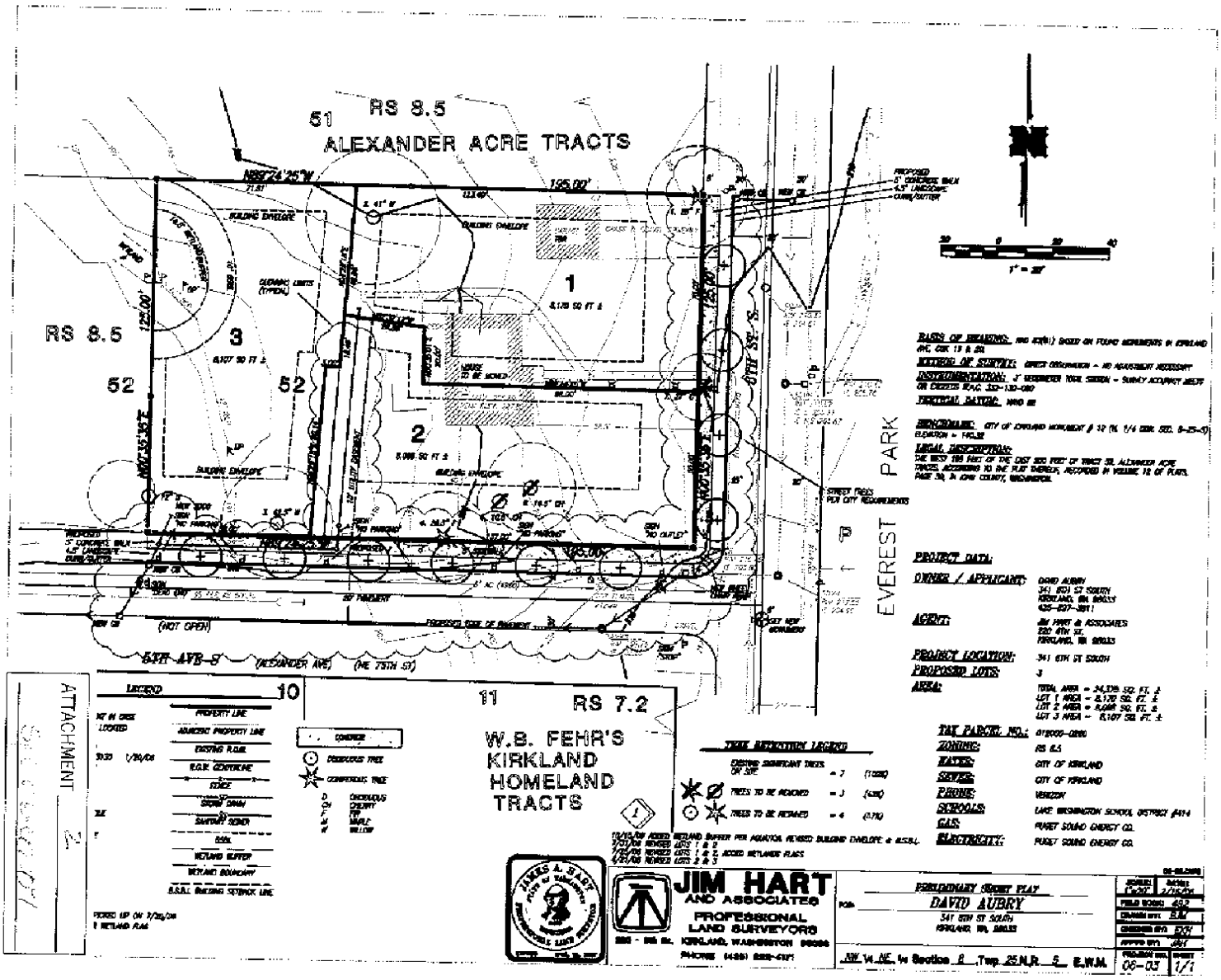
I concur ☐ I do not concur ☐

Comments: _____

_____

_____
Eric R. Shields Date


Aubry Shortplat
CBD 5
RM 2.4
PR 2.4
RM 3.6
RM 3.6
PLA 6J
RS 8.5
RAILROAD AVE
10TH PL S
RM 5.0
RS 5.0
PLA 6D
7TH PL S
BNSF RR
RM 3.6 (2)
RM 5.0
RS 8.5
RS 8.5
341 8TH ST S
PLA 6G (2)
LIT
P
5TH AVE S
PLA 6E
5TH PL S
RS 12.5
6TH PL S
RS 7.2
RS 8.5
PR 5.0
7TH ST S
RM 5.0
8TH AVE S
8TH AVE S
RM 3.6
N
ATTACHMENT 1
SPU06-00007


51
RS 8.5
ALEXANDER ACRE TRACTS
RS 8.5
3
52
52
1
2
EVEREST PARK
5TH AVE S (ALEXANDER AVE) (NE 75TH ST)
10
11
RS 7.2
W.B. FEHR'S KIRKLAND HOMELAND TRACTS
LEGEND
PROPERTY LINE
ADJACENT PROPERTY LINE
EXISTING ROAD
EXISTING CONTOURS
FENCE
STORM DRAIN
SANITARY SEWER
WETLAND BUFFER
WETLAND BOUNDARY
B.S.B.L. BUILDING SETBACK LINE
CONIFER
DECIDUOUS TREE
COMPOSITE TREE
TREE INFORMATION LEGEND
TREES TO BE REMOVED
TREES TO BE REMAINED
JIM HART AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS
KIRKLAND, WASHINGTON
PRELIMINARY SHORT PLAT
DAVID AUBRY
341 6TH ST SOUTH
KIRKLAND, WA. 98033
NW 1/4 NE 1/4 Section 8 Twp 25 N.R. 5 E.W.M.
06-03
1/1
ATTACHMENT 2

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 12/15/2006

DEVELOPMENT STANDARDS
CASE NO.: SPL06-00007
PCD FILE NO.:SPL06-00007

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit Information
Permit #: SPL06-00007
Project Name: Aubry Short Plat
Project Address: 341 8th St. S.
Date: June 3, 2006

Public Works Staff Contacts
Land Use and Pre-Submittal Process:
Rob Jammerman, Development Engineering Manager
Phone: 425-587-3845 Fax: 425-587-3807
E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:
John Burkhalter, Senior Development Engineer
Phone: 425-587-3846 Fax: 425-587-3807
E-mail: jburkhal@ci.kirkland.wa.us

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees:
o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
o Water Meter Fee (paid with the issuance of a Building Permit)
o Right-of-way Fee
o Review and Inspection Fee (for utilities and street improvements).
o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. Because this project is exempt from SEPA, it is also exempt from concurrency review.



ATTACHMENT 3
SPL06-00007

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

5. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the subdivision (and subsequent Building Permits if multiple houses are demolished). The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.

6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

9. A completeness check meeting is required prior to submittal of any Building Permit applications.

10. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer or surface water stub, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the 5th Ave S. and 8th St. So. is adequate to serve all the lots within the proposed project however, the sewer main in 5th Ave. So. Currently terminates with a temporary clean-out. As part of this development, this clean-out will need to be replaced with a manhole.

2. Provide a 6-inch minimum side sewer stub to each lot. The existing side sewer stub can be used if it can be located, and determined to be in good condition via a video inspection.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.

2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The existing water service may be used provided that it is in the right location, is not galvanized, and is sized adequately to serve the building (per the Plumbing Code).

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. Contact City of Kirkland Surface Water Staff at (425) 587-3800 for help in determining drainage review requirements.

Small Site Drainage Review for Short Plats
The drainage design for short plats that create less than 5,000 square feet of new impervious surface area and clear less than 2 acres or 35% of the site, whichever is greater, should follow Policy D-3 of the Department of Public Works Pre-Approved Plans. Projects this size may require Targeted Drainage Review per Section 1.1.2 of the 1998 King County Surface Water Design Manual, depending on site conditions.

Full Drainage Review for Short Plats
The drainage design for short plats that create more than 5,000 square feet of new impervious surface area must comply with Core Requirements #1 - #8 in the 1998 King County Surface Water Design Manual.

2. Storm detention calculations for the entire site are required.

3. If a detention system is required, it will likely need to be placed in the front yard setback area on lots 2 and 3 and be encompassed in a 20 ft. wide drainage easement.

4. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).

5. If more than 5,000 square feet of new impervious area, subject to vehicular use, is created, provide storm water quality treatment per the most current City-adopted Surface Water Design Manual. Given the required street improvements, it appears that water quality treatment may be required.

6. The west portion of the lot is much lower than the available drainage system. Additional engineering study and design will be necessary to determine how to best convey the drainage from the lots to the City storm system. This additional work must be completed and reviewed by the Public Works Department prior to recording of the Short Plat or issuance of any Building or Land Surface Modification Permits.

7. As part of the roof and driveway drainage conveyance system for each new house, each lot shall contain a 10 ft. long (min.) infiltration trench with an overflow to the public storm drain system. These infiltration trenches shall be installed with the individual new houses.

8. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.

9. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.

10. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 8th St. South (a Collector type street) and 5th Ave. So (an unopened Neighborhood Access type street). Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

8th St. So

A. Widen the street to 14 ft. from centerline to face of curb.
B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.

5th Ave. So.
A. Install a minimum of 20 ft of asphalt (14 ft of asphalt from the centerline to the new curb).
B. On the north side of the new asphalt, install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
C. Install storm drainage collection and conveyance on the south side of the street improvements as necessary.
Note: The Public Works Department has received many phone calls from neighbors that are concerned about the opening of 5th Ave. So between 7th St. So. and 8th St. So. The benefits to the opening 5th Ave. So. include better emergency access, dispersion of local traffic serving the immediate neighborhood along 8th Street South, and pedestrian and bicycle connections, and much more convenient access for those living near the unopened right-of-way of 5th Ave So..
Looking at the road network and the direction and volumes of traffic in the area, there appears to be no reason that the opening of 5th Ave South would encourage cut through traffic as an alternative to using 6th Street South.

We have explained to the neighbors that "street connectivity" is supported in the Comprehensive Plans and Public Works can not justify waiving the street connection without direction from the City Council. We have suggested to the neighbors that they use the existing appeal process so that this matter can be presented to the City Council. If the City Council recommends against the street connection, an 8 ft. wide paved pedestrian and bicycle path should still be installed in the 5th Ave. So. right-of-way.

2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

3. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.).

4. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

5. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersection.

6. Install "NO PARKING ANYTIME" signs along one side of the street improvements on 5th Ave. So.

7. Install a new right-of-way centerline monument at the intersection of 5th Ave. So and 8th St. So.

8. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

9. Underground all new and existing on-site utility lines and overhead transmission lines.

10. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) in rights-of-way adjacent to the site must be underground. The Public Works Department shall determine if undergrounding transmission lines in the adjacent right-of-way is feasible or not. In this case, it has been determined that it is feasible to underground the lines in conjunction with installation of the street improvements. All of the overhead lines along 8th St. So. and 5th Ave. So. shall be converted to underground.

11. New street lights are required per Puget Power design and Public Works approval. Design must be submitted prior to issuance of a grading or building permit.

*** FIRE DEPARTMENT CONDITIONS ***
The Fire Department has no specific conditions for this short plat.

Available fire flow in the area is approximately 1,400 gpm, which is adequate for development.

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. This requirement also applies to new single family homes; the garage is included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

***BUILDING DEPARTMENT COMMENTS***

Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.050

Building permits submitted on July 1, 2004 or after must comply with the 2003 International Building, Residential and Mechanical Codes and the 2003 Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code ; and the Washington State Ventilation and Indoor Air Quality Code.

Plumbing meter and service line shall be sized in accordance with the 2003 UPC

Demolition permit required for removal of existing structures, if applicable. (If desired, the applicant has the option of combining demolition activity with a building permit .)

A separate house moving inspection permit (HOM) is required for house relocation.

A separate foundation permit is required for the new foundation for the moved house plans and details must be submitted to show all structural loads are transfered to bearing soil.

For more information contact Building Department Permit Center 425-587-3600.

**CITY OF KIRKLAND**
**Planning and Community Development Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.828.1257**
www.ci.kirkland.wa.us

# DEVELOPMENT STANDARDS LIST
## File: Aubry Short Plat, SPL06-00007
**Subdivision Standards**

22.28.030 Lot Size. Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

22.28.130 Vehicular Access Easements. The applicant shall comply with the requirements found in the Zoning Code for vehicular access easements or tracts.

22.28.210 Significant Trees. The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code. Kirkland Zoning Code Section 95.35 states that it is the City's objective to retain as many viable trees as possible while still allowing the development proposal to move forward in a timely manner. The Planning Official is authorized to require site plan alterations to retain Type 1 trees provided the alterations do not reduce the applicant's development potential allowed by the Kirkland Zoning Code. The applicant shall retain all viable trees at the short plat approval stage and all viable trees with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the plat infrastructure improvements. The applicant shall also retain all viable trees during the development of each single family lot except for those trees required to be removed for the construction of the house and other associated site improvements. A Tree Plan III was submitted with the short plat. There are 6 significant trees on the site, 5 of which are viable Type 2 and 3 trees. The applicant is proposing to save all viable trees with the short plat approval. A minimum of 17 tree credits are required for the subject site. If at any stage of development, tree retention on the site falls below the minimum required tree density, replanting shall be required per KZC Section 95.35.

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should be at least ten feet in width.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. The impact fee for new single-family dwelling units is $612. The impact fee for new multifamily dwelling units is $430. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060.

***Prior to Recording:***

22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.
22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.
22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.
22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.
22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.
22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

***Prior to occupancy:***
22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.
22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.
22.32.90 Maintenance Bonds. A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

**Zoning Code Standards**
90.45 Wetlands and Wetland Buffers. No land surface modification may take place and no improvement may be located in a wetland or its buffer, except as specifically provided in this Section.
90.125 Frequently Flooded Areas. No land surface modification may take place and no improvements may be located in a frequently flooded area, except as specifically provided in Chapter 21.56 of the Kirkland Municipal Code.
90.130 Physical Barrier. The applicant shall install a berm, curb, or other physical barrier when necessary to prevent direct runoff and erosion from any modified land surface into any stream, minor lake, or wetland.

95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.
105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.
105.20 Required Parking. Two parking spaces are required for each single-family home.
110.60.8 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. 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.
115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment between the hours of 8 p.m. and 7 a.m., Monday through Saturday, and all day on Sundays or holidays which are observed by the City, unless written permission is obtained from the Planning Official.
115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.
115.42 Floor Area Ratio (F.A.R.) limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.
115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones. The garage must be set back five feet from the remaining portion of the front façade of a dwelling unit if: the garage door is located on the front façade of the dwelling unit; and the lot is at least 50 feet wide at the front setback line; and the garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.
115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.
115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid

pavers; outdoor swimming pools; and pedestrian walkways. See Section 115.90 for a more detailed explanation of these exceptions.
115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.
115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.
115.115.3.n Covered Entry Porches. In low density residential zones, covered entry porches on detached dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.
115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.
115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall not be closer than 5 feet to any side property line unless certain standards are met.
115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.
145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development. The signs shall be disassembled with the posts, bolts, washer, and nuts separated from the sign board.

***Prior to recording:***
110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

***Prior to issuance of a grading or building permit:***

85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property.
90.130 Physical Barrier. The applicant shall install a berm, curb, or other physical barrier when necessary to prevent direct runoff and erosion from any modified land surface into any stream, minor lake, or wetland.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement to protect sensitive areas and their buffers, in a form acceptable to the City Attorney, for recording with King County.
90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland
95.35.2. b. (3) (b) i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.
95.35.6 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

***Prior to occupancy:***
95.50 Tree Maintenance The applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.
95.50.3 Maintenance of Preserved Grove The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.
107.90 Maintenance Bonds. The applicant shall establish a two-year maintenance bond to ensure maintenance of the storm water system.
110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

May 22, 2006

RECEIVED
JUN - 5 2006
9:35 AM PM
PLANNING DEPARTMENT
BY TRS

Mr. Ron Hanson
Project Planner
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Dear Mr. Hanson:

Subject: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 dated May 18, 2006.

Cc: Rob Jammerman

These comments are in response to the City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 dated May 18, 2006.

The site plan for this proposed short plat (ref. Attachment 1) indicates full development of 5th Avenue South. We would like to go on record as opposing the opening of 5th Avenue South to vehicular traffic and once again (ref. Attachment 2) ask that the City of Kirkland drop plans to do so.

Everest neighborhood is a unique area within our city. Surrounded by multi-family zoning, Everest is a small haven of single family homes, a child oriented park, and quiet, safe, and child friendly streets. For this reason, numerous families have chosen Everest Neighborhood as a wonderful place to raise children. In fact 7th Street South alone boasts over 30 children under the age of 10!

Our neighborhood owes much of its character to a low volume of traffic and numerous walking trails within and leading up to the park. This is especially true of the walking/bicycling trail along the unopened portion of 5th Avenue South. The path is mowed and maintained by the neighbors to provide a 'secret garden' feel within the city. It is heavily planted with vegetation to attract birds and butterflies and is shaded along its length by beautiful mature trees. Throughout Kirkland this sort of character has been the victim of development. However in this case, we feel that we have an opportunity to welcome new development <u>and</u> still retain our character.

Unfortunately many people, including those driving large commercial trucks, use our neighborhood as a by-pass to and from the freeway. Traffic traveling north on 6th Street South often backs up beyond 5th Avenue South. If 5th Avenue South is opened to 8th Street South, additional impatient commuters headed towards 85th or 405 will use this route as a bypass, entering the neighborhood at both 5th Avenue South and from 9th Avenue South onto 7th Street South. Drivers with the intent to 'cut through' oftentimes drive more quickly and less cautiously; 8th Street South already suffers from bypass

ATTACHMENT 4a
SPL06-00006

traffic and we do not want our quiet, established neighborhood to be further overrun by through traffic.

The City of Kirkland and Everest Neighborhood have worked together successfully in the past to slow down the 'cut through' traffic in the following ways:

- Feb. 7, 1991 the City of Kirkland agreed that opening 5th Avenue South to vehicular traffic was not required as part of the Everest Park development, and that any further action regarding 5th Avenue would be discussed with the neighborhood. (ref. attachment 3)
- City of Kirkland installed speed humps and extra signage to slow down traffic and discourage 'cut through'.

The current proposal which would open 5th Avenue South to vehicular traffic would be in direct opposition to these past efforts. It would:

- Increase 'cut through' traffic throughout the neighborhood,
- Introduce a vehicle intersection between 5th and 8th at a location where the number of children crossing and playing is high.
- Detrimentally affect the character of the neighborhood by eliminating a celebrated nature path.

We understand that the development of the Aubry Short Plat requires access to the West lot (#3) and that the city fire code requires a 16 foot wide access road to the site. We feel this can be achieved with minimal impact to the character of the walking path by placing the 16 foot paved access along the southern border of the subject property. We would like to work with the city to site this access such that the mature maple, conifer and willow trees that provide so much of the character of the path are not lost.

In conclusion we feel that opening 5th Avenue South to vehicular traffic would not only devastate the character of the neighborhood, but would severely compromise the safety of our neighborhood streets. While we understand the zoning requirement for street improvements, opening this street will only route heavy commuter traffic through an existing neighborhood while providing no benefit to the neighborhood itself. Furthermore we feel that we have put forth a viable method of access to all proposed lots without compromising the valued character of our neighborhood and the nature path currently along the unopened portion of 5th Avenue South.

Sincerely,

Beverly Gilbert
504 7th Street South

Jerry Gilbert
504 7th Street South

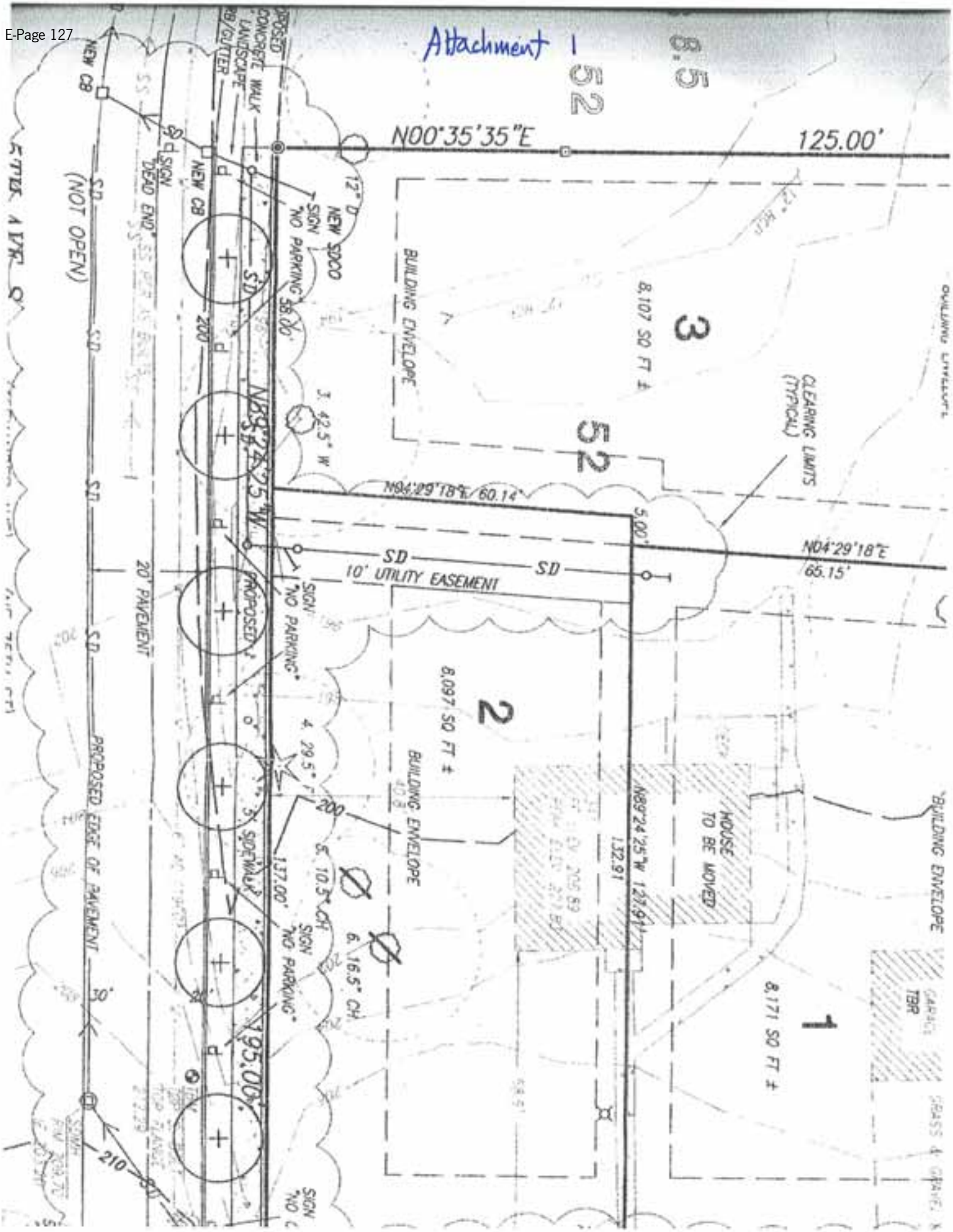
Tom Lynn
501 8th Street South

Karen E Tipp

Karen Tipp
709 7th Street South

Sherri Lynn
501 8th Street South

Attachment 1



Attachment 2

501 Eighth Street South
341 Eighth Street South
Kirkland, WA 98033

June 17, 1990

Subject: Challenge to Findings, Conclusions, and Recommendation of City of Kirkland Hearing Examiner RE File No. III-89-84

Any response to this letter (City File No. III-89-84) must be delivered to the Planning Department within five (5) working days after the letter was filed with the Planning Department, or by _____.

Within the same time period, any person making the response must mail or personally deliver a copy of the response letter to the applicant and all other people who submitted comments on the matter. An affidavit must be attached to the response letter when it is delivered to the Planning Department, to show proof of such mail or personal delivery.

If you wish to submit a response letter, further information about procedural requirements is available from the Kirkland Planning Department at City Hall. The planner assigned to the application is Dorian Collins at 828-1257.

The Everest Neighborhood has some unique features, the most significant of which have been a relatively small size and a location that is somewhat isolated from other single family dwelling neighborhoods. Through the efforts of its residents, there has been some modification of these features giving the neighborhood increased viability. However, the neighborhood remains somewhat fragile in terms of its character, and any significant changes must be studied carefully, lest they have a negative effect on the neighborhood.

When Kirkland's current Land Use Policies Plan was first proposed, and the studies and meetings began in the mid-1970's, the Everest Neighborhood was at a cross roads; it could either decline and the houses could be replaced by multifamily dwellings, or the residents could come together and work to preserve and enhance Everest. This second alternative is in fact what occurred. Efforts went on over many years to ensure that adjacent multifamily dwellings were in appropriate locations and of a proper scale to not overwhelm the neighborhood. The residents worked with developers to ensure that single family dwelling projects on Ninth Avenue South, Sixth Place South, and Eighth Avenue South fit into the overall scale and improved the style of the neighborhood. Except for the multifamily dwelling issue, this was all achieved in a positive, constructive manner; unfortunately, some confrontations occurred regarding this issue. In the end, a solution was reached allowing all parties to proceed in compliance with the Land Use Policies Plan.

When the Park Bonds were presented to the voters last year, many Everest residents saw the planned improvements to Everest Park as a real asset and further strengthening of this unique area. Many residents actively supported the bond issue and attended the planning meetings for the implementation of the improvements. Some concerns were expressed, and the City responded in a positive manner to many of these. However, the issue of increasing traffic on Eighth

Street South has received little in the way of attention from the City; this in spite of efforts to communicate residents' concerns to the City both verbally and in writing over the past year. Further, at no time during the neighborhood meetings was the issue of opening Fifth Avenue South between Seventh Street South and Eighth Street South mentioned. Since our original concerns regarding the worsening traffic problem have not been dealt with, we are amazed the City would consider further complicating the traffic problem by opening Fifth Avenue South to vehicular traffic, thus creating a very difficult and perilous traffic pattern. It is our position that these issues must be addressed with the residents of the neighborhood. In spite of the above mentioned efforts at communicating these issues to the City in both public and private conversations and in writing, no response has been received from the City.

While it can be understood that Eighth Street South is a "Neighborhood Collector," traffic must still proceed at rates and in a manner consistent with the law, safety, and the existence of the neighborhood. The proposed openning of Fifth Avenue South as a "Local Access" street has no basis in logic--this short section "accesses" only two or three lots with no construction on them. The effects of this proposed action will only increase traffic passing through the neighborhood and will in no way improve access by the Everest residents or by other users of Everest Park. For these reasons, we are on record as opposing the opening of Fifth Avenue South to vehicular traffic and ask that the City drop plans in this area. The Everest Neighborhood Residents ask also that the City address the traffic situation and communicate with the Everest Neighborhood to work out plans and ideas for this.

Sincerely,

Thomas Lynn
(501 Eighth Street South)

David Aubry
(341 Eighth Street South)

We, the below signed residents of the Everest Neighborhood, have read the Challenge dated June 17,1990 by Thomas Lynn and David Aubry (File No. III-89-84) and agree with the Challenge.

| NAME | ADDRESS |
| --- | --- |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| Eileen Forster | 817 8th Ave S. Kirkland |
| Sherri Ryan | 501 - 8th St, S. Kirkland |
| Claude [illegible] | 505 - 7 ST S Kirkland |
| [illegible] (JAMES G. FISK) | 108 6th St. So. KIRKLAND. |
| [illegible] | 515 8th St So. Kirkland |
| [illegible] | 675 8th ST South Kirkland |
| [illegible] | 619 8th ST S KIRKLAND |
| [illegible] | 737 - 8th St So. Kirk |
| [illegible] | 910 6th Pl S. Kirkland |
| [illegible] | 822 6th [illegible] |
| [illegible] | [illegible] |
| [illegible] | 818 - 6th Place South Kirkland |
| Mary E. Carlson | 830 6th pl. So. Kirkland |
| [illegible] | 910 6th Pl S. Kirkland |
| [illegible] | 914 6th Pl. So Kirkland |
| [illegible] | 914 6th Pl. S. Kirkland |
| [illegible] | 920 6th Pl. S. Kirkland |

We, the below signed residents of the Everest Neighborhood, have read the Challenge dated June 17,1990 by Thomas Lynn and David Aubry (File No. III-89-84) and agree with the Challenge.

| NAME | ADDRESS |
| --- | --- |
| [illegible] | 928 6TH PL So Kirkland 98033 |
| Alice Kaufman | 13304 NE 47th Bellevue WA. 98005 |
| [illegible] Collins | 927 6th PLA Kirkland 98033 |
| [illegible] Collins | 927 6th Place S. Kirkland 98033 |
| [illegible] | 925 6TH PL S Kirkland 98033 |
| [illegible] Schandl | 921 6th Pl S. Kirkland 98033 |
| RUTH GUENNUP | 905 6th PL S. KIRKLAND 98033 |
| Denise M. Evans | 625 8th St. S. Kirkland 98033 |

We, the below signed residents of the Everest Neighborhood, have read the Challenge dated June 17,1990 by Thomas Lynn and David Aubry (File No. III-89-84) and agree with the Challenge.

| NAME | ADDRESS |
|---|---|
| Bonnie S. Brodd | 798-9th Ave S Kirkland |
| Gary Brodd | " " " " |
| [illegible] | 821 9th Ave S " " |
| Ann Phillips | 785 8th St S. " " |
| Barbara Skidmore | 842 8th Ave So. " " |
| Sandra Engel | 825 8th Ave. S. " " |
| Richard Eriel | 825 8th Ave. So. " " |
| Ann Knaeung | 839 8th Ave So. " " |
| [illegible] | 814 8th St. S. " " |
| Kyle Sheirb | 814 - 8th St. S. " " |

Attachment 3

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (206) 828-1100 • TTY (206) 828-1244

February 7, 1991

SUBJECT: EVEREST PARK IMPROVEMENTS
5TH AVENUE S. OPENING

Last summer, when considering improvements to Everest Park and related off-site road improvements, the City Council determined more neighborhood input was required prior to the opening of 5th Avenue S., between 8th Street S. and 7th Street S. Therefore, the plans to open 5th Avenue were deleted until further neighborhood discussion could take place.

Subsequent to that, the City has undertaken a Transportation Study which will review, among other critical transportation issues, the opening of unopened right of way, connector routes, etc. Interim policies will be reviewed within the next several months by the City Council. It was felt that further discussion with the neighborhood on 5th Avenue S. would have more meaning when such interim policy decisions by the City Council are established. Therefore, further discussion with the neighbors regarding 5th Avenue S. has been delayed until such city-wide policy decisions are determined.

Be assured that before the City takes any action regarding revisions to traffic in your neighborhood, additional meeting(s) will be held to discuss City policy and the impacts of both existing traffic and traffic associated with the park development. If you have any questions concerning this matter, please don't hesitate to contact either myself (828-1236) or City Engineer, Gary Sund (828-1239).

Sincerely,

PUBLIC WORKS DEPARTMENT

Jim A. Arndt, P.E.
Public Works Director

JAA:gp

cc: Terry Ellis, City Manager

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS | | |
|---|---|---|---|
| Jill M. Kenney | 329 8th St. S | Kirkland | 98033 |
| [illegible] | 393 8TH ST S | KIRKLAND | 98033 |
| [illegible] | 511 8TH ST S | KIRKLAND | 98033 |
| Louise Worth | 1855 8th S. | Kirkland | 98033 |
| [illegible] | 743 8th | [illegible] | 98033 |
| [illegible] | 801 9th AVE S | KIRKLAND | 98033 |
| Stacey | 750 8th ST. S. | KIRKLAND | 98033 |
| Lauren Whitlock | 814 8th S. | KIRKLAND | 98033 |
| DAVID BREWER | 814 8th S | KIRKLAND | 98033 |
| Linda Lambert | 825 8th Ave S. | Kirkland | 98033 |
| [illegible] | 825 8th Ave S. | Kirkland | 98033 |
| [illegible] | 845 8th Ave S | Kirk | 98033 |
| [illegible] | 845 8th Ave | Kirkland | 98033 |
| STEVEN LINDSEY | 843 8TH AVE. S | KIRKLAND | 98033 |
| [illegible] | 839 8TH AV S | KIRKLAND | 98033 |
| Craig Phillips | 785 8TH ST. S | KIRKLAND | 98033 |
| Pam Ply | 785 8th St S. | Kirkland | 98033 |
| [illegible] | 11707 NE 98th St | Kirkland | 98033 |
| [illegible] | 12014 NE 67th ST | Kirkland | 98033 |
| Peter Knox | 13019 NE 61 Pl | " | " |
| Tim Parker | 10516 NE 125 PL | " | 98034 |
| Sharon [illegible] | 12911 NE 109th Pl | | 98033 |
| [illegible] | 12841 NE 113th AVE | KIRKLAND | 98033 |
| DALE DERING | 15504 N. STONE | Shoreline, Wa. | 98133 |
| DAVID BEAR | 15504 Stone ave N. | Shoreline Wa. | 98133 |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS |
|---|---|
| [illegible] | |
| Ken Newman | 715 7th St. South, Kirkland WA 98033 |
| [illegible] | 784 7th St. S. Kirkland, WA 98033 |
| Anne Ryan | 612 7th St. S. Kirkland WA 98033 |
| [illegible] | 714 7th St S " " " |
| [illegible] | 745 7th St. S " " " |
| Dave Green | 693 7th St S " " " |
| Ann Molitor | 784 7th St S. " " " |
| [illegible] | |
| Nabila Lacey | 750 8th St S. " " " |
| Paul DeVries | 798 7th St. S. " " " |
| [illegible] | 612 7th St. S " " " |
| Lori Newman | 715 7th St. S. Kirkland WA 98033 |
| Darcy Fox | 810 7th St S Kirkland WA 98033 |
| Rhonda Marshall | 745 7th St S " " " |
| [illegible] | 810 7th St. S. " " " |
| [illegible] | 701 7th St. S. Kirkland WA 98033 |
| [illegible] | 701 7th St S. Kirkland, WA 98033 |
| [illegible] | 798 7th St S Kirkland WA 98033 |
| [illegible] | 714 7th St Kirkland, WA 98033 |
| Deborah Schneider | 809 7th St S Kirkland 98033 |
| Brian Lurie | 809 7th St S Kirkland 98033 |
| [illegible] | 523 7th St. S Kirkland 98033 |
| [illegible] | 523 7th St. S Kirkland 98033 |
| Sherri Tipp | 709 St S Kirkland 98033 |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS | |
|---|---|---|
| Yi Sun | 812 6th Pl S | |
| Jean Chen | 812 6th Pl S | |
| Jay Nelson | 818 6th Pl S | |
| Jen Nelson | 818 6th Pl S | |
| Virgil Carlson | 830 6th Pl. S. | V. Carlson |
| Mary E. Carlson | 830 6th Pl. S. | Mary E. Carlson |
| Karen Muller | 904 6th Pl S | Karen Muller |
| Valerie Cable | 920 6th Pl S | |
| Bruce Cable | 920 6th Pl S. | |
| Sarah Prodzinski | 924 6th Pl. S. | Sarah Prodzinski |
| TODD PRODZINSKI | 924 6th Pl S. | Todd Prodzinski |
| Dug Chang | 806 6th Pl S | Dug Chang |
| Bill Fogerman | 926 6th Pl S. | Bill Fogerman |
| James M. Bryden | 822 6th Pl S. | James M. Bryden |
| Christopher Muller | 904 6th Pl. S | |
| Michael Scott | 910 6th Pl S. | |
| Dianne Leewens | 914 6th Pl. S. | D. Leewens |
| Ed Haines | 928 6th Pl S | |
| Heather Irwin | 928 6th Pl S | Heather Irwin |
| Steve Weinberg | 932 6th Pl S | |
| Bob & Sue Collitton | 927 6th Place S. | |
| Jay Hozdy | 925 6th Pl S | |
| James K Riley | 921 6th Pl S | James K Riley |
| Dawn Riley | " | Dawn Riley |

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| NAME | ADDRESS |
|---|---|
| Elle McLear | 798 8th St S Kirk WA 98033 |
| Christel Millay | 716 7th St. S Kirkland |
| [illegible] | 716 7th St. S |
| Carol A Parker | 803 7th St So Kirkland |
| [illegible] | 507 8th St. S. Kirkland |
| [illegible] | 629 5th Ave S Kirkland |
| [illegible] | 621 7th St S Kirkland |
| [illegible] | 621 7th St. S Kirkland |
| [illegible] | 420 10th ST. So. KIRKLAND |
| Christina Cartis | 116 10th ST S. Kirkland Wa |
| [illegible] | 106 10th ST S Kirkland WA |
| [illegible] | 104 10th ST S, Kirkland |
| Rick Massei | 110-10th ST S KIRKLAND, Wa |
| Lenda Marriott | " " " " " " |
| Elizabeth Jones | 15 10th Place S Kirkland WA |
| Ruth Williams | 21 10th Place S. Kirkland WA |
| [illegible] | 29 10th Pl S. Kirkland WA |
| Jennie Miller | 31 10th Pl S Kirkland Wa |
| Molly Mullarky | 14 10th Pl. S. Kirkland Wa |
| Patrick Mullarky | 14 10th Pl. S. Kirkland, WA |
| [illegible] | 12a Kirkland Ave. Kirkland, WA |
| Lisa Rudolph | 11 Slater St. Kirkland |
| Wendy Doane | 327 8th St South Kirkland, WA |
| [illegible] | 327 8th St. South Kirkland, WA |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS |
|---|---|
| Emi Khosraw | 821 - 7th St. S, Kirkland WA 98033 |
| Brian Boddy | 825 7th St South, Kirkland WA 98033 |
| Darcy Boddy | 825 7th St South, Kirkland WA 98033 |
| Britt Domer | 622 9th Ave S, Kirkland, WA 98033 |
| Jake Domer | 622 9th Ave S, Kirkland, WA 98033 |
| Eric J. Dix | 801 7th Street South, Kirkland, WA 98033 |
| Jessica Rodriguez | 749 7th St S Kirkland, WA 98033 |
| Carlinson Strong | 749 7th S Kirkland WA 98033 |
| Helen Green | 693 7th St. South, Kirkland WA 98033 |
| Chormaine Homarkhah | 691-7th St S, Kirkland, WA 98033 |
| Ryan Hagstrom | 691-7th St S Kirkland, WA 98033 |
| Robert A Moore | 527 7th St. So. Kirkland 98033 |
| Mary Kay Moore | 527-7th St S, Kirkland 98033 |
| Erin Loughlin | 629 5th Ave S, Kirkland 98033 |
| Susan Leonhardt | 517-7th St S Kirkland 98033 |
| Mike Leonhardt | 517-7th St S Kirkland 98033 |
| DEBORAH PETERSON | 520-7th St. South Kirkland 98033 |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS | | |
|---|---|---|---|
| Kim Ouwehand | PO Box 1333 | Bellevue, WA | 98009 |
| [illegible] | PO Box 1333 | Bellevue WA | 98009 |
| [illegible] | 425 Slater St So | Kirkland | 98033 |
| [illegible] | MARK GAGGIANO 425 Slater St | Kirkland | 98033 |
| [illegible] | 424 10th St. South | | 98033 |
| [illegible] | 424 10th St. South | | 98033 |
| [illegible] | 427 Slater Street South | | 98033 |
| KAREN Meyers | 430 10th St. South | | 98033 |
| [illegible] | ~~424~~ 430 10th St S. | | 98033 |
| JACKIE FORBES | 424 10th St. S | | 98033 |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS |
|---|---|
| Jason Fahey | 320 10TH ST 98033 |
| James M. Bryden | 822 8th Pl. So. |
| John & Lisa Rudolph | 11 Slater St, Kirk, wa 98033 |
| Cheryl Gorell | 8009 4th Ave South |
| [illegible] | 814 9th Ave S. Kirkland 98033 |
| Meg Bryden | 798 9th ave S. 98033 |
| Annemieke Hageman | 1545 Kirkland Ave, 98033 |
| [illegible] | 700 5th Ave. So. Kirkland 98033 |

Another Page

| NAME | ADDRESS | SIGNATURE |
|---|---|---|
| Terry Casey | 816 7th ST S. | Terry J. Casey |
| Karen Casey | 816 7th ST S | Karen Casey |
| David Lavaffield | 710 7TH S | Kirkland |

We, the below signed residents of Everest Neighborhood, have read the: Comments to City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 written by Beverly and Jerry Gilbert, Thomas and Sherri Lynn and Karen Tipp on May 22, 2006 and agree with the Comments.

| NAME | ADDRESS | |
|---|---|---|
| Khosrow Yohan | 821 7th St. S | |
| Emalie Hines | 120 10th Street S | |

**From:** jewelry@gilbertdesigns.net

**To:** RJammerman@ci.kirkland.wa.us, rjammer@ci.kirkland.wa.us, dboddy@staffordfrey.com, lzeman@comcast.net, brian@kornfeldlaw.com, ronwhanson@comcast.net, Tom.Zeman@Tectura.com, julie_c_barker@hotmail.com, Karen@n-forge.com, jwgilber54@earthlink.net, jewelry@gilbertdesigns.net, john@kirklandbuildersgroup.com
**Subject:** 5th Avenue development

**Date:** Tue, 23 May 2006 16:58:40 +0000

Hi,
This e-mail is going out to all of you who are on Laura's distribution list as being interested in the 5th Avenue issue.

I live immediately adjacent to the unopened portion of 5th Street South and, like most of you, am concerned about the possible development of the street. Here is a little background on the issue and a heads up about what we are doing.

As you may be aware, there is a lot of history between the City of Kirkland and Everest Neighborhood regarding opening this street to vehicular traffic. Dave Aubry has extensive files on the past history and I have made copies of some of the pertinent information. In a nut shell there is a history of the neighborhood coming together to oppose development of the street and we have a letter from the city (1990) stating that development of the street is not necessary for access to Everest Park or for the neighborhood and that any future plans to develop the street will be discussed in detail with the neighborhood.

Since the Aubry's are in the process of short platting their property (the North Eastern border of the unopened street), they have kept me abreast of details of the process. They warned me that the City included development of the north half of 5th Avenue along their property with requirements to make street improvements to 8th along their property. This requirement is not unusual - the city is requiring all developers to make these improvements at the time of development (after a city-wide sidewalk fiasco a couple of years ago). This is a generic requirement and Dave felt that the planning department was open to discussion on the issue. Dave advised me to hold off comments until the short plat application was formallized. This occurred on May 18 and was given a File No. SPL06-00007. The public is now invited to comment on the short plat application by June 5.

In direct response to the short plat application, I have composed a letter opposing the development of the street and anticipate obtaining signatures from the neighborhood. In the letter, I hope to have addressed our concerns with opening the street, our desire as a neighborhood to retain the character of a natural walking path (as celebrated on the city website) and a solution to access of the Aubry's western-most lot.

As an aside, I know that the city will go through the same process with the developer of the newly sold 700 5th Ave. property. We would like to work with the city and the developers of all of the properties to make sure that the access roads are consistent with the neighborhood character.

I will bring the letter to the neighborhood meeting tonight, discuss the issue and try to obtain as many signatures as possible (to minimize our door to door effort). Karen Tipp helped distribute a flyer alerting the general neighborhood to the issue in the attempt to drum up attendance tonight and to pave the way for signature gathering in the next few days. She has volunteered to gather signatures with me and I would love to have more help if any of you are interested! Unfortunately, because the short plat application was formallized



ATTACHMENT 4b
SP-L06-00006

after the neighborhood agenda was set, we are not on the meeting agenda, so the discussion may need to occur at the end of the meeting.

This letter coming from the neighborhood should send a very strong message to the city, however numerous individual letters would very much strengthen the argument.

Please e-mail or call if you have any questions, comments etc. I hope to see you tonight!

Beverly Gilbert
504 7th Street South
889-8479

[ Back ]

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Dear Mr. Hanson,

This letter pertains to two issues I have at the current time. My name is Douglas D. Thompson and I live at 507 8th St. S., Kirkland. My phone number is 425-827-3320 and my email address is dougt20@juno.com. The first issue involves the File# SPL06-00010. My property is adjacent to this on the north side. My question is: Has the applicant discussed or has written out how he will deal with the border between our properties? I am concerned with a possible adverse impact on the rockery and fence line that now exists there.

The second issue pertains to the proposed opening of the right of way which is 5th St. S. This is addressed in the Short Plat # SPL06-00007. I am totally opposed to putting a road in. I have signed the petition that was given to you but I also wanted you to hear it from me. I won't go into all of my reasons other than the city has blocked opening it twice before and we as a community are better off for it.

Thanks for your time.

Sincerely,

Douglas D. Thompson

RECEIVED
JUL - 7 2006
AM 1:45 PM
PLANNING DEPARTMENT
BY

ATTACHMENT 4C
SP06 00006

**From:** "Lisa" <bailineusa@comcast.net>

**To:** <ronwhanson@comcast.net>, <rjammer@ci.kirkland.wa.us>

**Cc:** <jewelry@gilbertdesigns.net>

**Subject:** File #SPL06-00007

**Date:** Mon, 5 Jun 2006 23:23:29 +0000

Mr. Hanson and Mr. Jammerman.

Comments to City of Kirkalnd Notice of Application - Aubry Short Plat File #SPL06-00007 dated 2006

I am absolutely opposed to the development of 5th Avenue South to vehicular traffic, and would like the City of Kirkland to drop plans to do so.

I am certain if the many parents who bring their children to Everest Park for various ballgames had the opportunity to give their input they would absolutely oppose such action. They do not have this opportunity, but are greatly impacted by what would be a much less safe park for their children.

We finally got speed bumps which has been a great help. We used to see cars speeding at over 50 mph down our street. Many animals killed, and I am certain close calls for kids. This increase in car traffic as another "short cut" would also take away a beautiful walking path that our kids on 7th use to get to the park.

Please do not follow through with these plans.

Lisa Cox
535 8th Street South
Everest Neighborhood

[ Back ]

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ATTACHMENT 4d
SPL06-0006

**From:** "Julie Livas" <JulieL@artesiamortgage.com>

**To:** <ronwhanson@comcast.net>

**Cc:** <rjammer@ci.kirkland.wa.us>

**Subject:** Comments to City of Kirkland Notice of Application - Aubry short Plat File #SPL06-00007 dated May 18, 2006
**Date:** Mon, 5 Jun 2006 18:13:10 +0000

Julie Livas

842 8th Ave. S.

Kirkland, WA 98033

425-822-7624

June 5, 2006

Mr. Ron Hanson

Project Planner

City of Kirkland

123 5th Avenue

Kirkland, WA 98033

Dear Mr. Hanson:

Subject: Comments to City of Kirkland Notice of Application – Aubry short Plat File #SPL06-00007 dated May 18, 2006

Cc: Rob Jammerman

These comments are in response to the City of Kirkland Notice of Application – Aubry Short Plat File #SPL06-00007 dated May 18, 2006.

The site plan for this proposed short plan indicated full development of 5th Avenue South. I would like to go on record as supporting the opening of 5th Ave. S. to vehicular traffic. I understand a number of my neighbors in the Everest neighborhood are opposing the opening of this section of 5th Ave. S., and I would like to comment on some of their positions.

My main concern is that by not opening the street, the City would be taking value from private property, denying certain property owners the right to normal street access that other neighbors enjoy, and overriding the current zoning requirements for street improvements. This is a serious matter, and should only be done after very careful consideration. I would also like to say at this point that I don't know any of the parties involved in the Aubry short plat, and have no personal interest in the property.



ATTACHMENT 4e
SPL06-00006

The opposing neighbors suggest replacing a standard street plan for 5th Ave. S. with a 16 foot wide access strip to new lots. This would leave property owners with no on-street guest parking. Most likely the home owners would have to pave their own property to provide guest parking, as alternative street parking would be very far away. I also guess that Waste Management trucks would not be able to negotiate the 16 foot access strip, requiring home owners to push 2-3 containers as far as 100 feet to a main road every week in order to have their trash collected. This would be difficult at best during the dark, rainy winter months. In effect, the City would be denying these homeowners access to basic conveniences that the opposition group currently enjoys. I feel this would result in the devaluation and possible taking of private property

The opposition neighbors cite increased commuter traffic through their neighborhood as a reason for not opening the street. I agree that 5th Ave. S. may attract some traffic, but I feel that most of the drivers would be other residents of the Everest neighborhood who live to the east of 7th St. S. There are currently only two outlets to 6th Street S. for the neighborhood: 9th Ave. S at the south end, and the dangerous intersection of Railroad Street and Kirkland Ave. at the north end. By opening 5th Ave. South, neighborhood traffic would be more evenly distributed throughout the neighborhood and relieve the traffic burden that is now borne by the homeowners at the north and south ends. In addition, 9th Ave. S. opens directly across 6th St. S. from the old Sauder property that is now being redeveloped. New commuters would be just as likely to use 9th Ave. S. as 5th Ave. S. as a short cut to the freeway, thereby putting an even heavier traffic burden on the residents of 9th Ave. S.

But most importantly, I think that taking private property to mitigate traffic should only be used as a last resort after other efforts have failed. There are a number of other steps the City could take to discourage commuter traffic. For example, the new section of 5th Ave. S. could be built with speed bumps, a 15 mph speed limit, and a 3-way stop at the intersection of 5th Ave. S. and 8th St. S. near Everest Park. It is my understanding that the speed bumps on 8th St. S. have greatly reduced truck traffic in the last few years. If the new section of 5th Ave. S. was built as the same size as the current section, with speed bumps and a 15mph speed limit, I doubt it would attract many large commercial trucks.

Finally, I would like to comment on the "celebrated nature trail" cited by the opposition neighbors as a reason to not open 5th Ave. S. I assume this trail was originally cut by the residents of 7th St. S. to provide a quick route from their street to Everest Park This makes sense, and if I lived on 7th St. S., I would have done the same. Over the years, a few "gardening" types of people have made this cut-through trail much nicer that a typical one. However, I question their argument that the trail is of such importance that it should trump zoning requirements and private property rights. The trail will only exist in its current form if the neighbors continue to maintain it. But no one has a crystal ball to predict the future. If the residents who maintain the trail should move away, the trail would become overgrown and gone within a year. For that reason, I believe that if the City of Kirkland deems the trail to be of such importance that is should be the basis for taking private property and overriding zoning requirements, then the City should add the trail to its parks and trail system and maintain it for the future. As a side comment, I occasionally use the trail when I am walking downtown from my home on 8th Ave. S. It is very often wet and muddy. I personally would prefer a nice, dry sidewalk.

I have lived at my current address since December, 1992, and have seen many changes to the Everest neighborhood, including the almost total rebuilding of 7th St. S. with million dollar homes. I don't believe that the addition of a couple more

nice homes with a small street and sidewalk would devastate the character of the adjacent neighborhood. To the contrary, it would be consistent with the current trend of the neighborhood, and 7th Street S. in particular.

Thank you for your consideration of my comments, and please do not hesitate to contact me if you have any questions.

Sincerely,

Julie Livas

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

# MEMORANDUM

**To:** Ron Hanson, Planner

**From:** Rob Jammerman, Development Engineering Manager

**Date:** March 5, 2007

**Subject:** Aubry 3-lot Short Plat – 5th Avenue South Street Connection

The City is currently processing a proposed three lot Short Plat known as the Aubry Short Plat located at 341 8th Street South, File No. SPL06-00007. Chapter 110 of the Kirkland Zoning Code requires all development permits to install street improvements (curbs, sidewalks, storm drainage, and paving) along the respective street frontage of the subject property. In this case, the Aubry Short Plat is required to install street improvements along 8th Street South and 5th Avenue South. 5th Avenue South is an unimproved street right-of-way (ROW) along the south side of the Aubry Short Plat. If this street is improved, another new single-family home under construction to the west of the Aubry Short Plat will also be required to install street improvements and 5th Avenue South will be open for vehicular use between 7th Street South and 8th Street South. Property owners within the neighborhood have raised concern about opening 5th Avenue South for vehicular use; many letters opposing the opening of the street in conjunction with the Aubry Short Plat were received by the City. One letter supporting the opening of the street was also received. To help understand the reasoning for recommending that the street be opened, we would like to offer the following:

1. ***This area of the Everest Neighborhood lacks very few east/west street connections.*** After reviewing the attached map, you will find that there are only two east/west street connections in this area. On the north end is Kirkland Way and on the South end is 9th Avenue South. These east/west street connections are over a half-mile apart and any traffic traveling attempting to travel in an east/west direction is limited to one of these two streets. The primary beneficiary of opening 5th Avenue South would be those property owners who live on 9th Avenue South or on the south end of 8th Street South due to a potential reduction of vehicular travel along their portion of the street.

2. ***In general, how does staff review development, singularly and collectively, for the purpose of road connectivity?*** The Comprehensive Plan and Subdivision Ordinance promote a "grid" pattern which is described as an interconnected neighborhood street network allowing for a connected neighborhood with multiple accesses for the public and emergency vehicles. These regulations allow the City to require the installation of street improvements that provide for orderly development of the grid pattern transportation system.

   The Comprehensive Plan policies describe when and why the grid pattern was adopted:



ATTACHMENT 5
SPL06-00006

- Policy T-4.3 describes that cul-de-sacs should serve isolated pockets of new development where no other choice is available. The benefits of interconnected neighborhood street networks are many and have been discussed at length. Cul-de-sacs can result in uneven traffic distribution, benefit to some at the expense of others, and greater emergency response time, as well as interruption of traffic flow, including pedestrian and bicycle flow. Utilities are also easier to locate and maintain in street settings, rather than in 'backyard' easements.

- Policy T-4.5 states that interconnected street networks aid emergency vehicles in faster response times.

- Subdivision Ordinance Section 22.28.060 states that "The plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this chapter."

3. ***How does the City determine the density of the street grid in a particular neighborhood?*** The layout of a street grid is influenced by several factors. Generally, 300 to 600-foot block spacing is used as the starting point for the grid layout. Then, other determining factors such as land development potential, topography, streams and wetlands, and other physical constraints shape the layout of the grid. In this particular neighborhood, a standard grid pattern will never be established, but opening of 5th Avenue South will establish at least one additional piece of the needed grid.

4. ***What are the pros and cons of street connections, and how can the cons be mitigated?***
**Pros:**
   - ***Better emergency vehicle access.*** The Fire and Police Departments prefer to have multiple routes to reach an emergency.
   - ***Better distribution of traffic.*** As discussed above, good block spacing more evenly distributes traffic.
   - ***Better pedestrian and bicycle routes.*** Street connections provide multiple routes for pedestrians and bicyclists.
   - ***Better service for utilities.*** Water, sewer, and storm drainage utilities are better served and easier to maintain within open and improved rights-of-way.

**Cons:**
   - ***By-pass traffic.*** Some street connections can encourage by-pass traffic. To mitigate this, street design has proven to be the key factor. Design elements like narrow street widths and speed humps reduce speed and make the street connection less desirable to use as a by-pass route.

- ***Dead-end streets provide a sense of community***. People who live on dead-end streets (usually a cul-de-sac) say that they like the sense of community that their street has. Conversely, people who live on through streets often say the same thing. This said, it seems that the sense of community promoted by a street (dead-end or through) increases when it has the following elements:

  ✓ Slow-moving traffic.
  ✓ Traffic which is generated by the particular neighborhood. In other words, minimal by-pass traffic.
  ✓ Safe pedestrian walkways; sidewalks for people to interact with each other.

5. ***It appears that the City considered the improvement and opening of 5th Avenue South in 1991, but chose not to. What has changed since then to cause this issue to be reconsidered?*** In 1991, the City considered the opening of the 5th Avenue South right-of-way in conjunction with the proposed Everest Park improvements. Although this would have been an off-site improvement in relation to the park property, the opening of the street was recommended because it would provide an alternative route to and from the park. Primarily due to neighborhood opposition, it was decided by the existing City Council to not improve and open the street at that time. Since 1991, there has not been any development activity in the neighborhood that caused the opening of the street to be re-examined until the Aubry Short Plat was submitted. Because there had been no resolution or ordinance adopted to permanently close the 5th Avenue South right-of-way, staff analysis of the existing codes and policies led us to recommend the street improvement and opening with the understanding that some neighbors may appeal this recommendation to the City Council. If the street connection is appealed and the current City Council decides that the street should not be opened for vehicular use, Staff would like to emphasize the need for an improved pedestrian and bicycle path, which the neighborhood has not been opposed to.

Attachment

cc: Daryl Grigsby, Public Works Director.

5th Ave. So. Area Map

CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033 425.587.3225
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# *****Notice to Our Customers*****

# New Tree Regulations – Short Plats & Subdivisions

**Effective January 1, 2006**

## Purpose of the new tree regulations

Trees and other vegetation are important elements of the physical environment which protect public health, safety and general welfare in a variety of ways. These regulations establish a process and standards to provide for the protection, preservation, replacement, proper maintenance and use of significant trees, associated vegetation and woodlands located in the City of Kirkland. **For Short Plats and Subdivisions, the regulations require retention of viable trees within the required setbacks and in potential preserved groves. The site is required to meet a minimum density of tree coverage on the subject property following construction of the project. These requirements are discussed in Section 95.35.2.B.3 of the Kirkland Zoning Code (KZC) and are summarized below.**

## Helpful definitions to complete the tree plans described below:

1. **Significant Tree**: A tree that is at least 6" in diameter at breast height (DBH) (The diameter or thickness of a tree trunk measured at 4.5 feet from the ground).
2. **Dripline**: The distance from the tree trunk that is equal to the furthest extent of the tree's crown.
3. **Impact**: A condition or activity that affects a part of a tree, including the trunk, branches, and critical root zone.
4. **Qualified Professional**: An individual that possesses and demonstrates the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during development; must at a minimum be certified by the International Society of Arboriculture (ISA).
5. A **Type 1 Tree** is a viable tree that meets at least one of the following criteria:
   i. Landmark tree (pre-designated);
   ii. Specimen tree (very good to excellent condition and free of major defects);
   iii. Tree groves and associated vegetation to be set aside as preserved groves;
   iv. Trees on slopes of at least 10%; or
   v. Trees that are a part of a grove that extends into adjacent property.

## Permit Submittal Requirements – Short Plats and Subdivisions

***The following information is required for all permits in order for the application to be deemed complete. Incomplete applications will not be accepted.***

**Tree Plan III** shall be submitted with short plat and preliminary subdivision permit applications and subsequent Land Surface Modification permit applications. *The approved Tree Plan III will later be used to comply with the Tree Plan I requirement for the single-family building permit application of each lot.*

A. The following information must be incorporated on the site plan:
   1. Surveyed location of all significant trees;
   2. A tree inventory prepared by a qualified professional including a numbering system of existing significant trees (with corresponding tags on trees), measured driplines, size (DBH), species and tree status (removed or retained) based on health, risk of failure and suitability of species (see criteria in KZC 95.35.2.C) for all significant trees; and
   3. Approximate trunk location and dripline of significant trees that are on adjacent property with driplines extending over the subject property line.

B. Tree Plan III shall include a report from a qualified professional detailing:
   1. An indication and discussion, for each tree, of whether it is proposed to be retained [illegible] of failure and suitability of species;

ATTACHMENT 6
SP06-0006

2. Limits of disturbance aro[illegible]ble trees; and
3. Special instruction for work within the critical root zone of viable trees;
4. Location and type of protection measures for viable trees.

C. Utilizing the information from the tree survey, inventory and report, the applicant must submit a site plan showing:
1. The proposed development activity – including location of lot lines, easements and roads
2. Location and limits of disturbance of viable trees to be retained according to the tree inventory, report, and City's determination of tree types
3. Trees being removed for proposed development or trees being removed that are not viable
4. Tree density calculations of retained trees compared to the minimum tree density for the site; The required minimum tree density is 30 tree credits per acre. Use the following formula to determine the required tree density:
**(Project size in square feet*/43,560) X 30 = Required minimum tree density**
   * excluding existing public right-of-way, areas to be dedicated as public right-of-way and access easements or tracts not counted in lot area

For example, the minimum tree density for a 15,000 square foot parcel is 10 tree credits and for 30,000 square feet, it is 21 tree credits.

Use the following chart to calculate the tree density for existing trees that are going to be retained.

| Tree Density for Existing Significant Trees (Credits per minimum diameter - DBH) | | | | | |
|---|---|---|---|---|---|
| DBH | Tree Credits | DBH | Tree Credits | DBH | Tree Credits |
| 3–5" | 0.5 | | | | |
| 6-10" | 1 | 24" | 8 | 38" | 15 |
| 12" | 2 | 26" | 9 | 40" | 16 |
| 14" | 3 | 28" | 10 | 42" | 17 |
| 16" | 4 | 30" | 11 | 44" | 18 |
| 18" | 5 | 32" | 12 | 46" | 19 |
| 20" | 6 | 34" | 13 | 48" | 20 |
| 22" | 7 | 36" | 14 | 50" | 21 |

5. If the calculated tree density is below the minimum, indicate the type, size and location of the supplemental trees needed to meet the density requirement. Supplemental trees must be at least 6 feet tall if they are conifers or 2-inch caliper if they are deciduous or broad-leaf evergreens. They are worth one tree credit each. Larger supplemental trees may be awarded additional credits.

D. Additional Requirements:
1. The applicant shall pursue applicable variations to development as outlined in KZC 95.35.4.A.2 and 3 for the retention of Type 1 trees in required yards.
2. Prior to permit approval, the applicant shall provide a final plan showing tree density calculations, retained trees, trees to be removed, and any required supplemental trees to meet the minimum tree density. The plan must describe the details of site preparation, the installation of new trees, and the maintenance measures necessary for the long-term survival and health of all trees on site pursuant to KZC 95.45 and KZC 95.50.
3. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans, and protections measures must be in accordance with KZC 95.35.6.
4. Prior to plat recording, the applicant shall submit a five year preservation and maintenance agreement pursuant to KZC 95.50.

**Note: This is an overview of tree requirements, for more details and information visit our website at http://www.ci.kirkland.wa.us/depart/planning/trees.htm or request a copy of Ordinance 4010.**

# Arborists Site Evaluation

Aubry Residence
341 8th Street South
Kirkland, WA.

April 2006 – Revised June 2006

Northwest Woodlands
Urban Forestry Consultants, Inc.

CERTIFIED ISA ARBORIST

ATTACHMENT 7
SP-06-00006

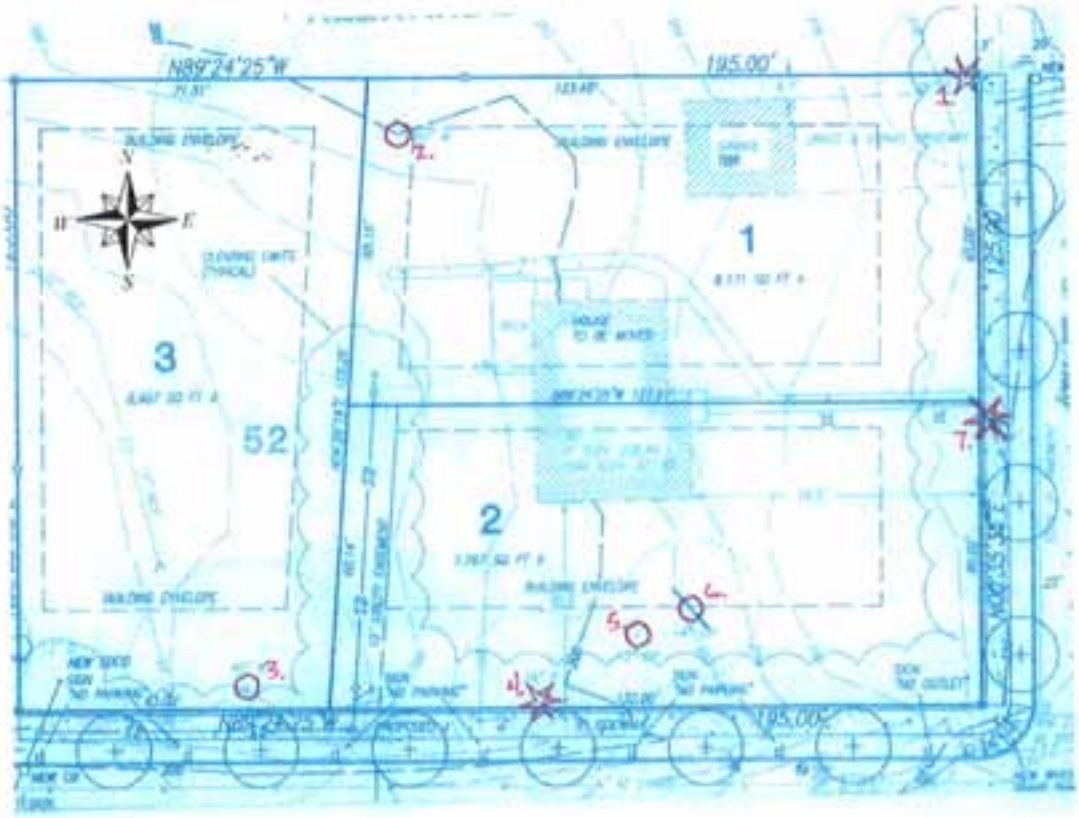
## Objectives

On 4/9/06, NorthWest Woodlands was contracted by Anna Aubry to conduct an Arborists site evaluation at 341 8th St. S. in preparation for site development. This report is to be submitted to the City of Kirkland Planning Department for review and will serve as the 'Tree Plan III' under the City's new tree regulations effective January 1st, 2006.

This report will identify the size, species and viability of each tree as well as a brief discussion of each tree. Visual above ground structural deficiencies and obvious signs of disease will also be evaluated as needed. Tree identification corresponds with the location of the trees on the attached site maps.

Please be aware that the arborist has used best available knowledge in determining the species and health of the tree covered within this report. Outward visual deficiencies and growth patterns suggest the nature of the tree. It is possible that some trees may contain conditions not apparent to arborist. Root defects, internal stress cracks and other deficiencies may exist within trees but not be visible at the time of the evaluation.

## Site Map:



## Findings:

All trees to be retained during construction should be surrounded by tree protection fencing extending to at least the edge of the dripline; further if space is available, a tree protection fencing detail is attached to the end of this document. Should work need to occur within the tree protection fencing, the fencing can be temporarily removed and re-installed upon completion of the work each day. Hand work only should be allowed within the tree protection zone, no heavy machinery or mechanized machinery should be allowed within this zone. Please keep all debris and construction equipment outside of the protection zone. If work is done nearby the trees during dry months, the base of the tree should have mulch installed within the tree protection zone to a depth of 2 inches. Weekly deep root watering within this area is critical to ensure that the roots do not suffer from dry conditions; the amount of water will depend on the size of the tree and the proximity of the construction activities.

Tree #1: 28" Douglas Fir/18' Average Dripline (radius) – With good color and vigor throughout the canopy, this tree appears to be in overall good health. A co-dominant stem exists at approximately 40' but does not appear to be a threat at this time. The smaller of the 2 co-dominant stems should be removed at some point within the next few years to aid in the natural development of this tree into the future. The location of this tree places it adjacent to overhead power lines along NE 8th St to the east; this results in continued side trimming of the tree with good response from the tree at that location.

Designated on the site plan as a tree to be retained, concerns arise with the installation of the new sidewalk on the east side of this tree. The area around this tree should be excavated only by hand to the minimum depth necessary to install the sidewalk. Alternative methods for exposing the roots around this area include the use of an Airspade™ or the use of water to wash away the soil. Roots larger than one inch in diameter should be cut clean and covered with soil as soon as possible. During dry, summer months, weekly watering should be applied to the area where root excavation has occurred to maintain the health of the root system into the future. If large roots, over 4 inches in diameter, are to be cut for the sidewalk installation, please contact your arborist before they are cut to ensure the structural stability of this tree. This fir should be monitored annually for the first three years to ensure that damage to the root system does not put the tree into a state of decline.

Tree #2: 41" Big Leaf Maple/24'Average Dripline (radius) – Currently in good condition with no major defects, this Maple is in surprisingly good condition for its size, species and age. As this species of tree ages, it is prone to rot within the trunk, especially at or near branch unions, and may experience branch or large limb failure due to excessive end weight of the limb. To aid in the future safety risk of this tree and to maintain the current health for as long as possible, pruning of all dead wood is recommended as well as pruning to reduce the end weight of some of the larger limbs to reduce the limb failure potential.

The root system of this large tree appears to be widespread and likely shallow. To avoid any damage to this tree during construction, tree protection fencing should be installed along the perimeter of the dripline at a minimum. If space allows, the tree protection fencing should be installed as far from the tree as feasible. No construction activities including storage of materials should be allowed within the tree protection zone. Exposure of nearby soils outside of the tree protection zone may cause drying of the soils and the roots within the perimeter of the dripline. If nearby construction is to occur during hot periods, a thin layer of mulch approximately 2" thick should be applied within the tree protection zone to aid in moisture retention. Watering may be necessary should the soils within the tree protection zone begin to dry out. The soils should be sampled weekly during dry periods to ensure that the moisture levels are not too dry; this can be done by digging a small hole 1-1 ½ feet deep and either using a soil probe or check for moisture by compacting a handful of soil. If the compacted soil stays intact, the moisture levels are most likely adequate, if it easily fall apart, watering is necessary.

If construction is required within the tree protection zone, the work should only be done by hand and all exposed roots within this area should be covered at the end of each day with mulch and/or soil and water should be applied to thoroughly soak all the roots within the exposed area and the area immediately surrounding the exposed roots.

Tree #3: 42.5" Weeping Willow/20' Average Dripline (radius) – Currently in fair to good condition, this tree would benefit from pruning to reduce the end weight of larger limbs and to remove any dead wood within the canopy. Two pockets of rot were observed within the lower trunk and another may exist in the crotch of the upper canopy which was not visible from the ground. The rot pockets appear to have compartmentalized adequately but these should be monitored to ensure that the rot is not spreading; signs of bleeding, fungal growth and cracking may indicate problems within these areas. Similar to Tree #1, concerns arise with the installation of a sidewalk on the southern side of this tree. This area should be excavated only by hand and the roots cut clean, covered and watered as needed. From the site plan, it appears that the sidewalk will be approximately 5 feet from the trunk of this tree. This should provide adequate space for installation if care is taken during construction activities. Please follow the guidelines laid out under Tree #1 for excavation within this area.

Tree #4: 29.5" Douglas Fir/16' Average Dripline (radius) – Currently with good color and vigor, this tree is in fair to good condition with minor structural deficiencies in the form of a co-dominant stem approximately 60' from the base. The co-dominant stem should be monitored into the future to ensure cracking does not develop at this location. Thinning of the upper canopy will aid in reducing the amount of force exerted by wind loads during storm events which will aid in reducing the potential for failure of the co-dominant stems. Thinning of this style should target every third or fourth limb

throughout the tree with special attention paid to large, overweighed limbs. This pruning should occur in the late fall or early winter when water is plentiful for the tree to reduce stress; no more than 1/3rd of the foliage should be removed at any given time.
Again, sidewalk installation concerns arise with this tree, the discussion under Tree #1 should be followed when working around the base of this tree. If greater than 1/3rd of the root system surrounding this tree is to be removed due to the installation of the sidewalk, the tree may need to be removed.

Tree #5: 10.5" Lambert Cherry/6-8' Average Dripline (radius) – This tree is in very poor condition with heavy rot in the main stem. The viability of this tree into the future is short lived with failure eminent. Indicated as a tree to be retained, this is should be re-evaluated and switched with the retained tree as Tree #6.

Tree #6: 16.5" Lambert Cherry/15' Average Dripline (radius) – Currently in good condition with no major flaws, this tree shows good signs of viability over the next several years should it remain. Minor pruning for form and shape will aid in the lifespan of this tree and, if done correctly, will increase the fruit output during upcoming seasons. Please research pruning of fruit trees before attempting to prune a tree of this type, timing and limb selection have substantial effects on fruit development.

Tree #7: 27" Incense Cedar/12' Average Dripline (radius) – Heavy topping over the years by the power company have kept this tree from developing naturally. The tree has good color and vigor and may tolerate the power line pruning for some time but will most likely eventually begin to fall into decline.

Street Trees – The site plan indicates the installation of Street Trees along both the eastern and southern frontages of this property. With numerous species to choose from, care must be taken to ensure that conflicts do not arise into the future as these trees develop. The eastern frontage poses a problem in the overhead power lines; this reduces the choices for Street Tree selections significantly. The City of Kirkland may require certain trees to be installed along these frontages. I would recommend using smaller growing Maples on the eastern frontage to match the existing Maples across the street. A few choices such as Amur Maple, Flame Maple and Hedge maple will work well here and not cause dramatic problems with the overhead power lines. Assuming that no overhead power will be located along the southern frontage and noting the size of the indicated planter strip (4-5'), the species selection should be targeted towards a medium size tree. This will maximize the available canopy while minimizing disturbance to the sidewalk from the root system of these trees. Please work with the City of Kirkland's Urban Forester/Arborist for species selection along this frontage.

**Required Tree Credit Information**

Lot 1

Lot Size = 8,171ft²
Minimum tree density = 30 credits per acre (City requirements)
Minimum tree density calculation for 341 8th St S, Lot 1 = (8,171/43560) * 30 = 5.6 credits
Existing Tree Credits = 26 (#1-10, #2-16)

Trees to be retained – Tree #1&2
Retained Tree Credits = 26 (#1-10, #2-16)

Lot 2

Lot Size = 7,797ft²
Minimum tree density = 30 credits per acre (City requirements)
Minimum tree density calculation for 341 8th St S, Lot 2 = (7,797/43560) * 30 = 5.4 credits
Existing Tree Credits = 16 (#4-11, #5-1, #6-4)

Trees to be retained – Tree #4&6 (Recommended)
Retained Tree Credits = 15 (#4-11, #6-4)

Trees to be retained – Tree #4&6 (As indicated on site plan)
Retained Tree Credits = 12 (#4-11, #5-1)

Lot 3

Lot Size = 8,407ft²
Minimum tree density = 30 credits per acre (City requirements)
Minimum tree density calculation for 341 8th St S, Lot 3 = (8,407/43560) * 30 = 5.8 credits
Existing Tree Credits = 17 (#3-17)

Trees to be retained – Tree #3
Retained Tree Credits = 17 (#3-17)

*A supplemental tree planting plan is not attached; the retained tree credits for all lots exceed the required tree credits per lot.

Please feel free to contact me with any questions or comments pertaining to this report.

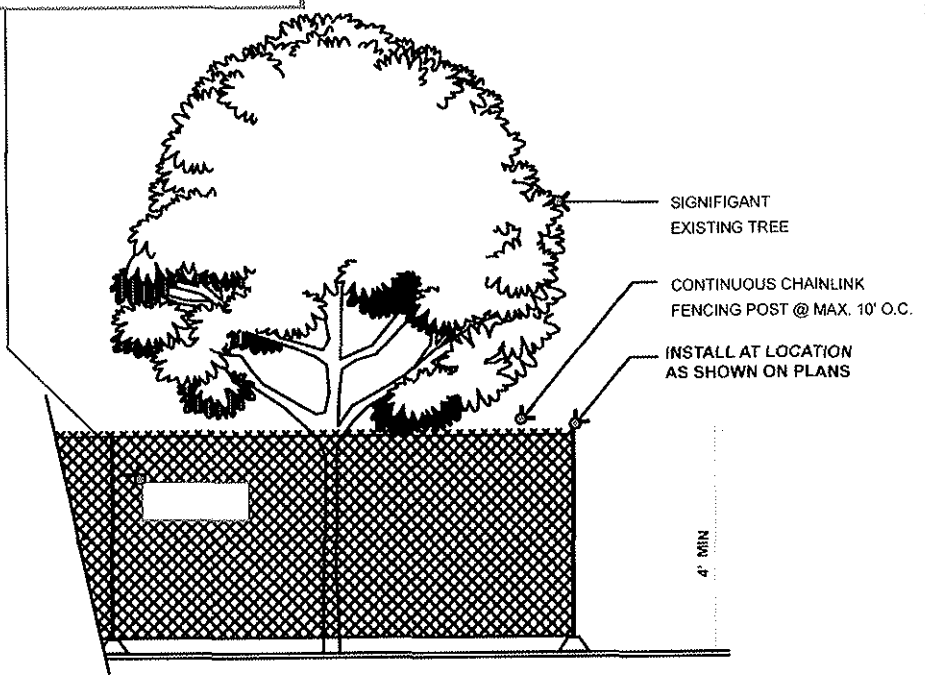
Don McQuilliams

Certified Arborist # PN1202A
Owner/Consultant
NorthWest Woodlands, Inc.
Don@Northwestwoodlands.com

# Tree Protection Fencing Standard

FENCING SIGN DETAIL

Tree Protection Area, Entrance Prohibited
To report violations contact
City Code Enforcement
at (425)587-3225




1. MINIMUM FOUR (4 ) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE (S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.

2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.

3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.

4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.

CITY OF KIRKLAND WASHINGTON

**TREE PROTECTION FENCING DETAIL**

THE WATERSHED COMPANY

SCIENCE & DESIGN

August 10, 2006

Ron Hanson
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

**Re: Aubry Delineation Report - TWC Project Number 060701.2**

Dear Ron:

On April 20 and July 18, 2006, Watershed Company ecologists conducted a wetland delineation study at the property belonging to David Aubry (parcel number 120000260), located on 8th Street South in the City of Kirkland. This letter summarizes the findings of this study and details applicable federal, state, and local wetland regulations. Wetland Determination Forms, a Wetland Field Data Form, and a site survey by Jim Hart and Associates are included.

## Methods

The subject property was evaluated for wetlands using methodology from the *Washington State Wetlands Identification and Delineation Manual* (Manual) (Washington Department of Ecology [Ecology], 1997). Wetland boundaries were determined based on an examination of vegetation, soils, and hydrology. Areas meeting the criteria set forth in the Manual were determined to be wetland and marked with pink- and black-striped flagging. Data points were marked with yellow- and black-striped flagging.

We used observations in the field, information gathered from *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company 1998), and aerial photos from King County's online mapping tool, iMap, to rate the wetland found on the property. The wetland was classified using Kirkland's *Wetland Field Data Form*.

## Findings

### *Wetland A*

The northwest corner of the property includes a small area of a wetland, Wetland A, that extends off-site to a neighboring property (see enclosed Wetland Sketch). Most of the portion of Wetland A that occurs on the subject property is seeded with grass and maintained as lawn. Small amounts of creeping buttercup are also present. Some Himalayan blackberry occurs in the wetland off-site. Soil data collected during the April 20 field visit revealed very dark brown to black (10YR 2/1) silty sandy loam with no mottles and saturation at the surface. Standing water in soil pits was observed at a depth of 5 inches at this time as well. Gravel and drain rock has

750 Sixth Street South | Kirkland, WA 98033
p 425.822.5242 | f 425.827.8136 | watershedco.com

ATTACHMENT 8
SP06-00006

clearly been placed throughout this wetland swale some time ago, and the area was subsequently seeded with grass and is regularly mown.

*Uplands*

Upland areas on the property are dominated by a grass lawn interspersed with an assemblage of weedy herbaceous species. This is a typical residential property with a single-family house and a sparse overstory consisting of various ornamental trees distributed throughout the yard. Most non-wetland soils on the site are very dark grayish brown (10YR 3/2) sandy loam with few mottles and were not saturated when we visited the site on July 18, 2006. One area located at the mouth of a non-functioning drainage pipe showed distinct and prominent mottling. The soil was, however, lacking other indicators of wetland hydrology, exhibiting only historic evidence of a hydric regime caused by the drainage pipe.

**Local Regulations**

The Kirkland Zoning Code (KZC 90.30) establishes a rating system that categorizes wetlands into three classes. Each wetland class has a definition based on a range of ecological attributes such as size, value of the wetland as wildlife habitat, number of vegetation classes within the wetland, whether or not plants or animals using the wetland are rare, endangered, or threatened, and others. These attributes are measured using the City's Wetland Field Data form (see attached completed form).

Wetland A would be classified under the City of Kirkland's system as a Type 3 wetland. The wetland is located in Moss Bay Basin, which is considered a secondary basin by the City. The City requires buffers of 25 feet for Type 3 wetlands in secondary basins, as well as a 10-foot buffer setback, in which minor improvements that would not adversely affect wildlife, habitat, or vegetation in the buffer or wetland may be permitted (KZC 90.45).

Type 3 wetlands located in secondary basins and less than 2,500 square feet in size are exempt from these requirements (KZC 90.15).

The size of wetland A, which extends beyond the subject parcel onto neighboring properties, was assessed during a site visit and through interpretation of aerial imagery, and was estimated to be greater than 2,500 square feet and therefore subject to regulation. An accurate assessment of Wetland A's actual size would require additional delineation work and surveys across neighboring properties.

Modification of buffer areas for Type 3 secondary-basin wetlands is permitted pursuant to requirements provided in the Code (KZC 90.60). Buffer widths may be reduced through either 1) buffer width averaging or 2) buffer reduction with enhancement, although the two mechanisms may not be used in combination. A land surface modification within the buffer are subject to review by the Planning Official, and would be approved under the conditions outlined in KZC 90.60.2(b), which are designed to protect drainage/storm water detention capabilities, water quality standards, and wildlife functions.

**State and Federal Regulation**

Wetlands are also regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. Any filling of Waters of the State, including wetlands (except isolated wetlands), would likely require notification and permits from the Corps. Wetland A may be considered isolated by the Corps. Federally permitted actions that could affect endangered species (i.e. salmon or bull trout) may also require a biological assessment study and consultation with the U.S. Department of Fish and Wildlife and/or the National Marine Fisheries Service. Application for Corps permits may also require an individual 401 Water Quality Certification and Coastal Zone Management Consistency determination from Ecology.

Generally, neither the Army Corps of Engineers nor the Department of Ecology regulates wetland buffers.

Please call if you have any questions or if we can provide additional information.

Sincerely,

Suzanne Tomassi
Wetland/Wildlife Biologist

Enclosures

# WETLAND DETERMINATION DATA FORM

THE WATERSHED COMPANY
750 Sixth Street South
Kirkland, Washington 98033
(425) 822-5242 Fax (425) 827-8136

**WETLAND? YES [NO]**

Date: 7/18/06 Data point: 1 Wetland # : _____
Project Name: Kirkland Aubry Data point location: _____
Biologist(s): ST/HM

Do normal environmental conditions exist? [YES] NO
Has vegetation, soils &/or hydrology been significantly disturbed within the past 5 yrs? [YES] NO

## VEGETATION

*Stratum: T=tree, S=shrub, H=herb, V=vine*

| Dominant Species | Stratum | WIS | Other Species | Stratum | WIS |
|---|---|---|---|---|---|
| *Ranunculus repens* | H | FACW | | | |
| *Equisetum arvense* | H | FAC | | | |
| *Poa* spp. | H | FAC | | | |

Percent of dominant species that are FAC, FACW or OBL 100

Vegetation criteria met? [YES] NO
Notes:

## SOILS

| Depth | Horizon | Matrix Color | Mottles (Distinct/Prominent) | Texture |
|---|---|---|---|---|
| 0-10"+ | B | 10YR 3/2 | typ | Sandy loam |

Hydric Indicators:
____ Gleyed/Low Chroma
____ Sulfidic odor
____ Histosol
____ Other (list in notes)

Soil Criteria Met? [YES] NO
Notes: Redoximorphic features due to old (no longer running) drainage pipe in area

## HYDROLOGY

Surface saturation? YES [NO]
Depth to saturation _____
Depth of inundation _____
Depth to free water in pit _____
Flow? YES NO
Channel? ____ Sheet? ____

Primary Indicators: (1 required)
____ Observation of inundation
____ Observation of soil saturation
____ Water marks
____ Drift lines or drainage patterns
____ Sediment deposits

Secondary Indicators: (≥2 required)
____ Oxidized root channels
____ Water-stained leaves
____ Local soil survey data
____ FAC-neutral test

Hydrologic Criteria Met? YES [NO]

Recent rainfall: Very high High Normal Low Very low

Notes: Barely saturated

## WILDLIFE OBSERVATIONS AND GENERAL NOTES

# WETLAND DETERMINATION DATA FORM

THE WATERSHED COMPANY

750 Sixth Street South
Kirkland, Washington 98033
(425) 822-5242 Fax (425) 827-8136

***WETLAND?*** *YES* **NO**

Date: 7/18/06 Data point: 2 Wetland # : _____
Project Name: Kirkland Aubry Data point location: _____
Biologist(s): ST/HM

Do normal environmental conditions exist? **YES** NO
Has vegetation, soils &/or hydrology been significantly disturbed within the past 5 yrs? **YES** NO

## VEGETATION

*Stratum: T=tree, S=shrub, H=herb, V=vine*

| Dominant Species | Stratum | WIS | Other Species | Stratum | WIS |
|---|---|---|---|---|---|
| *Poa* sp. | H | FAC | | | |
| *Trifolium repens* | H | FAC- | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Percent of dominant species that are FAC, FACW or OBL 50

Vegetation criteria met? YES **NO**
Notes: _____

## *SOILS*

| Depth | Horizon | Matrix Color | Mottles (Distinct/Prominent) | Texture |
|---|---|---|---|---|
| 0-10" | B | 10YR 3/2 | few | Sandy loam |
| | | | | |
| | | | | |
| | | | | |

Hydric Indicators:
____ Gleyed/Low Chroma
____ Sulfidic odor
____ Histosol
____ Other (list in notes)

Soil Criteria Met? YES **NO**
Notes: _____

## *HYDROLOGY*

Surface saturation? YES **NO**
Depth to saturation _____
Depth of inundation _____
Depth to free water in pit _____
Flow? YES NO
Channel? ____ Sheet? ____

Primary Indicators: (1 required)
____ Observation of inundation
____ Observation of soil saturation
____ Water marks
____ Drift lines or drainage patterns
____ Sediment deposits

Secondary Indicators: (≥2 required)
____ Oxidized root channels
____ Water-stained leaves
____ Local soil survey data
____ FAC-neutral test

Hydrologic Criteria Met? YES **NO**

Recent rainfall: Very high High Normal Low Very low

Notes: _____

## *WILDLIFE OBSERVATIONS AND GENERAL NOTES*

# WETLAND DETERMINATION DATA FORM

THE WATERSHED COMPANY
750 Sixth Street South
Kirkland, Washington 98033
(425) 822-5242 Fax (425) 827-8136

***WETLAND?*** **YES** ***NO***

Date: 4/20/06 Data point: 3 Wetland # : A
Project Name: Kirkland Aubry Data point location:
Biologist(s): AB/HM

Do normal environmental conditions exist? **YES** NO
Has vegetation, soils &/or hydrology been significantly disturbed within the past 5 yrs? **YES** NO

## VEGETATION

*Stratum: T=tree, S=shrub, H=herb, V=vine*

| Dominant Species | Stratum | WIS | Other Species | Stratum | WIS |
|---|---|---|---|---|---|
| *Ranunculus repens* | H | FACW | | | |
| *Rubus discolor* | H | FACU | | | |
| *Poa* spp. | H | FAC | | | |

Percent of dominant species that are FAC, FACW or OBL 66

Vegetation criteria met? **YES** NO
Notes:

## *SOILS*

| Depth | Horizon | Matrix Color | Mottles (Distinct/Prominent) | Texture |
|---|---|---|---|---|
| 0-12" | B | 10YR 2/1 | no | Silty sandy loam |

Hydric Indicators:
X Gleyed/Low Chroma
___ Sulfidic odor
___ Histosol
___ Other (list in notes)

Soil Criteria Met? **YES** NO
Notes: Gravel and drain rock was placed in this swale a long time ago and the area has been Seeded with grass and mown.

## *HYDROLOGY*

Surface saturation? **YES** NO
Depth to saturation ___
Depth of inundation ___
Depth to free water in pit 5"
Flow? YES NO
Channel? ___ Sheet? ___

Primary Indicators: (1 required)
___ Observation of inundation
X Observation of soil saturation
___ Water marks
___ Drift lines or drainage patterns
___ Sediment deposits

Secondary Indicators: (≥2 required)
___ Oxidized root channels
___ Water-stained leaves
___ Local soil survey data
___ FAC-neutral test

Hydrologic Criteria Met? **YES** NO Recent rainfall: Very high High Normal Low Very low
Notes: Note date of observation – April visit

## *WILDLIFE OBSERVATIONS AND GENERAL NOTES*

## WETLAND FIELD DATA FORM – Aubry property located on 8th St S Kirkland, WA 98033.

## Rating done on 7/18/2006 by The Watershed Company.

### WETLAND FIELD DATA FORM

BEGIN BY CHECKING ANY OF THE FOLLOWING (a. – e.) THAT APPLY:

a. The wetland is contiguous to Lake Washington;

b. The wetland contains at least 1/4 acre of organic soils, such as peat bogs or mucky soils;

c. The wetland is equal to or greater than 10 acres in size and having three or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one of which is open water;

d. The wetland has significant habitat value to state or federally listed threatened or endangered wildlife species; or

e. The wetland contains state or federally listed threatened or endangered plant species.

IF ANY OF THE CRITERIA LISTED ABOVE ARE MET, THEN THE WETLAND IS CONSIDERED TO BE TYPE 1. IF THAT IS THE CASE, PLEASE CONTINUE TO COMPLETE THE ENTIRE FORM, BUT DO NOT ASSIGN POINTS.

IF THE WETLAND DOES NOT MEET THE CRITERIA LISTED ABOVE FOR TYPE 1, COMPLETE THE ENTIRE FORM, USING THE ASSIGNED POINTS TO DETERMINE IF IT IS A TYPE 2 OR TYPE 3 WETLAND.

Type 2 wetlands typically have at least two wetland vegetation classes, are at least partially surrounded by buffers of native vegetation, connected by surface water flow (perennial or intermittent) to other wetlands or streams, and contain or are associated with forested habitat.

**1. Total wetland area**

| Estimate wetland area and score from choices | Acres | | Point Value | Points |
|---|---|---|---|---|
| | >20.00 | = | 6 | |
| | 10-19.99 | = | 5 | |
| | 5-9.99 | = | 4 | |
| | 1-4.99 | = | 3 | |
| | 0.1-0.99 | = | 2 | |
| | <0.1 | = | 1 | 1 |

(1)

**2. *Wetland classes:* Determine the number of wetland classes that qualify, and score according to the table.**

| | # of Classes | | Points |
|---|---|---|---|
| **Open Water:** if the area of open water is >1/3 acre or >10% of the total wetland area | 1 | = | 1 |
| **Aquatic Beds:** if the area of aquatic beds is >10% of the **open water** area **or** >1/2 acre | **2** | = | **3** |
| **Emergent:** if the area of emergent class is >1/2 acre **or** >10% of the total wetland area | 3 | = | 5 |
| **Scrub-Shrub:** if the area of scrub-shrub class is >1/2 acre **or** >10% of the total wetland area | 4 | = | 7 |
| **Forested:** if the area of forested class is >1/2 acre or >10% of the total wetland area | 5 | = | 10 |

**(3)**

**3. Plant species diversity.**

For all wetland classes which qualified in 2 above, count the number of different plant species and score according to the table below. You do not have to name them.

*e.g., if a wetland has an aquatic bed class with 3 species, and emergent class with 4 species and a scrub-shrub class with 2 species, you would circle 2, 2, and 1 in the second column (below).*

| Class | # of Species | Point Value | Class | # of Species | Point Value |
|---|---|---|---|---|---|
| Aquatic Bed | 1-2 | = 1 | Scrub-Shrub | 1-2 | = 1 |
| | 3 | = 2 | | **3-4** | = **2** |
| | >3 | = 3 | | >4 | = 3 |
| Emergent | **1-2** | = **1** | Forested | 1-2 | = 1 |
| | 3-4 | = 2 | | 3-4 | = 2 |
| | >4 | = 3 | | >4 | = 3 |

**(3)**

**4. Structural diversity.**

If the wetland has a forested class, add 1 point for each of the following attributes present:

Trees >50′ tall = 1

Trees 20′ to 49′ tall = 1

shrubs = 1

Herbaceous ground cover = 1

**(0)**

**5. Intersperesion between wetland classes.**

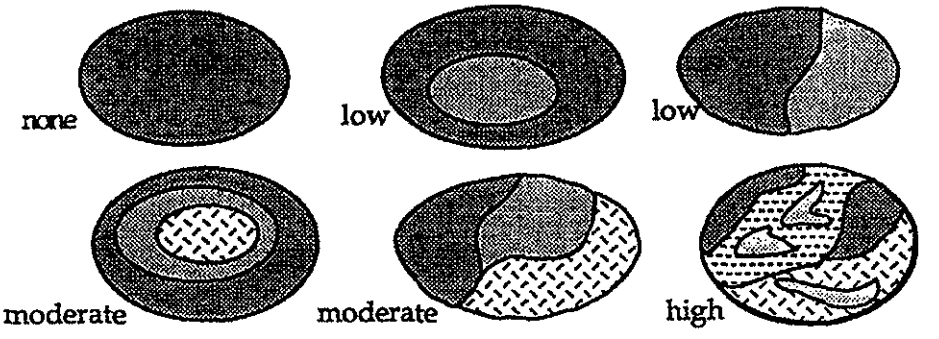
Decide from the diagrams below whether interspection between wetland classes is high, moderate, low or none

3 = High

2 = Moderate

**1 = Low**

0 = None




**(1)**

**6. Habitat features**

*Add points associated with each habitat feature listed:*

| | |
|---|---|
| Is there evidence of current use by beavers? | = 3 |
| Is a heron rookery located within 300′? | = 2 |
| Are raptor nest(s) located within 300′? | = 1 |
| Are there at least 2 standing dead trees (snags) per acre? | = 1 |
| Are there any other perches (wires, poles, or posts)? | = 1 |
| Are there at least 3 downed logs per acre? | **= 1** |

**( 1)**

**7. Connection to streams**

Is the wetland connected at any time of the year via surface water? **(score one answer only)**

Is the wetland connected at any time of the year via surface water?

| | |
|---|---|
| To a perennial stream or a seasonal stream *with* fish | = 5 |
| To a seasonal stream *without* fish | = 3 |
| Is not connected to any stream | = 0 |

***( 0)***

**8. Buffers**

*Step 1:* Estimate (to the nearest 5%) the percentage of each buffer or land-use type (below) that adjoins the wetland boundary. Then multiply these percentages by the factor(s) below and enter result in the column to the right.

| | % of Buffer | | Step 1 | Width Factor | | Step 2 |
|---|---|---|---|---|---|---|
| Roads, buildings or parking lots | % | X 0 = | | | = | |
| Lawn, grazed pasture, vineyards or annual crops | 50 % | X 1 = | 50 | 1 | = | 50 |
| Ungrazed grassland or orchards | % | X 2 = | | | = | |
| Open water or native grasslands | % | X 3 = | | | = | |
| Forest or shrub | 50 % | X 4 = | 200 | 1 | = | 200 |
| | | | | Add buffer total 250 | | |

*Step 2:* Multiply result(s) of step 1:

By 1 if buffer width is 25-50′

By 2 if buffer width is 50-100′

By 3 if buffer width is >100′

Enter results and add subscores

*Step 3:* Score points according to the following table:

Buffer Total

900-1200 = 4

600-899 = 3

300-599 = 2

100-299 = 1

**( points)**

**9. Connection to other habitat areas:**

Is there a riparian corridor to other wetlands within 0.25 of a mile, or a corridor >100′ wide with good forest or shrub cover to any other habitat area? = 5

Is there a narrow corridor <100′ wide with good cover or a wide corridor >100′ wide with low cover to any other habitat area? = 3

Is there a narrow corridor <100′ wide with low cover or a significant habitat area within 0.25 mile but no corridor? = 1

Is the wetland and buffer completely isolated by development and/or cultivated agricultural land? **= 0**

**( 0).**

**10. Scoring**

Add the scores to get a total: 10

Question: Is the total greater than or equal to 22 points?

Answer:

Yes = Type 2

No = Type 3

# *Wetland Buffer Mitigation Plan*

## *Aubry Property*
## *Kirkland, Washington*

*Prepared For:*

David Aubry
341 8th Street South
Kirkland, Washington 98033

*Prepared By:*

Aquatica Environmental Consulting, LLC
21214 Rimrock Road
Monroe, Washington 98272

RECEIVED
NOV 21 2006

November 1, 2006

ATTACHMENT 9
SD06-0006

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**Figure 1.** Site Impacts and Mitigation

**Figure 2.** Planting Plan and Schedule

**Figure 3.** Planting Details and Specifications

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**Table 1.** Projected Calendar for Performance Monitoring and Maintenance Events

## 1.0 INTRODUCTION

This Wetland Buffer Mitigation Plan has been prepared to identify proposed impacts to sensitive areas and describe compensatory mitigation requirements for a proposed development. The subject property is located at 341 8th Street South in Kirkland, Washington (Parcel #0120000260). This report has been prepared for submittal to the City of Kirkland and has been prepared according to the City of Kirkland Zoning Code (KZC) Chapter 90.05.

## 2.0 CRITICAL AREAS

The wetland (Wetland A) identified on the property is located near the western property line. The majority of the wetland is located off-site to the west; only 11 sf of the wetland is located on the property. Wetland A is a Type 3 wetland, is located in a secondary (urban) drainage basin, and requires a 25-foot standard buffer (KZC 90.45(1)). This wetland was delineated by the Watershed Company. Additional details regarding the wetland and the delineation can be found in the Watershed Company's report.

The on-site portion of the wetland and its 25-foot buffer are both degraded. They are currently maintained as a lawn. Due to the lack of significant vegetation in the wetland and buffer, the wetland is a lower-value feature that does not perform the functions that wetlands typically provide at a high level, such as water quality improvement, stormwater storage, and wildlife habitat.

## 3.0 PROPOSED PROJECT

The proposed project includes subdividing the property into three lots (**Figure 1**). The existing garage will be removed and the existing house is proposed to be relocated to the northern lot.

A wetland buffer modification is requested, as allowed by KZC 90.60 (2)(a)(2). The buffer is proposed to be reduced by one-third; the remaining 16.5-foot buffer and wetland are proposed to be enhanced. Proposed mitigation for reducing the buffer will include enhancing the buffer with native trees, shrubs and ferns. A ten-foot building set back is required from the edge of the reduced buffer, in which above-ground structures shall not be built ( KZC 90.30(3)).

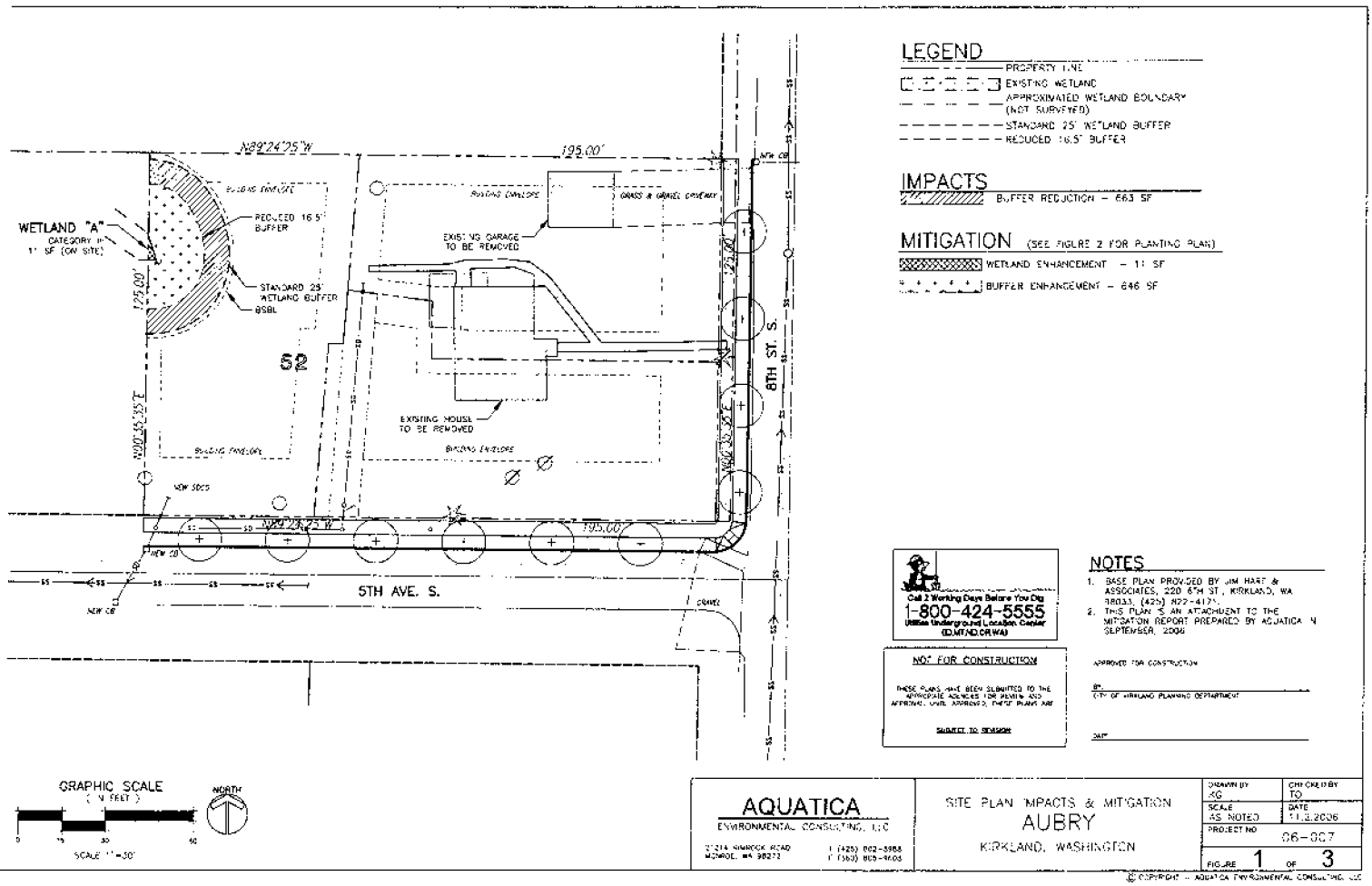
## 4.0 MITIGATION

The project proposes to reduce the wetland buffer by one third the standard buffer width, down to 16.5 feet. The remaining buffer (635 sf) and wetland (11 sf) will be enhanced with native trees and shrubs.

### 4.1 Goal, Objectives, and Performance Standards

The following goal, objectives, and performance standards have been created to mitigate for the reducing the wetland buffer.

**Goal:**


N89°24'25"W
195.00'
WETLAND "A"
CATEGORY III
1,1 SF (ON SITE)
REDUCED 16.5' BUFFER
STANDARD 25' WETLAND BUFFER
BSBL
125.00'
52
N00°35'35"E
EXISTING GARAGE TO BE REMOVED
EXISTING HOUSE TO BE REMOVED
BUILDING ENVELOPE
GRASS & GRAVEL DRIVEWAY
NEW SDCS
NEW CB
5TH AVE. S.
6TH ST. S.
LEGEND
PROPERTY LINE
EXISTING WETLAND
APPROXIMATED WETLAND BOUNDARY (NOT SURVEYED)
STANDARD 25' WETLAND BUFFER
REDUCED 16.5' BUFFER
IMPACTS
BUFFER REDUCTION – 663 SF
MITIGATION (SEE FIGURE 2 FOR PLANTING PLAN)
WETLAND ENHANCEMENT – 11 SF
BUFFER ENHANCEMENT – 646 SF
Call 2 Working Days Before You Dig
1-800-424-5555
(Utilities Underground Location Center (ID,MT,AND,OR,WA)
NOT FOR CONSTRUCTION
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NOTES
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2. THIS PLAN IS AN ATTACHMENT TO THE MITIGATION REPORT PREPARED BY AQUATICA IN SEPTEMBER, 2006
APPROVED FOR CONSTRUCTION
BY
CITY OF KIRKLAND PLANNING DEPARTMENT
DATE
GRAPHIC SCALE
( IN FEET )
SCALE 1" = 30'
NORTH
AQUATICA
ENVIRONMENTAL CONSULTING, LLC
22214 KINNICK ROAD
MONROE, WA 98272
T (425) 802-3988
F (360) 805-9605
SITE PLAN IMPACTS & MITIGATION
AUBRY
KIRKLAND, WASHINGTON
DRAWN BY AG
CHECKED BY TO
SCALE AS NOTED
DATE 11.8.2006
PROJECT NO 06-007
FIGURE 1 OF 3
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Mitigate for buffer reduction by enhancing 635 sf of buffer and 11 sf of wetland. The wetland buffer enhancement area will be planted with trees and shrubs to eventually create a forested buffer.

**Objective A:** Increase the woody species diversity in the enhancement area.
*Performance Standard A: Percent survival of planted woody species must be at least 85% for each year of the monitoring period*

**Objective B:** Increase the native vegetation coverage in the enhancement area through native fern, shrub and tree species.
*Performance Standard B: A combination of native sapling tree, shrub, and groundcover coverage will be at least 60% by the end of Year 5.*

**Objective C:** Maintain invasive plants to less than 15% cover in the enhancement area.
*Performance Standard C: After construction and following every monitoring event for a period of five years, exotic and invasive plant species will be maintained at levels below 15% total cover in the mitigation areas. These species include those listed on the King County noxious weed list.*

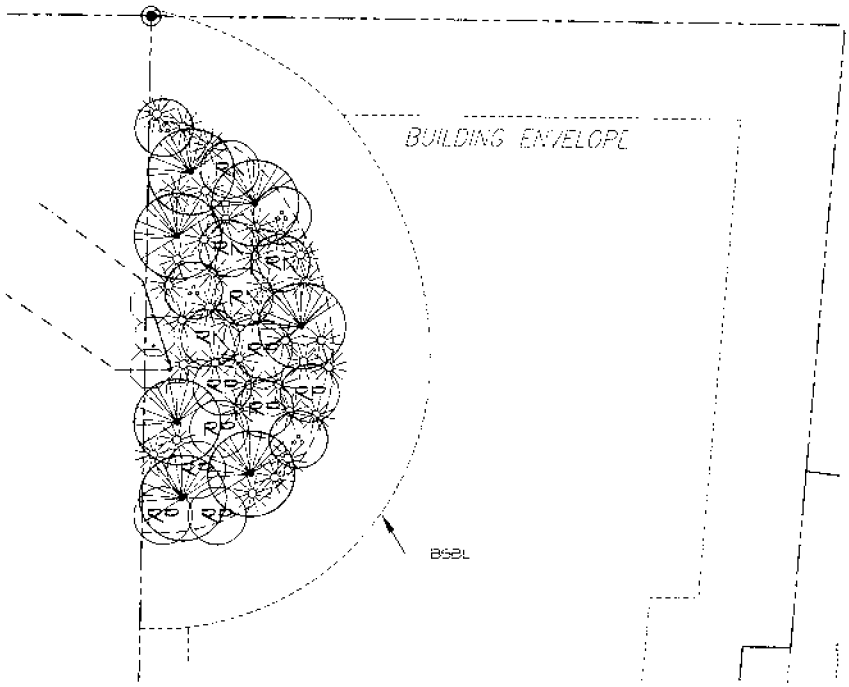
### 4.2 Wetland Buffer Enhancement and Restoration

The buffer restoration area is devoid of significant woody vegetation and will be planted according to King County density guidelines for a forested upland buffer. Trees will be installed 9' on-center, shrubs will be installed 6' on-center, and ferns will be installed 4' on center (**Figure 2**).

The plant species depicted on the mitigation plan were chosen for a variety of qualities, including: adaptation to specific water regimes, value to wildlife, pattern of growth (structural diversity), and aesthetic values. Plants proposed to be planted in the buffer include plants native to the lowlands of western Washington, including: western red cedar, thimbleberry, Nootka rose, vine maple, and sword fern. While the buffer is an upland it does not appear to be excessively dry, therefore plants that can tolerate mesic conditions were selected. Through planting trees, shrubs, and a groundcover species, eventually three layers of vegetation will develop thereby creating a structurally diverse habitat that will appeal to a variety of wildlife species. Both thimbleberry and Nootka rose produce food for wildlife (berries and rose hips). It is assumed that birds will be the primary type of wildlife utilizing the buffer due to its urban surroundings. Plant materials may consist of a combination of bare-root shrubs (during the dormant season) and container plants. Plants shall not be installed during the dry, summer months (June through early September).

### 4.3 Temporary Irrigation System

An above ground temporary irrigation must be installed to provide irrigation to mitigation plantings during the dry season. At a minimum, the system must be operational for the first year following installation. If a significant number of plants die, replacement plantings must also be irrigated for their first year following installation. Mitigation areas shall be irrigated between June 15 (or earlier if needed) and October 15. The irrigation system shall be programmed to provide 1" of water per week.




## PLANT SCHEDULE

### TREES

| QTY | SCIENTIFIC NAME | COMMON NAME | SIZE | SPACING |
|---|---|---|---|---|
| 7 | THUJA PLICATA | WESTERN RED CEDAR | 2 GAL | 9' O.C. |

### SHRUBS

| QTY | SCIENTIFIC NAME | COMMON NAME | SIZE | SPACING |
|---|---|---|---|---|
| 4 | ACER CIRCINATUM | VINE MAPLE | 2 GAL | 6' O.C. |
| 5 | ROSA NUTKANA | NOOTKA ROSE | 1 GAL | 6' O.C. |
| 8 | RUBUS PARVIFLORUS | THIMBLEBERRY | 1 GAL | 6' O.C. |

### GROUNDCOVER

| QTY | SCIENTIFIC NAME | COMMON NAME | SIZE | SPACING |
|---|---|---|---|---|
| 3 | ATHYRIUM FILIX-FEMINA | LADY FERN | 1 GAL | 4' O.C. |
| 37 | POLYSTICHUM MUNITUM | SWORD FERN | 1 GAL | 4' O.C. |

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(ID,MT,ND,OR,WA)

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## NOTES

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APPROVED FOR CONSTRUCTION

BY
CITY OF KIRKLAND PLANNING DEPARTMENT

DATE:

GRAPHIC SCALE
( IN FEET )
0 5 10 20
SCALE: 1"=10'

NORTH

**AQUATICA**
ENVIRONMENTAL CONSULTING, LLC
21214 RUNRECK ROAD
MONROE, WA 98272
T (425) 802-8988
F (360) 805-9508

PLANTING PLAN & SCHEDULE
AUBRY
KIRKLAND, WASHINGTON

| DRAWN BY | CHECKED BY |
|---|---|
| XG | TC |
| SCALE | DATE |
| AS NOTED | 11.3.2006 |
| PROJECT NO | 06-007 |
| FIGURE 2 OF 3 | |

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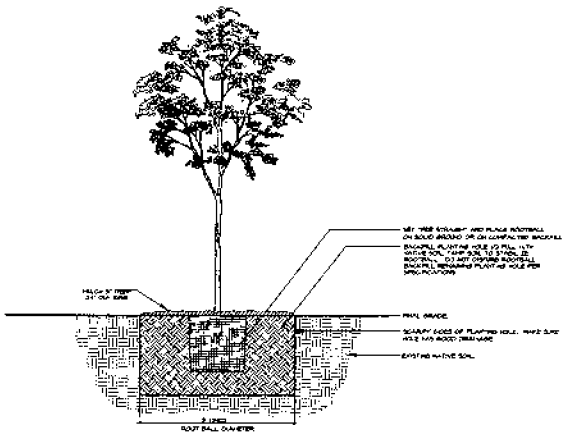
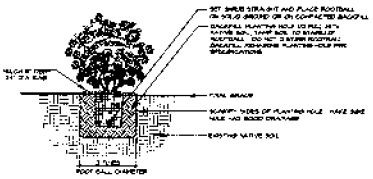



1 TREE PLANTING DETAIL

Scale NTS




2 SHRUB PLANTING DETAIL

Scale NTS

## SPECIFICATIONS

- PRIOR TO CONSTRUCTION, THE LIMITS OF WORK WILL BE CLEARLY STAKED AT 20-FOOT INTERVALS AND ALL TEMPORARY EROSION AND SEDIMENTATION CONTROLS IN PLACE.
- SOIL IN UNVEGETATED BUFFER AREAS MUST BE DECONSOLIDATED TO A DEPTH OF 8 INCHES AND AMENDED WITH COMPOST AS NEEDED.
- PLANTS SHALL BE LOCALLY GROWN (WESTERN WASHINGTON OR OREGON), OF NORMAL HEALTH, VIGOROUS, AND FREE OF WEEDS, DISEASES, INSECTS, INSECT EGGS AND LARVAE.
- CONTAINER GROWN PLANTS SHALL NOT BE LOOSE IN CONTAINER AND SHALL NOT BE POT-BOUND.
- DO NOT PRUNE PLANTS PRIOR TO DELIVERY OR PLANTING.
- TAKE ALL PRECAUTIONS AND CUSTOMARY GOOD TRADE PRACTICES IN PREPARING PLANTS FOR TRANSPORT. COVER PLANTS TRANSPORTED ON OPEN VEHICLES WITH A PROTECTIVE COVERING TO PREVENT WIND BURN.
- PROTECT PLANTS FROM DRYING OUT. BARE ROOT AND B&B PLANT MATERIAL SHALL HAVE THEIR ROOTS KEPT MOIST AT ALL TIMES. PROTECT FROM FREEZING, WIND, AND SUN. IF PLANTING IS DELAYED BY MORE THAN 24 HOURS, COVER ROOTS/ROOT BALLS WITH SAWDUST, COMPOST, OR SOIL. WATER PLANTS AS NECESSARY.
- WATER PLANTS WITHIN 24 HOURS OF PLANTING.
- PROVIDE MULCH RINGS AROUND SHRUBS AND TREES, 24 INCHES IN DIAMETER, THREE INCHES IN DEPTH. MULCH MAY BE COMPOST, BARK, OR WOOD CHIPS.
- GUARANTEE PLANT MATERIAL TO BE ALIVE, HEALTHY, AND VIGOROUS.
- PLANTS MUST BE OF THE CORRECT SIZE AND SPECIES AS SHOWN ON THE PLAN. SPECIES SUBSTITUTION SHALL NOT BE MADE WITHOUT APPROVAL OF WETLAND BIOLOGIST.
- AN ABOVE GROUND TEMPORARY IRRIGATION SYSTEM MUST BE INSTALLED TO PROVIDE IRRIGATION TO MITIGATION PLANTINGS DURING THE DRY SEASON. AT A MINIMUM, THE SYSTEM MUST BE OPERATIONAL FOR THE FIRST YEAR FOLLOWING INSTALLATION. IF A SIGNIFICANT NUMBER OF PLANTS DIE, REPLACEMENT PLANTINGS MUST ALSO BE IRRIGATED FOR THEIR FIRST YEAR FOLLOWING INSTALLATION. MITIGATION AREAS SHALL BE IRRIGATED BETWEEN JUNE 15 (OR EARLIER IF NEEDED) AND OCTOBER 15. THE IRRIGATION SYSTEM SHALL BE PROGRAMMED TO PROVIDE 1" OF WATER PER WEEK.
- RECOMMENDED PLANT SOURCES:

| | |
|---|---|
| STORM LAKE GROWERS<br>MONROE, WA<br>(360) 794-4842 | TADPOLE HAVEN NATIVE PLANTS<br>WOOD VALLEY, WA<br>(425) 788-6150 |
| FORTH CORNER NURSERY<br>BELLINGHAM, WA<br>(360) 592-2250 | SOUND NATIVE PLANTS<br>OLYMPIA, WA<br>(306) 352-4122 |

- RECOMMENDED SEED SOURCES:

| | |
|---|---|
| PLANTAS NATIVA<br>BELLINGHAM, WA<br>(360) 715-6855 | INSIDE PASSAGE SEEDS<br>PORT TOWNSEND, WA<br>(360) 385-6114 |

FROSTY HOLLOW ECOLOGICAL RESTORATION
SANDY, WA
(380) 579-2332

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(Utility Underground Location Center (DMT,ND,OR,WA)

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APPROVED FOR CONSTRUCTION

BY
CITY OF KIRKLAND PLANNING DEPARTMENT

DATE

AQUATICA
ENVIRONMENTAL CONSULTING, LLC

212 E. MONROE ROAD
MONROE, WA 98272

T (425) 602-8888
F (360) 805-9506

PLANTING DETAILS & SPECIFICATIONS
AUBRY
KIRKLAND, WASHINGTON

| | |
|---|---|
| DRAWN BY KG | CHECKED BY TG |
| SCALE AS NOTED | DATE 11.2.2006 |
| PROJECT NO 06-007 | |
| FIGURE 3 OF 3 | |

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## 5.0 City Requirements

The KZC requires that a number of criteria be met prior to granting a buffer modification. These criteria are listed below in bold type; how the project will meet the criteria follow.

1. **It is consistent with *Kirkland's Streams, Wetlands, And Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998).**

As stated in The Watershed Company report, primary functions of wetlands located in urban basins include water quality maintenance and flood/stormwater conveyance. The Watershed report also notes that protection and enhancement of urban wetlands and buffers is needed. The proposed project will address all of these items. The wetland and reduced buffer will be permanently protected through the short plat process and will also be enhanced with native vegetation. Through installing native vegetation and requiring stormwater detention and treatment, the water quality and water conveyance functions of the wetland and buffer will not be degraded. See Questions 2 and 4, below, for more detail on these functions.

Recommendations in the Adolfson report relevant to this project include limiting the reduction of wetland buffers by only one-third and requiring enhancement of the remaining buffer. The project will not reduce the buffer by more than a third and is enhancing the remaining buffer and is therefore, consistent with this report.

2. **It will not adversely affect water quality**

The wetland and buffer will be planted with native ferns, shrubs and trees. The additional plant material will aid in the uptake of nutrients, which will help to improve water quality. This is expected to be an improvement over the existing conditions of the buffer, which is currently only vegetated with a maintained lawn. Lawns often introduce contaminants into wetlands, as they are often treated with fertilizer and herbicides.

3. **It will not adversely affect fish, wildlife, or their habitat.**

The enhanced buffer will not adversely affect fish or wildlife habitat. There are not any fish in the immediate vicinity, therefore the project is expected to have no effect on fish. Although the project is located within a residential area, urban-adapted wildlife such as raccoons and a variety of bird species likely are present in the area. Through planting native vegetation in the enhanced buffer, the buffer will provide food and cover for wildlife. The project is expected to have a positive affect on wildlife and their habitat.

4. **It will not have an adverse effect on drainage and/or storm water detention capabilities.**

The wetland and buffer currently provide little value in the way of storm water detention due to their topographic location (on a slope). The increase of impervious surfaces that the project will create could potentially have detrimental impacts, as water flows off of the new buildings and driveways rather than infiltrating into the ground. However, the project will adhere to City requirements that will involve the treating and detaining of stormwater, which will prevent adverse drainage or detention impacts. The installation of woody vegetation will also aid in reducing water run-off from the site, as the water is slowed by the physical structure of the plant.

**5. It will not lead to unstable earth conditions or create an erosion hazard.**

The wetland and buffer are located on a gradual slope. Since the slope is gradual and is currently vegetated, erosion or other possible instability is unlikely. As the vegetation planted in the buffer becomes established, the plants will provide further erosion control through root systems that are more expansive than the roots of the existing lawn grass. In addition, the project will adhere to best management practices such as the installation of a silt fence at the buffer edge.

**6. *It will not be materially detrimental to any other property or the City as a whole.***

The proposed buffer reduction and enhancement is a minor project with minor impacts. Impacts will be fully mitigated through buffer enhancement. Overall the project will improve the wetland and buffer, and therefore will not cause any detrimental effects to the City or other properties.

**7. *Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.***

Fill material will not contain potentially harmful organic or inorganic material. Fill material will be clean and will come from an approved source.

**8. All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.**

As described in Section 4.2 the vegetation proposed to be installed in the enhancement area will be native the lowland Puget Sound. The species were selected based on their ability to thrive in the soil and light conditions present on the site.

**9. There is no practicable or feasible alternative development proposal that results in less impact to the buffer.**

The proposed alterations to the wetland buffer represent the least damaging practicable alternative, as determined by evaluating the environmental impacts and the ability of the project to perform its intended purpose. The reduced buffer was necessary to provide sufficient area to subdivide the property, as allowed by the zoning of the property. Since the wetland is of low value and the buffer is also extremely degraded, it was determined that the reduction of the buffer with enhancement will not adversely impact the wetland buffer.

**10. The project will demonstrate that it will not adversely affect wetland functions and values.**

The functions and values that wetlands and buffers provide include a) water quality maintenance, b) stormwater storage and conveyance, c) ground water recharge, d) providing wildlife habitat, and e) aesthetic and other functions valued by humans. Details regarding how the project will not adversely affect these functions are described/and or referenced below.

a). Water Quality Function. This was described above in Question 2.
b). Stormwater Storage. This was described above in Question 4.
c). Ground Water Recharge. This was also addressed above in Question 4.
d). Wildlife Habitat. This was described above in Question 3.
e). Social Functions. Due to the small size of the on-site portion of the wetland and because it is privately owned, it has limited value for recreation, education or scientific study. Vegetation that will be used for buffer enhancement will be attractive; therefore, the aesthetic value of the wetland and buffer will be improved. Fencing and signage will serve to educate the adjacent land owners of the presence of a wetland and buffer.

## 6.0 CONSTRUCTION/SPECIFICATIONS

- Prior to construction, limits of work will be clearly staked at 20-foot intervals and all temporary erosion and sedimentation controls in place.
- Soil in unvegetated buffer areas must be deconsolidated to a depth of 8 inches and amended with compost as needed.
- Plants shall be locally grown (western Washington or Oregon), of normal health, vigorous, and free of weeds, diseases, insects, insect eggs and larvae.
- Container grown plants shall not be loose in container and shall not be pot-bound.
- Do not prune plants prior to delivery or planting.
- Take all precautions and customary good trade practices in preparing plants for transport. Cover plants transported on open vehicles with a protective covering to prevent wind burn.
- Protect plants from drying out. Bare root and B&B plant material shall have their roots kept moist at all times. Protect from freezing, wind, and sun. If planting is delayed by more than 24 hours, cover roots/root balls with sawdust, compost, or soil. Water plants as necessary.
- Water plants within 24 hours of planting.
- Provide mulch rings around shrubs and trees, 24 inches in diameter, three inches in depth. Mulch may be compost, bark, or wood chips.
- Guarantee plant material to be alive, healthy, and vigorous.
- Plants must be of the correct size and species as shown on the plan. Species substitution shall not be made without approval of wetland biologist.
- An above ground temporary irrigation must be installed to provide irrigation to mitigation plantings during the dry season. At a minimum, the system must be operational for the first year following installation. If a significant number of plants die, replacement plantings must also be irrigated for their first year following installation. Mitigation areas shall be irrigated

between June 15 (or earlier if needed) and October 15. The irrigation system shall be programmed to provide 1" of water per week.

| Plant Sources | | | |
|---|---|---|---|
| Storm Lake Growers<br>Monroe, WA<br>360-794-4842 | Tadpole Haven<br>Native Plants<br>Woodinville, WA<br>425-788-6100 | Fourth Corner<br>Nursery<br>Bellingham, WA<br>360-592-2250 | Sound Native Plants<br>Olympia, WA<br>306-352-4122 |

| Seed Sources | | |
|---|---|---|
| Plantas Nativa<br>Bellingham, WA<br>360-715-9655 | Frosty Hollow Ecological Restoration<br>Langley, WA<br>360-579-2332 | Inside Passage Seeds<br>Port Townsend, WA<br>360-385-6114 |

## 7.0 MONITORING PROGRAM

Performance monitoring of the mitigation areas will be conducted by a qualified biologist for a period of five years. Monitoring will include assessments of vegetation and wildlife usage, maintenance needs, as well as photo documentation. The results of each monitoring event will be summarized in a report to be submitted to the City. The first monitoring event will follow construction completion.

### 7.1 Vegetation

The growth and survival of the vegetation will be measured in one permanent transect, 25 feet long and ten feet wide. The transect will be established after construction, during the first monitoring event. During monitoring events, trees, shrubs, and herbaceous vegetation will be evaluated at this location. Percent survival of shrubs and trees will be evaluated in a 10-foot belt along the established transect. The species and location of shrubs and trees within this belt will be recorded, and will be evaluated during each monitoring event to determine percent survival.

Percent areal cover of trees and shrubs will be evaluated in the transect through the use of point-intercept sampling methodology. Using this methodology, a tape is extended between two permanent markers. Shrubs and trees intercepted by the tape will be identified, and the intercept distance recorded. Percent areal cover by species will then be calculated by adding the intercept distances and expressed as a total proportion of the tape length. Herbaceous and invasive vegetation coverage will be visually estimated in the transects.

### 7.2 Reports

Monitoring reports will include a summary of the quantitative vegetation sampling including shrub and tree coverage and survival; as well as a summary of qualitative estimates of herbaceous and invasive coverage. Observations of wildlife usage will also be noted, such as actual sightings, tracks, songs, calls, or scat. Photographs of the mitigation area will also be included with the report.

Reports will be submitted to the City according to the schedule presented in **Table 1**. If the performance standards for the project are met (**Section 4.1**), monitoring will cease after the fifth year, post-construction.

**Table 1: Projected Calendar for Performance Monitoring and Maintenance Events**

| Year | Date* | Maintenance Review | Performance Monitoring | Report Due to City |
|---|---|---|---|---|
| 1 | Spring | X | | |
| | Fall | X | X** | X |
| 2 | Spring | X | | |
| | Fall | X | X | X |
| 3 | Spring | X | | |
| | Fall | X | X | X |
| 4 | Spring | X | | |
| | Fall | X | X | X |
| 5 | Spring | X | | |
| | Fall | X | X | X*** |

*Beginning of monitoring period will start following construction completion.
**First monitoring visit will serve as the baseline assessment.
***Request approval of project approval from the City (presumes performance criteria are met).

## 7.3 MAINTENANCE (M) and CONTINGENCY (C)

Maintenance will be performed regularly to address any conditions that could jeopardize the success of the mitigation areas. During maintenance reviews (schedule shown in **Table 1**), any maintenance items requiring attention will be identified and reported to the property owner. Maintenance items requiring attention shall be completed within 30 days of the monitoring event.

Established performance standards for the project will be compared to the monitoring results to judge the success of the mitigation project. If there is a significant problem with the mitigation achieving its performance standards, the Bond-holder shall work with the City to develop a Contingency Plan. Contingency plans can include, but are not limited to: plant installation, erosion control, and plant substitutions of type, size, quantity, and location. Such contingency Plan shall be submitted to the City along with annual monitoring reports.

Contingency and maintenance items may include many of the items listed below and would be implemented if performance standards are not met. Maintenance and remedial action on the site will be implemented immediately upon completion of the monitoring event (unless otherwise specifically indicated below).

- During year one, replace all dead plant material. (M)

- Water all plantings at a rate of 1" of water at least every week between June 15 – September 15 during the first year after installation, and for the first year after any replacement plantings. (C & M)
- Replace dead plants with the same species or a substitute species that meets the goal and objectives of the mitigation plan, subject to the approval of the wetland biologist. (C)
- Re-plant area after reason for failure has been identified (e.g., moisture regime, poor plant stock, disease, shade/sun conditions, wildlife damage, etc.). (C)
- Weed trees and shrubs to the drip line, by hand. Do not use mechanized devices, herbicides, or pesticides. Maintain mulch rings around trees and shrubs at a depth of 3 inches. (M)
- Remove/control weedy or exotic invasive plants (e.g., Scot's broom, reed canarygrass, Himalayan blackberry, purple loosestrife, etc.). All non-native vegetation must be removed and dumped off site. (C & M)
- Clean up trash and other debris. (M)
- Selectively thin volunteer species (such as alder) to prevent domination by a single species. (M)

## 8.0 PERFORMANCE GUARANTEES

A maintenance/monitoring bond equal to the estimated installation, maintenance, monitoring, and contingency costs for the five-year monitoring period shall be posted with the City prior to finalization of the building permit. The bond may be released in partial amounts at the reasonable discretion of the City. Partial release of the bonding obligation would be in proportion to work successfully completed over the five-year monitoring period.

## 9.0 REFERENCES

Adolfson Associates, Inc. 1998. *City of Kirkland Sensitive Areas Recommendations Report.* August.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States.* U.S. Fish and Wildlife Service, Department of the Interior. FWSOBS-70/31.

Hitchcock, C.L., and A. Cronquist. 1973. *Flora of the Pacific Northwest.* University of Washington Press. 730 pp.

Kirkland, City of. Kirkland Zoning Code.

The Watershed Company. 1998. *Kirkland's Streams, Wetlands, and Wildlife Study.* July.

THE WATERSHED COMPANY

SCIENCE & DESIGN

January 25, 2007

Ron Hanson
City of Kirkland Planning
123 – 5th Avenue
Kirkland, WA 98033

Re: David Aubry Short Plat - Wetland Buffer Modification Review

Dear Ron:

Thank you for the opportunity to review the Wetland Buffer Mitigation plan prepared by Aquatica Environmental Consulting, LLC (AEC) and dated November 1, 2006. The Watershed Company conducted a wetland delineation study on the property on July 18, 2006.

**Findings**

The plan is well prepared and addresses all of the requirements for wetland buffer modification under Kirkland Zoning Code (KZC) section 90.60. Nevertheless, changes to the plan are necessary to ensure that when implemented, the buffer will function as intended under the requirements of the KZC.

The plan does not incorporate any woody debris or other habitat structures. One modest piece of woody debris is appropriate, if available from trees to be cleared for the new construction.

Plan objective "B" requires that a combination of native sapling tree, shrub and groundcover coverage be at least 60% by the end of year five. Groundcover is typically very difficult to establish. Therefore the cover goals should be tied to native woody vegetation (trees and shrubs) only. Also, at the density proposed and with good maintenance, this plan should reach at least 80% cover of native woody vegetation by the end of the monitoring period. Only the one percentage target is listed. Another target of 60% cover at year 3 is appropriate.

Plan objective "C" is to maintain invasive weeds to less than 15% cover. Since the site does not currently have any dense infestations of Himalayan blackberry or reed canarygrass, this limit should not be above 10%. Also, it should be worded such that no more than 10% cover by these weeds is allowed in any monitoring year.

No buffer fence or barrier is proposed as required under KZC 90.95. A fence or plantings of equal barrier is required at the edge of the buffer. However, a fence is preferable, as plantings need constant ongoing maintenance to ensure they have an equivalent barrier value. In practice we have found that shrub barriers do not reach the equivilent barrier value of a split rail fence.

750 Sixth Street South | Kirkland, WA 98033
p 425.822.5242 | f 425.827.8136 | watershedco.com

ATTACHMENT 10
SP06-0006

In the Construction/Specifications section (6.0), the second bullet requires that soil in unvegetated areas be deconsolidated. There are no unvegetated areas in the planting areas. However, the lawn area does need de-compaction. This will also aid in reducing competition by the lawn grasses. To further elimninate or reduce the presence of lawn grasses, the entire area should be mulched with woodchips or "animal-friendly hog fuel" (available from Pacific Topsoils @ 1-800-884-7645). This mulch will greatly improve growth and survival while reducing root competition by weeds. Compost mulch, as recommended in bullet 9, should not be used, except when proposed as a soil amendment.

A biologist familiar with installation of mitigation projects should be on site to inspect soil preparation, plant material (prior to planting) and adequate plant placement. The biologist should prepare a short as-built letter certifying that the plan was installed as designed or documenting any plan departures.

The monitoring section (7.0) states that the first year monitoring is to take place following plant installation. Typically, an as-built inspection is done just after completion with the first year monitoring visits taking place in the first spring and summer following completion. Table 1 is not clear as to whether the monitoring biologist, or the maintenance crew does a "maintenance review". Regardless KZC 90.55 (4) c. requires two site visits per year by a qualified biologist. The first visit is usually done in the spring and consists of a quick evaluation for weeding and other maintenance. The second visit documents the bulk of the monitoring requirements, but also includes the findings of the spring visit.

Bullet 5 in the maintenance and contingency section (7.3) addresses weeding, however no details on the annual frequency are provided. At least two weedings per year are needed and more frequent work may be needed depending on the findings of the monitoring reports.

While section 8.0 covers the bond requirement, no bond estimate for the cost of the installation, monitoring or maintenance was provided. A simple and accurate bond quantity worksheet can be obtained from King County DDES or directly from this office.

**Recommendations**

We recommend the planning department require the following plan changes:

1) Add 1 modest piece of woody debris to the plan, if available from trees cleared for the new construction.
2) Change objective B to require cover of native woody shrubs reach at least 60% by year 3 and 80% by year 5.
3) Change objective C to require a maximum of 10% cover by invasive weeds in any monitoring year.
4) Add a split rail fence along the edge of the reduced buffer.
5) Propose deconsolidation of all lawn areas within the wetland and buffer by rototiller following by wood chip mulch to a depth of 4 inches across the entire planted area.
6) The plan should stipulate that a Biologist be on site to inspect soil deconsolidation, plant material acceptance and placement. Following site inspection, an as-built plan should be submitted to the City.

7) Monitoring visits should begin during the first spring following plant installation, following the as-built inspection. Also, the monitoring schedule should clearly detail two site visits per year.
8) The plan should propose a maintenance/weeding schedule.
9) The applicant should prepare a cost estimate for bonding purposes using the latest version of the King County Bond Quantity Worksheet.

The addition of these recommendations will ensure the plan meets the letter and intent of the Kirkland Zoning Code.

Please call with any questions.

Sincerely,

Hugh Mortensen

Hugh Mortensen, PWS
Ecologist

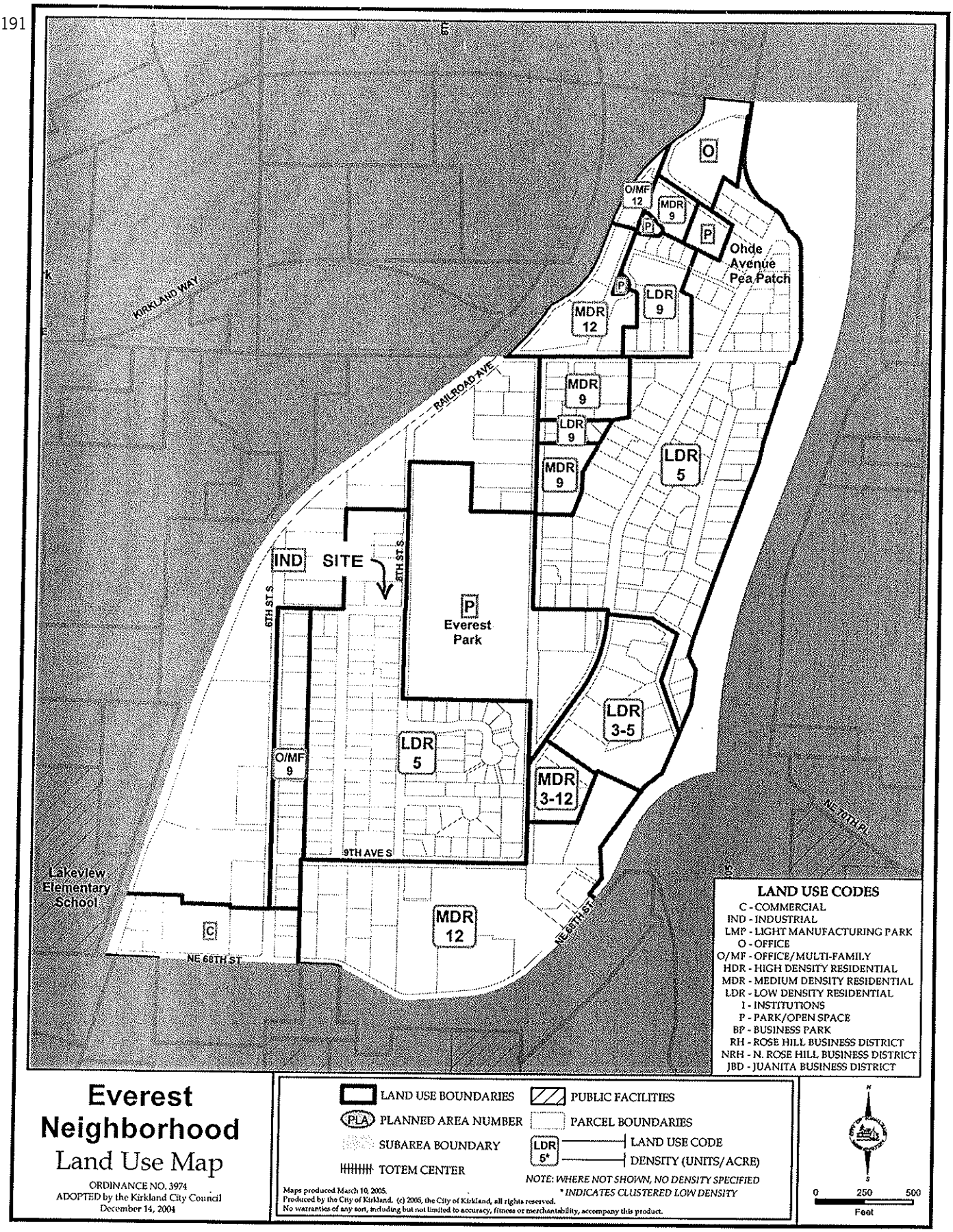
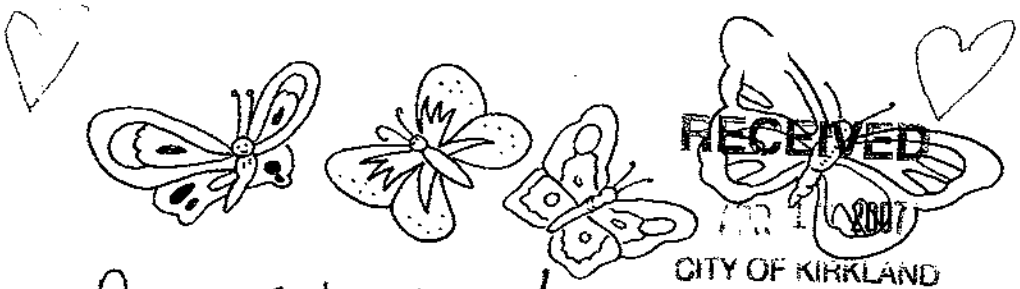



**Figure E-1: Everest Land Use**



ATTACHMENT 11

SP06-0006



RECEIVED
APR 1 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Dear City Concil,
Please don't build that road. It will be right next to my friend's house. I think it would be very dangerous when me, my brother are playing in the street. That includes our friends too. So we really wish that you will not bulid that road. All of our friends are complaining and school and I'm really upset. For my final Word, Please do not bulid the road.

612 7th Street S, Penny Ryan
(5th Ave. South)

ENCLOSURE 4A
SP06-00007

ENCLOSURE 4A
AP07-000024 AP07-00003

(quasi-judicial) to Planning

Rhonda Marshall
745 7th Street South
Kirkland, WA 98033

April 22, 2007

RECEIVED
MAY 01 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Kirkland City Council
123 5th Ave.
Kirkland, WA 98033
Attn: all City Council members

Dear City Council members;

Currently, 5th Ave South ends in a public footpath that goes between 7th Street South and 8th Street South near Everest. As you know, new home construction adjacent to this path will require extending 5th Ave South into at least a cul-de-sac off either 7th or 8th Street South in order to provide access to the new construction.

We have heard that the City of Kirkland plans to extend 5th Ave South into a through street between 7th and 8th Streets. This is an incredibly bad idea for the following reasons:

- As you know, a large business is being built on the west side of 6th Street South. 6th Street South is already very busy in the evening, and the new business, once completed, will add even more congestion on 6th Ave South parallel to our street during morning and evening rush hours.
- 8th Street South has speed bumps in order to deter people who would use it as a shortcut to get to the 85th Street and the entrances to 405. If there were a through street between 7th and 8th Street South, and people wanted to avoid the increased 6th Street South traffic would use 7th Street South instead of 8th Street South, which has no speed bumps at this time.
- 7th Street South is a narrow street, much narrower than 8th Street South. Along with a lack of speed bumps, it also has no contiguous sidewalks on either side, so when we walk (for example, with our children to school), we are essentially walking in the street.
- 7th Street South has more than 16 families with children under 10 years of age. Right now our street is quiet except for local traffic, and in the evenings our

ENCLOSURE 4B
APL07-00002 + APL07-00003

children ride their bikes and play in the street in relative safety, supervised by us parents. This has created a social atmosphere among the adults as well, and as a result we have a friendlier, more cohesive neighborhood.

In short, if 5th Ave South is extended to 8th Street South, our narrow, peaceful little road will become very busy during rush hour. In the mornings this will make it more dangerous for them to walk to school, and in the evenings they will have nowhere safe to play with each other as a general community. This change will decrease our property value, diminish our quality of life, and threaten our children's safety.

Even if the City of Kirkland attempts to mitigate the safety issues with sidewalks on both sides of the street and speed bumps, the community and character of our neighborhood will be irrevocably damaged.

Please do not make the proposed 5th Ave. South extension cut through to 8th Street South.

Thank you,

Rhonda Marshall

April 14, 2007

To the Kirkland City Council Members,

I just found out that a street is being planned on 5th Ave S. I am outraged that the city would even consider adding a street that would divert traffic through a neighborhood that has several small children! As a long time resident of the city of Kirkland, I have seen an explosion of development, some of it for the better, but I have always wondered where the traffic would go with all the housing being built so tightly together. I never thought the city would start diverting traffic through a residential neighborhood. I see this as a quick fix for a problem that was not well thought out. Not only will this NOT get anyone to I405 any faster but it will invite people to start using 7th St S as a thorough fair once people discover they can avoid traffic by going down this street.

I have used the historical trail, the very one being considered for an arterial, for several years almost every day and I can not even imagine how it would be conceived that a street would be appropriate. You would be killing the charm of Kirkland at the expense of the residents. **I will not vote for City Council members who choose to ignore the best interests of the neighborhoods and residents simply to mitigate traffic problems on the arterials.** Kirkland has been a wonderful and charming place to live with its lush greenery, but now instead of seeing green, I am starting to see concrete and houses everywhere. The charm that was once Kirkland is becoming less and less. Please STOP the planning on this small piece of property; this will solve nothing except the denigration of my neighborhood.

Susan Leonhardt
517-7thSt S
Kirkland Wa 98033
Susan.leonhardt@verizon.net

ENCLOSURE 4C
AP07-00002 + AP07-00003

To: Kirkland City Council Members

From: Carol Parker, 803 7th St South

Date: April 8, 2007

Subject: Aubry Short Plat Advisory Report #SPL06-00007

It was with considerable dismay and sadness that I learned of the city's plan to open an extension of 5th Ave S to vehicular traffic as a requirement to the Aubry Short Plat approval.

Generically speaking, it appears as if the order came without thought but rather as a requirement of the short plat process.

We understand the city's need to require improvements to the infrastructure. Yet, to insist on turning a well-loved and heavily treed walkway and designated city trail into a vehicular thoroughfare seems like a huge oversight.

I trust the council's integrity. And further, trust that the members want to keep a piece of the gentle Kirkland hometown feel while balancing this city's inevitable progress and growth.

Currently, the walkway has almost a sanctuary feel…overgrown with lush brush, a worn path where kids, pets and adults make their way through on daily walks. As sad as it would be to give up this paradise, the neighborhood would be most amenable to improving the pathway as a way to appease the city planners. And as citizenry, we'd get much more use and enjoyment out of a walkway than another road!

Citizens in the Everest Neighborhood will be participating in the appeal process. I concur with the points they make in their well thought out presentation and would like to re-iterate the following:

- ✓ 7th St S (perpendicular to 5th Ave S) has somewhat minimal traffic and is considered a 'neighborhood street'. Opening 5th Ave S will give peak traffic a shortcut to and from 85th. Regardless of any traffic study, it's human nature to take a less crowded alternative route when cars are backed up during rush hour!
- ✓ The new business park will increase traffic on 6th St. Opening 5th Ave S will just allow traffic to go from one arterial to another via a neighborhood street. Please don't give the opportunity to prove this theory true. Once the road is open and the traffic has increased, there is no turning back. The error will already have been made.
- ✓ Everest Park, home to a multitude of little league baseball teams and softball tournament, kids, and playgrounds, does not need an influx of motorized traffic. The proposed road with force traffic to 'T' at one of the busiest places in the park.
- ✓ With walkway intact, all lots still have access to all services and emergency personal & vehicles have access to all proposed lots
- ✓ It's what the majority of the neighborhood wants.
- ✓ Our small piece of walkway is the only thing that keeps our street from becoming a paved strip of houses wedged in an open grid adjacent to commercial traffic.
- ✓ The current walkway gives our properties a true residential neighborhood feel.
- ✓ City code indicates it's unwise to alleviate traffic by sacrificing neighborhood streets.

On behalf of an overwhelming majority of Everest neighbors, I am requesting the city council honor our request by keeping our walkway intact and not making the open extension of 5th Ave S a requirement of the Aubry Short Plat approval.

ENCLOSURE 4D

APL07-00002 + APL07-00003

## Dawn Nelson

**From:** Robin Jenkinson
**Sent:** Tuesday, April 17, 2007 9:05 AM
**To:** James Lauinger; City Council
**Cc:** David Ramsay; Dawn Nelson
**Subject:** RE: Official Protest against opening of the 5th Ave. South public right-of-way

**From:** Ah Sim [mailto:Ahsim@comcast.net]
**Sent:** Sat 4/7/2007 1:44 PM
**To:** James Lauinger; Joan McBride; Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff
**Subject:** Official Protest against opening of the 5th Ave. South public right-of-way

To the Mayor and City Council of Kirkland...

My wife and I as taxpayers and 10 year residents of Kirkland - first in Juanita ( next door neighbors to Nona Ganz) and now in Bridle Trails - want to express our protest against the city planning departments recent recommendation to demand the creation of a cut through street acros from the Everest Park's little league fields and kiddy play areas.

We as parents of two children under 10 love that park for its quiet and safe environment and we would hate to see that distroyed by creating a street extending 5th avenue south ...

We understand this issue will be before you in May or June and we want you to formally recognize our opposition and know we will be watching the outcome of this issue closely in terms of how we vote going forward...

Too much of what makes Krikland a great place to raise your kids is being distroyed and we feel acts like this are a key litmus test for how the future of this city will evolve..

Here is a more complete analysis that we support to explain our position

**********

**Summary of Arguments against opening of the 5th Ave. South public right-of-way**

The City Planning Department has recommended granting the Aubrey's short plat subject to the condition that they pay half the cost of putting 5th Ave S. through to just across the street from Everest Park's Little League fields and kiddie play area.

Opening the street wouldn't significantly benefit the city as a whole, the neighborhood, or even individual property owners. On the other hand, it would cost the city a lot of money (more than they have realized), endanger its citizens, and disrupt existing community and neighborhood character.

Here are some of our main points we share with the neighborhood:

1) Because the street would simply close the short side of a rectangle, it wouldn't speed emergency response times. With or without the street, it would be exactly the same distance from the Houghton Fire Station to all homes, parks, and other locations. All of the existing corners streets are wide enough for fire trucks to easily turn and move; this wouldn't even improve turning radiuses or anything.

2) The most that the street might save on any neighborhood person's driving time is a few seconds. That's, for example, what it would save me if I chose to drive to Everest Park by going around rather than driving straight there on a new street. But why would I drive when right now I have a nice path to walk on where this new street would be built?

3) A street there would ruin this path, which is on city walking brochures and maps and which is well-used and

ENCLOSURE 4 E
APL07-00002 & APL07-00003

well-liked. City codes say that we're supposed to be fostering and protecting just these types of pedestrian alternatives to motorized travel.

4) A street would draw into the neighborhood commuter traffic from arterial and collector streets and streets designed for commercial traffic. The way 6th Street backs up to 5th Ave S., who wouldn't try to find a way to keep moving on the way to the freeway or north across town

-- right through the neighborhood? City codes say that new roads should not be built or "improved" if they would draw traffic from established routes and into neighborhoods.

5) There is overwhelming support behind the effort to leave 5th Ave S. unopened. 138 neighbors signed a petition to this effect; we would have gotten more, but we ran out of time.

6) Everyone we've talked to at Kirkland Little League opposes a new street there as it would be a hazard to the many young players, especially the youngest group, who use and tend to play around near the field that's closest to the proposed intersection. Games begin right around the time when cut-through rush hour traffic would be at its worst.

7) The road would be built on fill that was dumped there haphazardly over a period of years to lessen flooding downstream from there. In other words, it was filled to create a sort of dam, not to create a structure strong enough to support traffic. The integrity of the berm has not been evaluated for traffic. It would have to be studied (at quite a cost, I'm sure) and likely mitigated with retaining walls or something.

Add to those costs the cost of guardrails to protect adjacent and significantly lower play areas and bedrooms from cars that could leave the roadway. Plus, the berm is too narrow to support a road without the addition of more fill, again at significant cost.

8) All of this filling, etc. would take place adjacent to a wetland that was just surveyed as part of this short plat and the adjacent neighbor's home building. This wetland was deemed by the city too important to allow the homes to be built on it, but it's okay for them to put there a road that neighbors don't want and that won't benefit anyone?

9) The street would not by any stretch of the imagination help "complete the grid." It's a short block stretch between two neighborhood streets.

10) The neighborhood has gone through this issue several times over the past 30 years. We have a letter from the City from 1976 assuring neighbors that a road was not planned for this right-of-way. The issue was reopened in 1991, and drew unanamous opposition from the neighborhood. At the time, the road opening was also rejected.

11) This is occurring at the same time a huge commercial construction project is underway immediately on the other side of 6th St S from this neighborhood. Given that 6th St S already backs up daily during rush hour, how can the city consider putting a shortcut to the 85th St I-405 on-ramp immediately across from this project? The Kirkland Comprehensive Plan specifically recommends ?Avoiding connections through residential neighborhoods when they will create new routes for commercial/ industrial traffic or bypass routes for I-405?. Is the City simply ignoring their own guidelines because they have a difficult traffic problem that will be getting worse and this is a quick fix?

Sincerely,
Michael and Ngan Sim Aldridge
6914 120th Ave NE
Kirkland, WA
98033

April 11, 2007

Dear City Council members,

I strongly oppose the opening of 5th AVE South as a public right of way. The community and surrounding neighborhoods are opposed to this and it is environmentally unsound. Let's work together for better communities in greater harmony with mother earth.

respectfully,

Kathy Sutton

Kathleen Sutton
12933 99th AVE NE
Kirkland, WA 98034
425 820-2814

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APR 12 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

ENCLOSURE 4F
APL07-00002 + APL07-00003

## Dawn Nelson

**From:** Eric Shields
**Sent:** Wednesday, May 30, 2007 3:13 PM
**To:** Dawn Nelson
**Subject:** FW: Opposition to Aubry Short Plat

**From:** Anne Ryan [mailto:anneryan1@comcast.net]
**Sent:** Tuesday, May 29, 2007 4:45 PM
**To:** KirklandCouncil
**Subject:** Opposition to Aubry Short Plat

Dear City Council Members:

I am writing to you today as a concerned citizen of the great City of Kirkland. My family and I live on 7th Street South, and have been made aware of a plan to open up 5th Avenue South through to 8th Street South.

We have lived on this beautiful, quiet, safe street for 2 years now. Previously we lived in the east of Market neighborhood—also a beautiful street, but the traffic was terrible. In house hunting we were thrilled to find such a lovely setting for our family which includes an 8 year old girl, a 6 year old boy, and a new puppy. We were so happy to find so many young children on this street—kids who, like ours, enjoy riding bikes, scooters, roller blades and tricycles. On any given sunny day, it is likely that you will find kids playing happily in the street while watchful parents supervise. The kids know that when we call out, "Car!" they are to immediately pull over to the side of the street and stop while the occasional car passes.

I am fearful that the proposed "road improvement" will take away our peaceful street. At our last, informal count, we tallied up over 30 children ages 9 and under who reside on this street! Opening up 5th Avenue South will undoubtedly increase our street traffic and will pose a danger to the safety of our kids. I am urging the Council to reconsider approval of this plan.

Respectfully,

Anne M. Ryan
612 7th Street South
Kirkland, WA 98033

ENCLOSURE 46
APL07-00002 + APL07-00003

April 4, 2007

4/6 Quasi-Jud. Given to Eric

Dear Kirkland City Council Members,

We are writing to you in regards to the possibility of making 5th. Avenue in the Everest neighborhood, a thru street. Short Plat Advisory Report #SPL06-00007. We strongly oppose turning the current walking path into a road. Listed are our reasons why:

1. The main reason is the safety of the children who live in the neighborhood and the boys and girls who play baseball and softball at Everest park. With the increased volume of traffic, this puts the children at great risk of being hit by a vehicle. Commuters will be driving faster with the goal of possibly getting home quicker, resulting again in risk to children. The current walking path allows those in the neighborhood as well as those outside the neighborhood the opportunity to walk safely to the park with their children and pets. The walking trail alleviates the need to drive, which causes unnecessary pollution and taking up parking spots when they arrive at the park.

2. The negative environmental impact on trees, vegetation, the wetlands and wild life. As you know the new home we are building at 700 5th. avenue south was classified by the City of Kirkland with having wetlands as well as the land to the east of our property. A road would threaten the nature of the wetlands and streams, thus a study should be done by the Army Corp of Engineers and the clean water act should be followed when looking at putting this road thru. Also, the State and Federal regulatory authorities should be consulted on this matter, before further proceeding.

3. This road would create a devastating financial burden on all surrounding property owners who are being required by the City of Kirkland to pay for this road. There is an exceptional amount of prep work that needs to be done, before this road can be constructed properly to handle the volume of traffic. Such as extra fill will have to be brought in, drainage would have to implemented and several yards of asphalt would have to be poured to construct this road. We do not have the amount of money it would take to construct this road.

Does every neighborhood need several roads running thru them? Can't we keep Kirkland a Family friendly and environmentally sound city? Kirkland is a quaint, beautiful, wonderful city to live in. Building roads at every turn would alter Kirkland negatively. As you know there are many residents in Kirkland who are opposed to this road, but welcome walking trails. Mothers can walk with their children in strollers and residents can walk their dogs safely. It is time that the city of Kirkland finally puts the idea of having a road thru to rest for good and leave it a walking trail. The city of Kirkland needs to move on to other projects and spend valuable resources to benefit all residents of Kirkland.

Regards,
Clement Neil Donna Neil
Clement and Donna Neil

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APR 05 2007
CITY OF
CITY MANA

ENCLOSURE 4H
APL07-00002 + APL07-00003

# Short Plat Conditions Appeal

To: Ronald Hanson, Project Pre-Submittal meeting Planner (Consultant)

From: David L. Aubry, Anna V. Aubry

Date: April 10, 2007

File: AUBRY SHORT PLAT, SPL06-00007

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APR 10 2007
AM PM
PLANNING DEPARTMENT
BY

Background:
This Short Plat application and separate Building Permit application are the result of our effort to save our house from the bulldozer. We have reached a point where we have been considering "downsizing." Because of the size of our lot, it would most likely be purchased by a developer who would divide the lot into three parcels and bulldoze our house, a house that has been a landmark in the Everest Neighborhood since 1928. In an effort to save the house, we have relocated it on the property, expanded and updated it while maintaining those features unique to the house and its time in Kirkland's history. Former owners of our house have supplied eggs to many Kirkland homes, have managed the historic Gateway Theatre, have been a long-term employee of our City's Public Works Department, have served as a Kirkland Volunteer Fire Fighter, and have contributed to the growth and character of Kirkland.

The property also has beautiful, mature trees that we have taken pains to protect; in fact, the location of these trees actually dictated where the house was relocated. (We have 67 tree credits on our property while only 17 tree credits would satisfy the requirements for Short Plat.)

We believe we are stewards of this house and its surroundings and have a responsibility to retain as much of the character of the house and beauty of the property as possible.

Similarly, as residents of this neighborhood since 1972, we feel a responsibility to our neighbors and to the Everest Neighborhood in general to ensure that actions related to this Short Plat have little, if any, negative impact on the Neighborhood.

With this background in mind, we respectfully submit our appeal of some of the conditions set forth in the City of Kirkland Department of Planning and Community Development Advisory Report Findings, Conclusions, and Recommendations dated March 20, 2007.

Surface Water Conditions:

- The "Small Site Drainage Review for Short Plats" section seems to contradict the "Small Site Drainage Review for Short Plats" section in the

ENCLOSURE 5a
APL07-00002 + APL07-00003

Pre-Submittal Meeting Public Works Conditions document dated December 12, 2005. We do not understand.

Street & Pedestrian Improvement Conditions:

- 5th Avenue South –
  - The neighborhood has at least a 30 year history of opposition to opening the 5th Ave S right-of-way to vehicular traffic (see attached documents).
  - From a practical point of view, 5th Ave S is currently one short block long running from 6th St S to 7th St S! Opening the subject portion (roughly 300' long) would mean that the street would be 600' long with no possibility of extension either E or W.
  - Additionally, it would:
    - Insert traffic onto a neighborhood collector street (8th St S) already notorious for traffic, speeding, and surges of traffic from Little League families depositing children up and down 8th St S, on both sides of the street. Introducing turning hazards in 3 directions into this mix would be a recipe for inevitable accidents and injuries.
    - The only possible non-park related use of the subject portion of 5th Ave S would be for commuters trying to get off 6th St S during commute hours in order to get to I-405 at 85th, or to the residential areas North of 85th and just West of I-405. In other words, 5th Ave S would quickly go from its advertised future status as a neighborhood access street to a collector.
  - In the end, opening a short piece of roadway that fits into no existing grid, is constrained on the East by Everest Park and on the West by the Seattle Door site and railroad tracks, serves no practical purpose. It would, instead, create a series of traffic nightmares in the Everest Neighborhood.
  - The Everest Neighborhood could have had this street opened in 1990-1, by the City, at City expense, as a condition of the Everest Park improvements. The Neighborhood did not want it then; it is clear the Neighborhood does not want it now.
  - Finally, the City talks about street grids and traffic flow as determinants of the status of street right-of-way. Yet, twice in the past couple of years, the City has permanently closed parts of existing streets downtown that clearly contributed to efficient traffic flow. This includes the right turn lane off of Kirkland Ave onto State St – by the Bears statue. This lane allowed traffic to merge onto State Street from Kirkland Ave without first going to 3rd St. Similarly, just North-East of the old Safeway store – now the Boulevard Condos– a right turn lane going east has been eliminated. Where it was once possible to drive directly up the hill on Kirkland Ave, one must now make a short detour on Kirkland Way before turning sharply right to rejoin to Kirkland Ave.

Generally, dedicated right turn lanes serve to ease traffic flows and mitigate lengthy commuter traffic congestion and back ups. In fact, the City is creating a right turn lane from east bound NE 68th onto 108th NE for just these reasons. Clearly decisions about the routing of roadways are not based solely on the maintenance of existing roadways and on efficient traffic flows.

- 5th Ave S simply should not be opened to through traffic – the Neighborhood continues to strongly oppose it, and the amount of in-filling in the area along 7th Ave So and 8th St S does not justify it. Further, the City has addressed this issue more than once in the past. For instance, in a letter referencing opening that portion of 5th Ave S dated February 6, 1991, Jim Arndt, then Public Works Director, stated "the City Council determined more neighborhood input was required prior to the opening of 5th Ave S, between 8th St S and 7th St S...Be assured that before the City takes any action regarding revisions to traffic in your neighborhood, additional meeting(s) will be held..." This is a firm commitment that the City made to the Everest Neighborhood; the City must keep its commitment.

- Undergrounding of Utilities
  - Item #10 of The Department of Planning and Community Development Advisory Report – Finding, Conclusions, and Recommendations, dated 3/20/2007, states that "The Public Works Department shall determine if undergrounding transmission lines in the adjacent right-of-way is feasible or not. In this case, it has been determined that it is feasible to underground the lines in conjunction with installation of the street improvements. All of the overhead lines along 8th St So. And 5th Ave So shall be converted to underground."
  - <u>However</u>, the Department of Planning and Community Development Advisory Report – Finding, Conclusions, and Recommendations (page 5 of the Pre-Submittal meeting document), dated December 12, 2005, states that " In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 8th St S is *not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement.* The final recorded subdivision mylar shall include a condition requiring all associated lots to sign a LID No Protest Agreement prior to the issuance of a Building Permit for said lot. In addition, if a house is to be saved, on one of the lots within the subdivision, a LID No Protest Agreement shall be recorded against that lot at the time of recording." Obviously this was an important factor in our decision to risk this project.

- While we definitely agree to the conditions put forth in writing by the City in the original document dated December 12, 2005, we find the reversal of the recent change of conditions unacceptable.

Sincerely,

David L. Aubry

Anna V. Aubry

Attachments:

- Letter dated January 30, 1976, from Arthur E. Knutson, Public Service Director, to Carl J. Waluconis stating "The City does not plan a street for that section of public right-of-way along 5th Avenue South between 7th Street South and 8th Street South...."
- Letter dated June 17, 1990, from Thomas Lynn and David Aubry in challenge to "Findings, Conclusions, and Recommendation of City of Kirkland Hearing Examiner RE File No. III-89-84, stating "The proposed opening of Fifth Avenue South as a 'Local Access' street has no basis in logic....The effects of this proposed action will only increase traffic passing through the neighborhood and will in no way improve access by the Everest residents of by other users of Everest Park."
- Resolution No R-3612, A Resolution of the City of Kirkland Approving the Issuance of a Process III Permit as Applied for in Department of Planning and Community Development File No. III-89-84 by the Kirkland Parks and Recreation Department Being Within a P Zone, and Setting Forth Conditions to Which Such Process III Permit Shall Be Subject, Section 1, "Fifth Avenue South shall not be opened or improved as a part of this Park project."
- Letter dated February 7, 1991, from Jim A. Arndt, Public Works Director, Subject: Everest Park Improvements - 5th Avenue S. Opening, stating, "the City Council determined more neighborhood input was required prior to the opening of 5th Avenue S., between 8th Street S. and 7th Street S. Therefore, the plans to open 5th Avenue were deleted until further neighborhood discussion could take place.... Be assured that before the City takes any action regarding revisions to traffic in your neighborhood, additional meeting(s) will be held to discuss City policy and the impact of both existing traffic and traffic associated with the park development."

CITY OF KIRKLAND
210 MAIN STREET · KIRKLAND, WASHINGTON 98033 (206) 822-9271

January 30, 1976

Carl J. Waluconis
501 - 8th St. South
Kirkland, Washington 98033

Dear Mr. Waluconis,

Your letter dated January 9, 1976 was received and refered to the Public Service Department.

The City does not plan a street for that section of public right-of-way along 5th Avenue South between 7th Street South and 8th Street South. The City has worked over a period of years at dumping fill into the area occasionally to permit the eventual installation of a storm drain as the city has received complaints for years over drainage problems in the area.

The storm drainage has now been installed and the following work is yet to be accomplished, weather permitting.

1. Level the area so that it will be smooth and will drain off without puddling. By necessity this work must wait until the area drys out so the soil can be worked properly.

2. The broken limbs will be removed from the trees. This type of damage should not happen but it did so the pruning is necessary.

3. Some seeding will be necessary for erosion control.

Sincerely,

Arthur E. Knutson

ARTHUR E. KNUTSON
Public Service Director

AEK/sc

cc: City Manager
City Engineer

501 Eighth Street South
341 Eighth Street South
Kirkland, WA 98033

June 17, 1990

Subject: Challenge to Findings, Conclusions, and Recommendation of City of Kirkland Hearing Examiner RE File No. III-89-84

Any response to this letter (City File No. III-89-84) must be delivered to the Planning Department within five (5) working days after the letter was filed with the Planning Department, or by June 26, 1990.

Within the same time period, any person making the response must mail or personally deliver a copy of the response letter to the applicant and all other people who submitted comments on the matter. An affidavit must be attached to the response letter when it is delivered to the Planning Department, to show proof of such mail or personal delivery.

If you wish to submit a response letter, further information about procedural requirements is available from the Kirkland Planning Department at City Hall. The planner assigned to the application is Dorian Collins at 828-1257.

The Everest Neighborhood has some unique features, the most significant of which have been a relatively small size and a location that is somewhat isolated from other single family dwelling neighborhoods. Through the efforts of its residents, there has been some modification of these features giving the neighborhood increased viability. However, the neighborhood remains somewhat fragile in terms of its character, and any significant changes must be studied carefully, lest they have a negative effect on the neighborhood.

When Kirkland's current Land Use Policies Plan was first proposed, and the studies and meetings began in the mid-1970's, the Everest Neighborhood was at a cross roads; it could either decline and the houses could be replaced by multifamily dwellings, or the residents could come together and work to preserve and enhance Everest. This second alternative is in fact what occurred. Efforts went on over many years to ensure that adjacent multifamily dwellings were in appropriate locations and of a proper scale to not overwhelm the neighborhood. The residents worked with developers to ensure that single family dwelling projects on Ninth Avenue South, Sixth Place South, and Eighth Avenue South fit into the overall scale and improved the style of the neighborhood. Except for the multifamily dwelling issue, this was all achieved in a positive, constructive manner; unfortunately, some confrontations occurred regarding this issue. In the end, a solution was reached allowing all parties to proceed in compliance with the Land Use Policies Plan.

When the Park Bonds were presented to the voters last year, many Everest residents saw the planned improvements to Everest Park as a real asset and further strengthening of this unique area. Many residents actively supported the bond issue and attended the planning meetings for the implementation of the improvements. Some concerns were expressed, and the City responded in a positive manner to many of these. However, the issue of increasing traffic on Eighth

Street South has received little in the way of attention from the City; this in spite of efforts to communicate residents' concerns to the City both verbally and in writing over the past year. Further, at no time during the neighborhood meetings was the issue of opening Fifth Avenue South between Seventh Street South and Eighth Street South mentioned. Since our original concerns regarding the worsening traffic problem have not been dealt with, we are amazed the City would consider further complicating the traffic problem by opening Fifth Avenue South to vehicular traffic, thus creating a very difficult and perilous traffic pattern. It is our position that these issues must be addressed with the residents of the neighborhood. In spite of the above mentioned efforts at communicating these issues to the City in both public and private conversations and in writing, no response has been received from the City.

While it can be understood that Eighth Street South is a "Neighborhood Collector," traffic must still proceed at rates and in a manner consistent with the law, safety, and the existence of the neighborhood. The proposed openning of Fifth Avenue South as a "Local Access" street has no basis in logic--this short section "accesses" only two or three lots with no construction on them. The effects of this proposed action will only increase traffic passing through the neighborhood and will in no way improve access by the Everest residents or by other users of Everest Park. For these reasons, we are on record as opposing the opening of Fifth Avenue South to vehicular traffic and ask that the City drop plans in this area. The Everest Neighborhood Residents ask also that the City address the traffic situation and communicate with the Everest Neighborhood to work out plans and ideas for this.

Sincerely,

Thomas Lynn
(501 Eighth Street South)

David Aubry
(341 Eighth Street South)

~~Please see attached~~

# RESOLUTION NO. R-3612

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS III PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-89-84 BY THE KIRKLAND PARKS AND RECREATION DEPARTMENT BEING WITHIN A P ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS III PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process III permit, filed by Kirkland Parks and Recreation Department, representing the owner of said property described in said application and located within a P zone.

WHEREAS, the application has been submitted to the Hearing Examiner who held a hearing thereon at his regular meeting of May 17, 1990; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 4321C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

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

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

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, as well as three timely filed challenges of said recommendation.

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

<u>Section 1</u>. The findings, conclusion, and recommendation of the Hearing Examiner as signed by him thereof and filed in the Department of Planning and Community Development File No. III-89-84 are adopted by the Kirkland City Council as though fully set forth herein, <u>except Conclusion IIB and Recommendations III.3.b., III.3.c., III.3.g., III.4.b., III.4.c., and III.4.d., which are not adopted. Recommendations III.3.f. and III.4.a. are adopted, except as to the opening and improvements of Fifth Avenue South; Fifth</u>

Avenue South shall not be opened or improved as a part of this Park project. In lieu of Recommendation III.3.b., the Council adopts the following: The Applicant shall sign a commitment agreement for improvements to Tenth South as itemized in Hearing Examiner Recommendation III.3.b., and shall install a hard surfaced pedestrian walkway from Tenth Street at Park entry north to the north boundary of the Park abutting on Tenth South.

Section 2. The Process III Master Plan permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

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

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process III Master Plan permit is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process III permit or evidence thereof delivered to the permittee.

Section 6. Certified or conformed copies of this resolution shall be delivered to the following:

(a) Department of Planning and Community Development of the City of Kirkland
(b) Fire and Building Departments of the City of Kirkland
(c) Public Works Department of the City of Kirkland
(d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council on the 3rd day of July, 1990.

SIGNED IN AUTHENTICATION thereof on the 3rd day of July, 1990.

Robert W. Ellis
Mayor Pro Tem

Attest:

City Clerk

RES-EVRT.JUN/DC:cm

I hereby certify that the foregoing is a true and correct copy of a Resolution of the City of Kirkland and that the same was published or posted according to law, said Resolution being No. 3612 and entitled "A Resolution as above.

Janet L. Shimizu Deputy City Clerk"

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (206) 828-1100 • TTY (206) 828-1244

February 7, 1991

**SUBJECT: EVEREST PARK IMPROVEMENTS**
**5TH AVENUE S. OPENING**

Last summer, when considering improvements to Everest Park and related off-site road improvements, the City Council determined more neighborhood input was required prior to the opening of 5th Avenue S., between 8th Street S. and 7th Street S. Therefore, the plans to open 5th Avenue were deleted until further neighborhood discussion could take place.

Subsequent to that, the City has undertaken a Transportation Study which will review, among other critical transportation issues, the opening of unopened right of way, connector routes, etc. Interim policies will be reviewed within the next several months by the City Council. It was felt that further discussion with the neighborhood on 5th Avenue S. would have more meaning when such interim policy decisions by the City Council are established. Therefore, further discussion with the neighbors regarding 5th Avenue S. has been delayed until such city-wide policy decisions are determined.

Be assured that before the City takes any action regarding revisions to traffic in your neighborhood, additional meeting(s) will be held to discuss City policy and the impacts of both existing traffic and traffic associated with the park development. If you have any questions concerning this matter, please don't hesitate to contact either myself (828-1236) or City Engineer, Gary Sund (828-1239).

Sincerely,

PUBLIC WORKS DEPARTMENT

Jim A. Arndt, P.E.
for Public Works Director

JAA:gp

cc: Terry Ellis, City Manager

May 13, 2007

Ron Hanson-Project Planner Consultant
Planning and Community Development
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Dear Mr. Hanson,

Following a discussion with Mr. Rob Jammerman of the City of Kirkland's Public Works Department, we wish to withdraw numbers 1 and 2 of the following items in our appeal of our Short Plat, File No. SPL06-00007.

1. **Surface Water Conditions** – we had noted some differences in the language as set forth in the Pre-Submittal Meeting and the language in the Department's final determination. We do understand that the short plat will need to be designed in accordance with King County's design criteria regulations as described in the 1998 King County Surface Water Manual.

2. **Undergrounding of Overhead Utilities along 8th Street South and 5th Avenue South** – we understand that this has been determined to be not feasible as was originally stated after the Pre-Submittal Meeting. We understand that the City's determination is that the project will qualify for a deferment if we agree to sign a Local Improvement District Waiver Agreement.

3. **5th Avenue South Improvements** – the appeal of this condition still stands and is to be brought before the City Council, most likely in June.

We are most appreciative of the City's willingness to work through these issues with us and with the Neighborhood. We look forward to amicably resolving the remaining issues.

Sincerely,

Anna Aubry

David and Anna Aubry
341 8th St S
Kirkland, WA 98033
425-827-3811

cc: Rob Jammerman
Development Engineering Manager
Public Works Department
City of Kirkland

ENCLOSURE 56
APL07-00002 & APL07-00003

4/6/2007

RECEIVED
APR 09 2007
PLANNING DEPARTMENT
BY

Department of Planning and Community Development
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033-6189

Attention: Eric R. Shields, Planning Director

**Subject: Appeal of the Advisory Report Findings, Conclusions, and Recommendations on the Aubry Short Plat, SPL06-00007 dated March 20, 2007**

References:

a. Department of Planning and Community Development Advisory Report Findings, Conclusions, and Recommendations dated March 20, 2007
b. City of Kirkland Comprehensive Plan
c. City of Kirkland Municipal Code
d. City of Kirkland Zoning Code
e. Letter of Comment and Petition on Aubry Application for Short Plat signed by Jerry and Beverly Gilbert, Tom and Sherri Lynn, and Karen Tipp. Petition signed by 138 residents of the Everest Park neighborhood.
f. Letter from Arthur Knutson, Public Service Director to Carl J. Waluconis dated January 30, 1976 (attached)

## I. Introduction

Per the direction provided in Section 145.60 of the Kirkland Zoning Code, we are appealing the Advisory Report Findings, Conclusions, and Recommendations on the Aubry Short Plat, SPL06-00007 dated March 20, 2007.

The specific element of the Planning Director's decision that is being appealed is the condition of approval Item 2 under Section B, Recommendations, that the applicant install half-street improvements to currently unopened 5th Ave S. We oppose this decision and recommend that the condition of approval be modified to require driveway access to the westernmost proposed lot along with an improved pedestrian and bicycle pathway, in lieu of a through street.

Further, there is discussion in several sections of the Advisory Report of the new home construction immediately to the west of the subject short plat, also on the north side of and adjacent to unopened 5th Ave S, and the requirement levied on this project to also install half-street improvements. In Attachment 3 of the Advisory Report, the Public Works Department recommends that if a pedestrian and bicycle pathway is installed in lieu of through street improvements adjacent to the subject short plat, that this pathway also be installed adjacent to the new home being built to the west. We concur with this recommendation.



ENCLOSURE 5C
APL07-00002 + APL07-00003

**II. Overview**

This appeal is in response to the recommendation by the Planning Department provided in the subject short plat approval that the unopened section of 5th Ave S be improved and opened for motorized vehicle use.

The residents of Everest neighborhood strongly oppose the opening of the road right-of-way based on the traffic impact it will create and the engineering, safety and environmental considerations required due to the topography of this location. The very real potential for serious and unsafe impact will be demonstrated in this appeal.

The Planning Department Advisory Report focused on isolated references from the Kirkland Comprehensive Plan, Zoning Code and Municipal Code to support their position that the opening of the road right-of-way is required.

However, when the overall goals of the plan are reviewed, and all three of these documents are considered in total, these documents present a stronger argument to support the City in leaving this right-of-way unopened.

Based on the direction found in these documents, the potential impact to neighborhood traffic, and the overwhelming opposition of the neighborhood to the opening of this right-of-way, we respectfully request that 5th Avenue South remain unopened to motorized vehicles.

In this letter of appeal, we will demonstrate that:

- The Kirkland Comprehensive Plan policies and goals, and the Kirkland Municipal Code Subdivision Ordinance strongly support a pedestrian and bicycle pathway in this situation in lieu of a through street.

- Opening this street will not improve the "connectivity" of the city's street grid, it will not improve emergency vehicle response time and it will not improve access or disperse traffic within the neighborhood.

- Opening this street will provide a by-pass route for congested traffic on 6th St S through an established neighborhood to reach the 85th St/ I-405 interchange. This by-pass route will place a busy intersection immediately in front of the children's ball fields in Everest Park.

- There are engineering, safety and environmental aspects of the installation of this road that have not been considered and will substantially increase the cost of a street improvement in this location.

## III. Background

### A. Configuration of Neighborhood Streets

Opening the subject street section will provide little benefit to individual homeowners, the neighborhood of Everest Park, or the city at large in terms of improved emergency vehicle access, reduced driving distances, or dispersing of neighborhood traffic.

Opening this street will, however, provide an alternate direct route to the I-405/ 85th St arterials that will be utilized when commuter traffic backs up to a standstill on 6th St S, as it does daily.

Northbound commuter traffic on 6th St S backs up south from the 6th St and Kirkland Way intersection beyond 5th Ave S during weekday rush hours. Any traffic stopped south of 5th Ave S will choose to cut through the neighborhood instead of waiting, stopped in line on 6th St S. Depending on the length of the backup, commuters will enter the neighborhood at the west end of 5th Ave S or the south end of 7th St, knowing they have a bypass route to 85th and I-405 that takes them around the congested 6th St/ Kirkland Way intersection. This will increase commuter traffic on both 7th St S and on the north end of 8th St S.

With the completion of the large business development project under construction on the west side of 6th St in this area, this situation will only worsen.

The maps provided on the following pages in Figures 1 through 4 demonstrate these points.

**Figure 1. Current Neighborhood Traffic Flow**

Note that current access in and out of the neighborhood is at the north and south ends. Opening 5th Ave S will not change or improve access- this street does not continue at either end beyond the neighborhood. Opening this street will do nothing to improve or disperse neighborhood traffic.

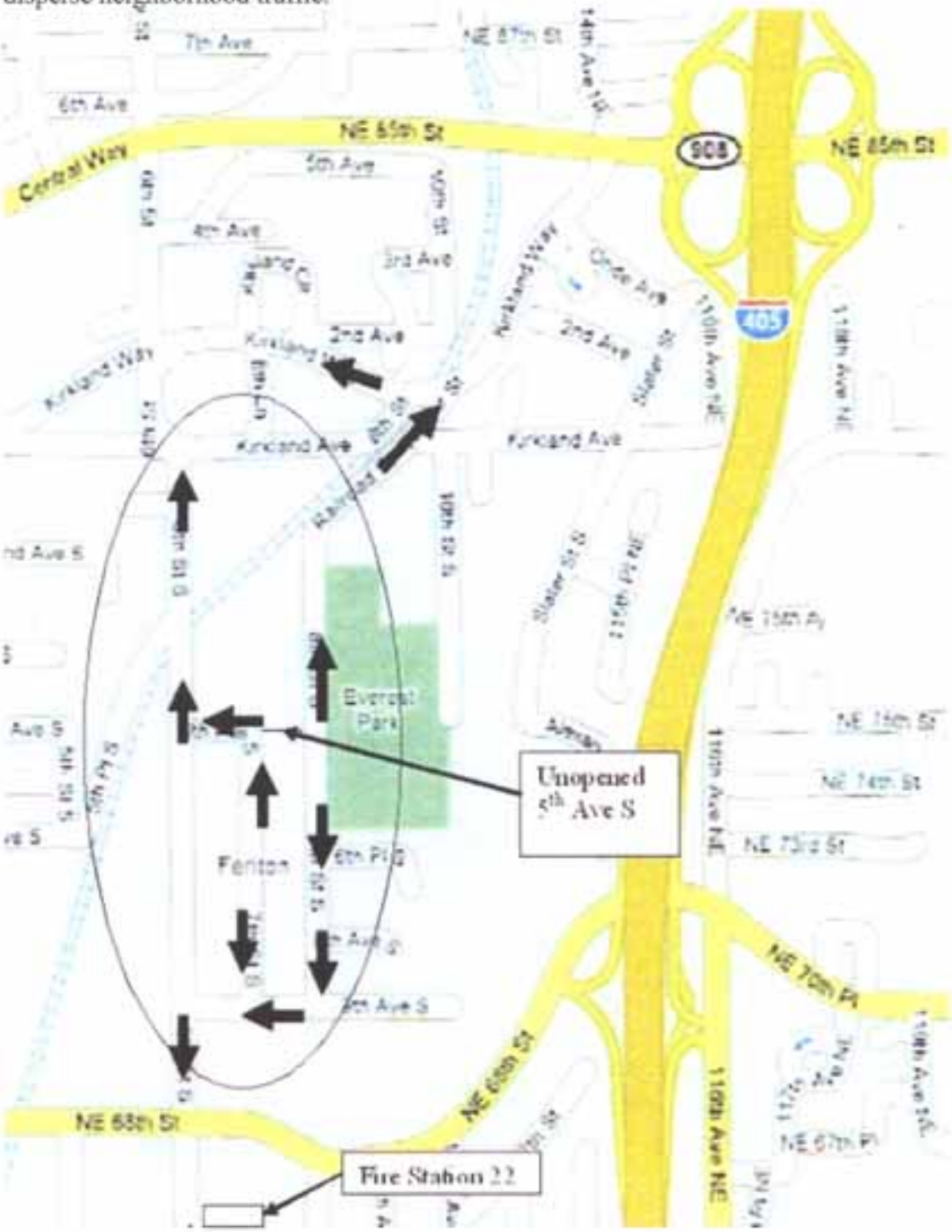


**Figure 2. Current Commuter Traffic Flow**

Note that current commuter traffic consistently backs up beyond 5th Ave S, northbound on 6th St S during weekday rush hours. This already creates additional by-pass traffic on 8th St S as shown. This is a consistent, daily occurrence. The completion of the commercial construction project on the west side of 6th St S will only make this worse.

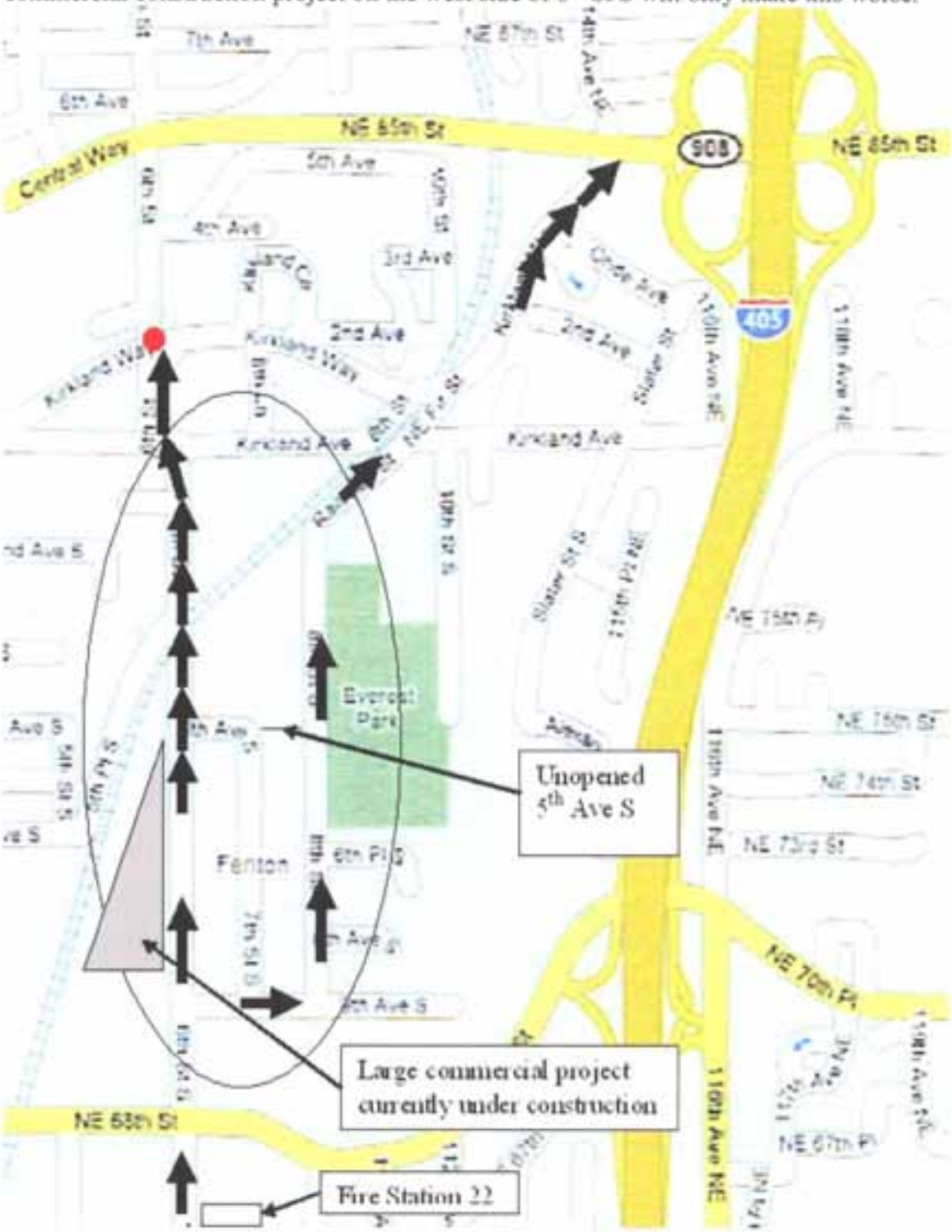


**Figure 3. Commuter Traffic Flow if 5th Ave S is Opened**

Because of the backups on Northbound 6th St S of commuters headed to the 85th St/ I-405 area, both 5th Ave S and 7th St S will become alternate arterials/ by-pass routes if 5th Ave S is opened.

Traffic through this existing neighborhood will become even heavier with completion of the commercial construction project on the west side of 6th St

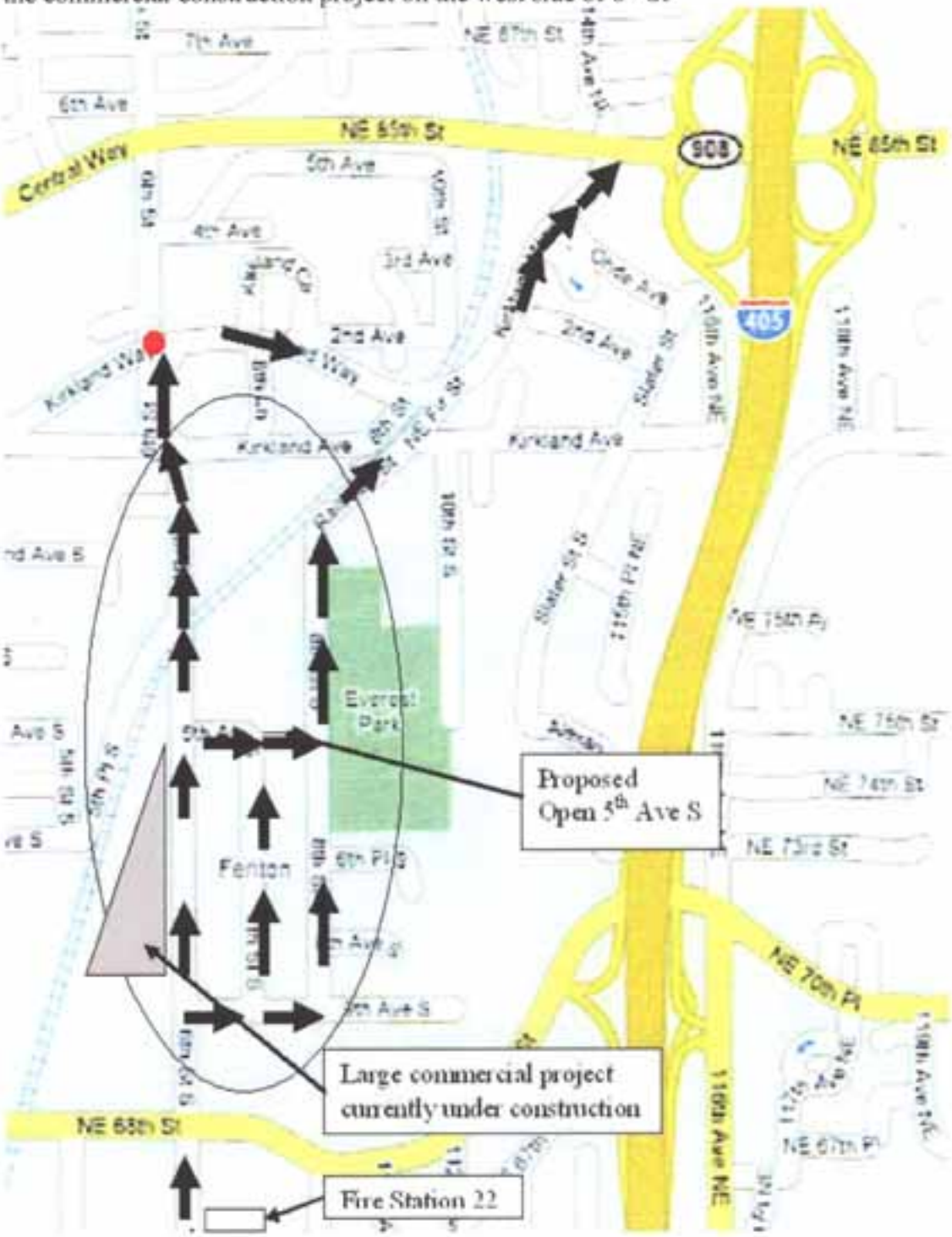
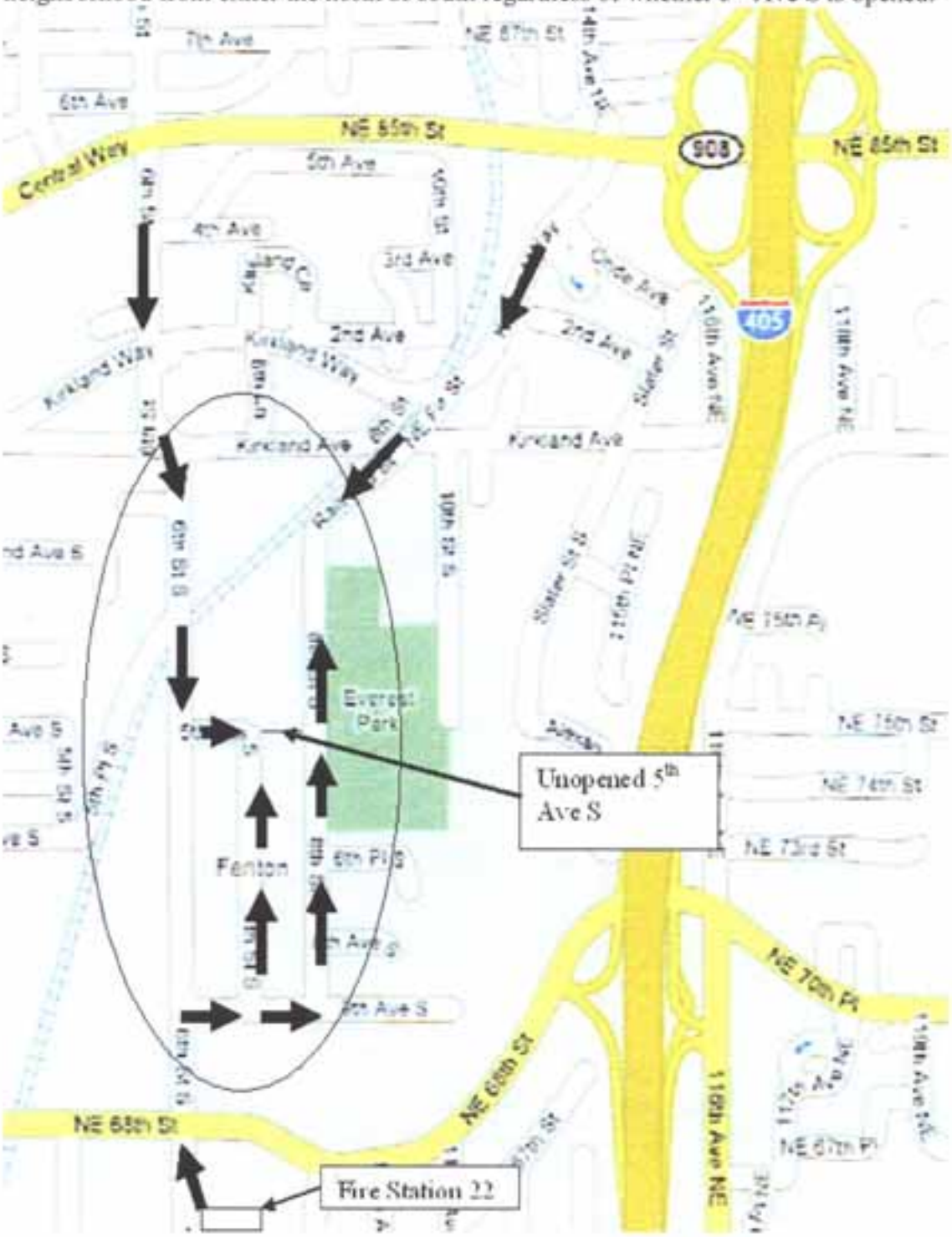


**Figure 4. Emergency Access Routes**

As can be seen on this map, there is full and convenient emergency access into all parts of the neighborhood from Fire Station 22 to the south, and for any other emergency services from either the north or south. Access from the east or west requires entering the neighborhood from either the north or south regardless of whether 5th Ave S is opened.



**B. Connecting Streets are Currently Through Streets**
It needs to be made clear here that neither 7th St S, 5th Ave S, nor 8th St S are cul-de-sacs or dead-end streets. These are all through streets as shown on the previous maps, that do not need improved access.

In Attachment 5 of the Advisory Report- a memorandum from the Public Works Department recommending the opening of the street- there are several misleading statements in this regard:

Subparagraph 1 argues for opening the street based on the fact that the only east-west connections are at the north and south ends which are over a half-mile apart, and suggests that 9th Ave S and the south end of 8th St S will benefit through reduced traffic if 5th Ave S is opened.

In fact, the map clearly shows that opening 5th Ave S does not improve any east-west connections- it ends at 6th St S and Everest Park; the north and south ends of the neighborhood would still be the only locations of east-west connections. The suggestion that 9th Ave S and the south end of 8th St S will see reduced traffic cannot be supported by review of traffic patterns in the neighborhood unless it is assumed that the current cut through traffic on 8th St S is diverted to 7th St S. It is much more likely that traffic levels on 9th Ave S and 8th St S will be maintained or increase along with increases on 7th St S as commuters discover this new, additional by-pass route.

Under Subparagraph 2, Policy T-4.3 is referenced discussing cul-de-sacs, implying that the streets in this area are cul-de-sacs that need improved access.

<u>There are no cul-de-sacs under consideration here.</u> 7th St S, 5th Ave S, and 8th St S are all through streets already.

Subparagraph 4 again discusses dead end streets as if to imply that 5th Ave S needs to be opened to provide through access.

Again, all of the streets connecting to the subject section of 5th Ave S are already through streets.

Note that in Subparagraph 3 of Attachment 5, the Public Works Department admits: "In this particular neighborhood, a standard grid pattern will never be established, but opening of 5th Ave S will establish at least one additional piece of the needed grid." Our interpretation of this statement is that it acknowledges that opening this street will provide no benefit, but it is being required anyway because of policy interpretation.

**C. Designation of Connecting Streets**

In Figure T-1 on Page IX-2 of the Comprehensive Plan, 6th St S is designated a Minor Arterial; 8th St S is designated a Collector, and 7th St S is designated a Neighborhood Access Street. The definitions of these designations from Kirkland Zoning Code Section 110.20 are reprinted below:

| Street Designation | General Description | Average Daily Trips |
|---|---|---|
| Neighborhood Access | Streets providing access to adjacent residences and to cul-de-sacs. KZC 110.22 establishes criteria for subcategories of neighborhood access streets. | Less than 1,500 |
| Collector | Streets providing access to adjacent uses, linking neighborhoods and commercial areas together, and linking these areas to the arterial system. | Up to 10,000 |
| Minor Arterial | Intra-community highways connecting community centers. Access to adjacent residences should not be permitted when acceptable alternate access is available. | 5,000 - 25,000 |

Opening 5th Ave S would link 8th St S to 6th St S, effectively changing 7th St S and 5th Ave S from Neighborhood Access Streets to Collectors/ alternate Minor Arterials. In the discussion below it can be seen that this is in direct conflict with the overall precepts and many of the specific goals and policies of the Comprehensive Plan.

## IV. Discussion

**A. Traffic Impact**

The Planning Department Advisory Report Section II E 5 provides a list of 9 facts- mostly references to planning and code documents- and the conclusion that the subject street should be opened based on these points.

We would like to provide additional data from these documents that refute these points and support the conclusion that this street should not be opened.

**1.** The advisory report references Kirkland Subdivision Section 22.28.070: "Generally, blocks should not exceed five hundred feet in length. Blocks that are more than seven hundred fifty feet in length should allow for midblock pedestrian access pursuant to Section 22.28.170 of this chapter."

We would like to note that the referenced Section 22.28.170 is entitled "Access-Walkways" and states:

(a) The city may require the applicant to install pedestrian walkways in any of the following circumstances:

(1) If a walkway is indicated as appropriate in the comprehensive plan;

(2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;

(3) Midblock pedestrian access may be required if blocks are unusually long.

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option. (Ord. 3705 § 2 (part), 1999)

These references address pedestrian access, which is currently provided by unopened 5th Ave S, and provide no requirement that a mid-block through street is required. We embrace the need for a pedestrian and bicycle walkway at this location and recommend it be improved as part of the development underway on the two properties adjacent to the unopened right-of-way.

**2.** The advisory report references Kirkland Subdivision Section 22.28.090 and Zoning Code Section 110 relative to requirements for developers to provide street improvements.

We concur that these are the standard requirements, but based on the impact the implementation of these requirements would have on the neighborhood as discussed in this appeal, we request that an improved pedestrian and bicycle walkway be required in lieu of half-street improvements. This letter seeks to demonstrate that the standard requirement of installation of a through street improvement would, in fact, not be an "improvement" in that it would do more harm than good to the neighborhood and city as a whole.

**3.** Three elements from the City of Kirkland Comprehensive Plan are also referenced in the advisory report. These are shown in italics below, followed in each case by our comments.

*A. Framework Goal FG-9: "Provide accessibility to pedestrians, bicyclists and alternative mode users within and between neighborhoods, public spaces and business districts and to regional facilities."*

Again, we concur with providing a pedestrian and bicycle path in this location, and would like to point out that Framework Goal FG-9 further discusses pedestrian and bicycle pathways and notes that "we need a completely connected system of pathways for pedestrians, bicyclists, and alternative mode users that is safe and convenient. Such pathways <u>can take a variety of forms, ranging from concrete sidewalks, bike lanes, and bridges to unimproved trails</u>. The intent of this goal can clearly be met by a pedestrian and bicycle pathway where that is a greater benefit to the neighborhood than a through street. Note that the current pedestrian pathway in this location is already listed by the City as part of Kirkland's systems of trails within the city.

*B. Land Use Element Goal LU-3: "Provide a land use pattern that promotes mobility and access to goods and services and physical activity." Policy LU-3.6: "Encourage vehicular and non-motorized connections between adjacent properties."*

There is currently full access to goods, services, and physical activity in the area of concern. We believe this is an excellent location for a "non-motorized connection between adjacent properties".

*C. Transportation Element Policy T-22: Promote a comprehensive and interconnected network of pedestrian and bike routes within the neighborhoods." Policy T-4.3: "Maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation." Policy T-4.5: "Maintain and improve convenient access for emergency vehicles."*

We concur with providing pedestrian and bike routes within neighborhoods. Regarding the reference to Policy T-4.3, the intent of a system of arterials, collectors, and local access streets is to ensure that neighborhoods are not overrun with commuter traffic. Opening this street would effectively make the 7th St S neighborhood an alternate arterial during periods of heavy traffic.

There is currently full and convenient access for emergency vehicles to all properties in the area; opening this street would not change emergency response times to any locations. Fire Station 22 is just to the south of the neighborhood and opening this street would not change the response route taken to any homes either within the neighborhood or to locations beyond the neighborhood. In fact, the Fire Department declined to comment on the need for a through street in the Advisory Report. Note again that the connecting streets are not cul-de-sacs or dead-end streets, but existing through streets with wide corners and ample room for emergency vehicles to turn.

**4.** A broader review of the City of Kirkland Comprehensive Plan is merited at this point. Throughout the Plan, there is an overriding theme of recognizing the value of safe, pedestrian friendly neighborhoods and the need to protect their quality and integrity.

The Plan's Vision Statement notes: "Improved transit service and facilities allow us to commute within Kirkland and to other regional destinations without overburdening our neighborhood streets."

Framework Goal FG-3 states: "Maintaining vibrant and safe neighborhoods as desirable places to live is a high priority." It continues: "An essential part of this diversity is maintaining the integrity of existing single family neighborhoods."

7th St S is a small, quiet neighborhood that has attracted many young families. Our neighborhood is characterized by the children playing between neighbors' yards while parents stop to visit in front of their houses. This character will be gone if 5th Ave S opens, because it will change this quiet street into an alternate arterial during rush hours.

At the east end of the proposed connection is Everest Park, heavily used by Little League baseball teams. If 5th Ave S is opened, it will put impatient rush hour traffic at an intersection immediately in front of the Park ball fields at the same time of day that children are walking to the park for practice and games.

Within Framework Goal FG-10 it is stated that road building has slowed because of "an unwillingness to disrupt established neighborhoods, and doubts about the effectiveness of road building to solve congestion."

FG-14 states "careful attention must be paid to ensure that growth is accommodated in a manner that complements rather than detracts from Kirkland's unique character".

The opening of this street would not benefit the neighborhood or provide a necessary missing link in the circulation of neighborhood or emergency vehicles. It would only provide commuters from outside the neighborhood an alternate arterial through the area when traffic backs up. Creating an arterial through an established neighborhood is in direct conflict with the Comprehensive Plan Goals noted and the wishes of the citizens of Kirkland.

Further direction from the Comprehensive Plan can be gained by a review of Section IX, Transportation:

The introduction states: "In the past, roads have been developed predominantly with vehicles in mind; however, the role of roads in influencing community character has become clear over the years." And: "Our challenge is to provide a transportation system which will both enhance surrounding neighborhoods and provide effective mobility for people, goods, and services through multiple modes."

Here the plan is again emphasizing that the enhancement of neighborhoods should be considered as well as mobility. This implies street improvements should pull traffic out of neighborhoods, not create by-pass routes on neighborhood streets. The opening of this street does very little to improve mobility, while doing much to impact the livability of this neighborhood.

Policy T-1.2, "Mitigate adverse impacts of transportation systems and facilities on neighborhoods" offers extremely clear guidance that is directly applicable to this issue. The policy states: "Transportation systems and facilities can have adverse impacts on neighborhoods such as: Increased traffic resulting from drivers seeking alternate routes to congested arterials"
And the policy recommends the following to avoid this impact: "Avoiding connections through residential neighborhoods when they will create new routes for commercial/ industrial traffic or bypass routes for I-405"

Again, the Plan provides very clear direction that connections such as the one proposed should be avoided.

Throughout the Transportation Section of the Comprehensive Plan, the importance of minimizing the impact of transportation on neighborhoods is emphasized:

Policy T-1.3: "Establish a street system that promotes and maintains the integrity of neighborhoods"
"To promote neighborhood integrity, streets should be classified, designed, and developed in a manner that recognizes and respects the surrounding neighborhood."

On page IX-12 of the plan under the heading Maintaining Mobility: "The plan supports the maintenance and enhancement of vehicular capacity on the existing system and recognizes the continued importance of vehicular circulation to local mobility, but not at the expense of other modes of travel or community character."

Policy T-4.4: "Minimize bypass traffic and safety impacts on neighborhood streets" states: Cut-through traffic onto neighborhood streets from nearby congested arterials or collectors does occur. The intent of this policy is to minimize the amount of cut-through traffic".

We would like to note here that Policy T-5.1 discusses a detailed approach to evaluating traffic levels relative to capacity at intersections throughout the city. This policy defines the method by which the impacts on traffic flow caused by proposed developments will be evaluated. Table T-4 in this section indicates that the 6th St/ Kirkland Way intersection is not a "system intersection" and therefore is not one of the intersections at which capacity is considered.

In Attachment 3 of the Advisory Report, the Public Works Department makes the statement: "Looking at the road network and the direction and volumes of traffic in the area, there appears to be no reason that the opening of 5th Ave S would encourage cut through traffic as an alternative to using 6th St S."

We question how this statement can be made when the 6th St/ Kirkland Way intersection is not even considered in the transportation plan's capacity calculations. Further, we are concerned that this may indicate the impact of the large business development on the west side of 6th St in this area has not been fully considered relative to this decision to open 5th Ave S. Or conversely, this has been considered, and our neighborhood is being sacrificed to relieve an already overburdened 6th St S.

138 neighborhood residents have signed a petition opposing opening this street. Residents of this neighborhood experience the traffic backups on 6th St S daily and know that this street opening will in fact encourage cut through traffic.

This issue is also addressed in Section XV, Everest Neighborhood in the Comprehensive Plan as well: Subsection 4.(1) states: "The expansion of existing industrial uses should be permitted only if traffic impact on residential areas are mitigated.

And in Subsection 6: "The circulation pattern in the Everest Neighborhood is fairly well established and allows for convenient travel through the neighborhood with minimal impacts on the majority of residential uses." "Future modifications to circulation patterns in the Everest Neighborhood should conform with the following provisions: (1) Industrial traffic in residential areas should be discouraged. Consequently, industrial access should be directed towards the nearest arterial street capable of handling the traffic."

Once the business development on the west side of 6th St is complete there will be an increased, consistent flow of commercial delivery vehicles servicing this complex. Opening 5th Ave S would provide an additional arterial for this traffic, whether that is the intent or not.

**5.** The final point made in the Advisory Report is that there are additional short plats in work or under consideration in the area and as additional parcels are developed, there is a need for improved vehicular access in the neighborhood.

We would like to reference the map of the neighborhood to address this point. 5th Ave S is currently 1 block long and would be 2 blocks long if the subject section is opened. It ends to the east at Everest Park and it ends to the west at 6th St S. This street is not a missing link in a through way coming into or out of the neighborhood. All areas of the 7th St S and 8th St S neighborhoods are fully accessible from both the north and the south, and because 5th Ave S does not extend beyond 6th and 8th it provides no improvement in access from the east or west. Even if this street is opened, residents will still need to travel to the north or south ends of the neighborhood to reach an east-west through street.

A review of the map of this area clearly shows that opening this street will not change access patterns within the neighborhood; it will only provide an alternate arterial for those traveling through the neighborhood. The opening of this street would not improve vehicular access for the additional parcels that will be developed in the future.

**6.** The Everest Neighborhood is overwhelmingly opposed to the opening of this street. 138 residents have signed a petition opposing this action; 1 person has written in favor of it. In 1991 the proposed opening of the street was canceled because of overwhelming opposition at that time. It should be noted that in 1991 this improvement was to be fully funded by the city, and the neighborhood still overwhelmingly opposed it. This is not of benefit to the neighborhood. The people who live here are most familiar with the local traffic patterns and clearly see the negative impact this would have on their existing neighborhood, the safety of their children, and the safety of all of the children who use Everest Park.

While the words used in the goals and policies are "integrity" and "character" of neighborhoods, what we are really talking about here is a quiet street where children can safely play with their neighbors in front of their homes, being changed into a commuter arterial where it is no longer safe to cross the street.

Framework Goal FG-16 in the Comprehensive Plan, "Promote active citizen involvement and outreach education in development decisions and planning for Kirkland's future" states: "For development decisions, the City should actively encourage collaboration and consensus with the community".

The community is against this action for valid reasons, and hopes the City will reach consensus with us on this issue.

**B. Impact of Installation of a Through Street**

The Development Standards for this proposed Short Plat, provided as Attachment 3 to the Advisory Report, provide Public Works Department conditions for approval. Under the section entitled "Street and Pedestrian Improvement Conditions", the following are listed as requirements for the improvement of 5th Ave S:

A. Install a minimum of 20 feet of asphalt (14 feet of asphalt from the centerline to the new curb).

B. On the north side of the new asphalt, install storm drainage, curb and gutter, a 4.5 foot planter strip with street trees 30 feet on-center, and a 5 foot wide sidewalk.

C. Install storm drainage collection and conveyance on the south side of the street improvements as necessary.

The actual nature of the public right of way in question is not apparent in these Advisory report requirements nor on the Planning Department maps. It appears to be a simple, short section of road. It is not. In fact, we have serious concerns about the integrity, safety, environmental impact, and hidden costs of the proposed road if it is built according to the conditions outlined in the Advisory Report. Our concerns are discussed below and indicate that the true impact of this street installation does not appear to have been adequately considered.

**1.** Road Integrity:
This entire road would be built on top of fill of unknown quality.
Not apparent on maps or in the Advisory report is that the entire length of the unopened right-of-way consists of dirt fill to a level as high as eight feet above the surrounding terrain.

Attached is reference (f.), a letter from Arthur E. Knutson, Public Service Director to Carl J. Waluconis dated January 30, 1976, addressing concerns expressed by Mr. Waluconis relative to this section of the unopened right of way: *"The City does not plan a street for that section of public right-of-way along 5th Avenue South between 7th Street South and 8th Street South. The city has worked over a period of years to dump fill into the area occasionally to permit the eventual installation of a storm drain as the city has received complaints for years over drainage problems in the area"*.

The referenced fill is now a dirt berm up to 8 feet high by 20 feet wide at the top. According to the referenced letter, the city did not plan for a street at the time the fill was placed and therefore it is highly unlikely that this fill was engineered as a base for a street. Is it to be removed and replaced by engineered fill? There is no mention of this in the Public Works Conditions.

The resulting berm is not wide enough to accommodate the listed street improvements so the city would either need to remove the fill or bring in much more in order to build the road. Are the adjacent home builders to bear the cost of remediation of this issue or will this additional cost be borne by city taxpayers? There is no mention of retaining walls in the approval conditions either. We question whether there is adequate room in this easement for the proposed street improvements as well as retaining walls engineered for as much as 8 feet depth of fill. We also question how the approval condition to install street improvements can be imposed with no consideration of the engineering studies required to prove that the berm and additional fill would be able to withstand traffic including tractor-trailer trucks, loaded concrete trucks and other construction and commercial vehicles certain to cut through the neighborhood.

**2.** Road Safety
The berm that is the right-of-way is as much as 8 feet higher than the surrounding properties; higher than the ground floors of the adjacent homes and yards. This presents a tremendous concern for the safety of the surrounding families as well as drivers. There is no Public Works Conditions requirement for guardrails on either the north or south side of the berm to prevent cars and trucks from driving off the embankment. In fact, there are no requirements for protection of any kind for the properties adjacent to the south side of the right-of-way, not even a curb or raised sidewalk.

**3.** Environmental Impact
The berm in the right-of-way has created a 'dam' in the natural flow of water from the Everest neighborhood to the south and east through the wetlands associated with the Aubry property and the Neil property. The proposed road would therefore be adjacent to wet lands; based on the surrounding topography it appears this fill was placed directly across an existing wetland, effectively eliminating a large part of it. We feel that creating an unnecessary additional 7,000 square feet of impervious surface in this area is environmentally irresponsible.

There is also no mention in the street improvement conditions of improving/enlarging the storm sewer main underneath 5th Ave S. This storm sewer is already overburdened and deteriorated due to the intrusion of roots in the area. The Public Works Maintenance department has had to respond to flooding in the property adjacent to 5th Ave S on the south several times in the last few years. The Maintenance Department videoed the main and found it to be full of roots, and the maintenance crew indicated the main was not adequately sized, was degraded from root intrusion, and in need of replacement. Does the City plan to take care of this now or at a higher cost later when the street improvements are already in place, or has it not been considered?

There are a number of significant trees along the length of the berm that would be removed or compromised if the road were built. This does not seem consistent with the goals and policies of a city that represents itself as celebrating its tree canopy.

The City of Kirkland web site boasts of its walking trails and includes this path in a brochure of Everest Neighborhood Walking Paths. It is frequented by walkers, bicyclists, strollers and joggers. Many people in the neighborhood refer to it as their 'secret path'. All of this would be lost by creating a street that fulfills nothing other than a vague bureaucratic dictate to 'complete the grid'.

As individuals, as a city and as a society we give lip service to 'preserving the environment'. We have an opportunity in this situation to actually preserve the environment. Let's not sacrifice it simply to 'complete the grid'.

**4.** Other Hidden Costs
As discussed elsewhere in this appeal, opening of this right of way to vehicular traffic would connect an 'Arterial' to 'Collector Streets' and would therefore transform 5th Ave. South and 7th Street South from 'Neighborhood Access Streets' to 'Collector Streets'. This would eventually necessitate the addition of speed bumps along both streets, which is another unaddressed cost along with the additional engineering, fill, retaining walls, and guard rails discussed earlier.

Due to all of these concerns we feel that there are serious issues regarding the integrity, safety and environmental impact of the road; and believe that building it as proposed would be irresponsible. This is not a simple road. We have outlined a number of 'hidden costs' associated with the development of the proposed road that would be borne by the taxpayers of Kirkland. We question whether shaving a few seconds of travel time for a small handful of neighbors is worth the cost?

**Conclusions**

- The emphasis of the goals and policies in the Comprehensive Plan are that transportation systems should not be improved to the detriment of neighborhood integrity.

- Because 5th Ave S ends at 6th St S and Everest Park, opening this street does nothing to improve the city's grid system and does not provide improved access into, out of, or within the neighborhood.

- Opening this street would provide an alternate arterial to congested traffic on 6th St S through an established neighborhood to reach the 85th St/ I-405 interchange.

- Opening the street will increase traffic on 7th St S and the north end of 8th St S. It will not disperse traffic more evenly in the neighborhood.

4/6/2007

- Opening the street will put an intersection centered on Everest Park that will fill with commuters at the same time of day that this part of the park is heavily used by children's baseball teams.

- There is currently full and convenient access to all areas of the neighborhood. Opening this street will not improve driving times, emergency vehicle response times or access routes.

- Providing an improved pedestrian/ bicycle pathway at this location fulfills the regulations found in the Subdivision Ordinance.

- The integrity of the road base, the engineering and safety requirements necessary due to the local topography, the environmental impact of this street improvement, and the additional hidden costs of each of these items have not been fully considered.

Based on the items discussed herein and summarized above, we respectfully request that 5th Ave S remain unopened. We understand that the standard requirement in the Kirkland Zoning Code for this type of development is to complete adjacent street improvements. However, in this location, residents of the Everest Neighborhood strongly feel that driveway access to the proposed westernmost lot and an improved pedestrian/ bicycle path in lieu of a through street provide much greater long term benefit to the neighborhood, to users of Everest Park and to the celebrated character of Kirkland, and request that this be the requirement for approval of the subject short plat.

Thank you for your consideration,

Jerry Gilbert
504 7th St S

Tom Lynn
501 8th St S

Karen E Tipp
Karen Tipp
709 7th St S

Beverly Gilbert
504 7th St S

Sherri Lynn
501 8th St S

Doug Thompson
507 8th St S

**Attachment 1: Reference letter (f)**

4/6/2007

CITY OF KIRKLAND

210 MAIN STREET · KIRKLAND, WASHINGTON 98033 (206) 822-9271

January 30, 1976

Carl J. Waluconis
501 - 8th St. South
Kirkland, Washington 98033

Dear Mr. Waluconis,

Your letter dated January 9, 1976 was received and refered to the Public Service Department.

The City does not plan a street for that section of public right-of-way along 5th Avenue South between 7th Street South and 8th Street South. The City has worked over a period of years at dumping fill into the area occasionally to permit the eventual installation of a storm drain as the city has received complaints for years over drainage problems in the area.

The storm drainage has now been installed and the following work is yet to be accomplished, weather permitting.

1. Level the area so that it will be smooth and will drain off without puddling. By necessity this work must wait until the area drys out so the soil can be worked properly.

2. The broken limbs will be removed from the trees. This type of damage should not happen but it did so the pruning is necessary.

3. Some seeding will be necessary for erosion control.

Sincerely,

Arthur E. Knutson

ARTHUR E. KNUTSON
Public Service Director

AEK/sc

cc: City Manager
City Engineer

Aubry Short Plat
2ND AVE
9TH LN
KIRKLAND WAY
6TH CT
8TH LN
9TH ST
2ND AVE
CEDAR ST
KIRKLAND AVE
KIRKLAND AVE
10TH PL S
RAILROAD AVE
BNSF RR
SLATER ST S
6TH ST S
NORTH AVE
341 8TH ST S
8TH ST S
10TH ST S
New Single-Family Home
Everest Park
5TH AVE S
To Be Opened
7TH ST S
ALEXANDER AVE
6TH PL S
N
Enclosure 6
8TH AVE S

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

# MEMORANDUM

**To:** Ron Hanson, Planner

**From:** Rob Jammerman, Development Engineering Manager

**Date:** June 1, 2007

**Subject:** Response to the appeal of the Aubry 3-lot Short Plat – File No SPL06-00007

The Public Works Department has reviewed the two appeal letters related to the Aubry 3-lot Short Plat, File No. SPL07-00007. After reviewing the letters, we would like to offer the following:

1. **What are the adopted City code criteria for waiving street improvement requirements?** Chapter 110.70.5 of the Kirkland Zoning Code (copy attached) outlines the criteria for waiving street improvements. After reviewing the waiver language, you will find that the criteria is summarized as follows:

   A. The street improvements would cause a safety hazard or environmental impact that cannot be mitigated.
   B. The proposed project is for a single-family dwelling alteration (remodel) that is less than $200,000 in value.
   C. The project is along a Neighborhood Access street in the Bridle Trails Neighborhood with designated equestrian use.
   D. The existing improvements are adequate and will not be changed in the future.
   E. The City and the neighborhood have agreed upon a street improvement waiver per Public Works Policy R.14; this waiver program is for installation of street improvements such as sidewalks along an existing open street.

   When we reviewed the Aubry Short Plat, we could find no criteria that would allow for a waiver of the street improvements within the 5th Avenue South right-of-way.

2. **5th Avenue South is classified as a Neighborhood Access type street. If the street is extended to 8th Street South, will the street classification change?** The Public Works Department plans to continue to designate the street as a Neighborhood Access type street. The required street improvements match the City's R-28 Neighborhood Access Street Standard. Although it is not a requirement of the Aubry Short Plat, traffic calming devices such as speed cushions can be installed in the future if needed.

3. **Do the potential high costs to improve the street justify a waiver of the street improvements?** The appellants raise a number of concerns about the existing conditions in the 5th Avenue South right-of-way and the potential excessive costs to improve the street to meet City standards. The Public Works Department acknowledges that more engineering study will need to be done by the applicants' civil engineer to determine the final costs of the street improvements, but at this time there is no evidence that street improvements should be waived due to excessive costs. It is likely that these street improvements will be more expensive than other typical street improvements, but street and utility improvements costs vary from project to project. Each project has its own unique set of street and utility improvement costs that the developer has to take into account when they decide to develop the property.

Attachment (1)

## 110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, waived, or provided for with a sidewalk construction-in-lieu.

2. Authority to Grant and Duration

   a. If the proposed development of the subject property requires approval through Process I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 KZC, respectively, or short plat or subdivision approval described in the subdivision ordinance, a request for a modification, deferment, waiver, or sidewalk construction-in-lieu, will be considered as part of this process under the provisions of this section. If granted under Process I, IIA, IIB or III, or through the short plat or subdivision processes, the modification, deferment, waiver, or sidewalk construction-in-lieu 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, deferment, waiver, or sidewalk construction-in-lieu.

   b. If subsection (2)(a) of this section does not apply, the Public Works Director may grant a modification, deferment, waiver, or sidewalk construction-in-lieu in writing under the provisions of this section.

3. Modifications – The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:

   a. If the improvement as required would not match the existing improvements.

   b. If unusual topographic or physical conditions preclude the construction of the improvements as required.

   c. If other unusual circumstances preclude the construction of the improvements as required.

   d. If the City and a neighborhood has agreed upon a modified standard for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

4. Deferment

   a. The City may require or permit that the required improvements be installed at a later time:

      1) If the required improvement is part of a larger project that has been scheduled for implementation in the City's six-year Capital Improvement Program; or

2) If other unusual circumstances preclude the construction of the improvements as required.

b. If the applicant meets the above criteria for deferment, he/she is only obligated to install, at a future date, improvements from the center line of the right-of-way to the property line.

c. If the City approves a deferment, the applicant must sign a concomitant agreement to run with the property, in a form acceptable to the City Attorney, specifying that the applicant shall install or reimburse the City for construction of the deferred improvements as directed by the Public Works Director. The applicant must file this agreement with the King County Bureau of Elections and Records.

d. The applicant must grade the subject portion of the right-of-way as though the improvement were to be immediately installed and stabilize the graded area in a manner approved by the Public Works Director. The applicant may be exempted from this requirement if the Public Works Department determines that unusual circumstances preclude the grading.

5. Waiver – The City may waive and not require or allow installations of a required improvement under the following circumstances:

a. If the installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or

b. If the project is for a single-family dwelling alteration that is less than $200,000 in value, based on building alteration costs in effect on January 1, 2006. This threshold shall be reviewed annually and adjusted by a percentage equal to the percentage of increase in building alteration costs, if any (see KZC 110.10(1)(d) for building alteration costs information); or

c. If the development project fronts on a neighborhood access type street in the RS 35, RSX 35 and Planned Area 16 zones within the Bridle Trails neighborhoods north of Bridle Trails State Park; or

d. If the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future; or

e. If the City and a neighborhood have agreed upon a street improvement waiver for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

6. Sidewalk Construction-in-Lieu Program

a. This subsection establishes circumstances in which the applicant may propose an off-site sidewalk construction-in-lieu of installing on-site street improvements in the right-of-way abutting the subject property (e.g., KZC 110.30, 110.35, and 110.38). The City will not accept the applicant's proposed sidewalk construction-in-lieu if the Public Works Director

determines that it is in the City's interest that the street improvements be installed abutting the subject property, taking into account such factors as the pedestrian safety impacts that result from the development. In addition to the criteria listed in KZC 110.30, 110.35, and 110.38, the City may accept a sidewalk construction-in-lieu of installing on-site sidewalks in the following circumstances:

1) If installation of the required improvement would require substantial off-site roadway modifications; or

2) If the Public Works Director determines that installation of the required improvement would result in a safety hazard; or

3) If other unusual circumstances preclude the construction of the improvements as required.

b. In each instance where the City approves a proposed sidewalk construction-in-lieu under the provisions of this section, the value of the sidewalk construction-in-lieu shall be 75 percent of the then-estimated cost of constructing the street improvements and right-of-way dedication that would otherwise be required under this chapter, based on information compiled and kept current by the Department of Public Works on the cost of street improvement construction.

c. After the value of the improvements has been determined, the Public Works Director shall determine the location of the off-site improvements. The improvements shall be located within the neighborhood of the subject development and directed toward sidewalks or other pedestrian improvements.

d. In each instance where the City accepts a sidewalk construction-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use that what was occurring on the property at the time of the sidewalk construction-in-lieu payment.

7. Multiple Adjacent Rights-of-Way – When the subject property is adjacent to two or more rights-of-way, modifications, deferments, waivers, or sidewalk construction-in-lieu may be considered separately for each right-of-way. The highest level of improvement required must be constructed around the angle formed by the intersecting streets.

8. Appeals – The decision of the Public Works Director regarding deferments, modifications, waivers, and construction-in-lieu may be appealed using the appeal provisions, as applicable, of Process I of this code, KZC 145.60 through 145.110.

Council Meeting: 06/19/2007
Agenda: New Business
Item #: 11. a.

**CITY OF KIRKLAND**
**Planning and Community Development Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3225**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**Date:** June 7, 2007

**To:** David Ramsay, City Manager

**From:** Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric R. Shields, AICP, Planning Director

**Subject:** STUDY AND ADOPTION OF MARKET AND NORKIRK SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION REGULATIONS (FILE MIS06-00053)

## RECOMMENDATION

Staff recommends that council do the following:

- Review the proposed zoning and subdivision regulations implementing the Market and Norkirk Neighborhoods' small lot single-family and historic preservation incentives and direct changes as appropriate prior to adopting the attached Ordinance 4102.

- Following adoption of Ordinance 4102 for small lot and historic preservation, adopt attached Ordinance 4103 to establish a new $1000 fee for Process I historic residence designation applications and a new $600 fee for Planning Official historic residence alteration applications.

## COUNCIL REVIEW

Staff suggests that the Council consider the Planning Commission's memorandum of transmittal (**Exhibit A**) and recommended subdivision and zoning amendments. The Planning Commission recommended regulations would result in the following:

- New sections in Kirkland Municipal Code Title 22 – Subdivision Ordinance (see **Attachments 1 and 4** to the enclosed Planning Commission transmittal memo)

- New and revised sections of the Zoning Code (see **Attachment 2, 3 and 5** to the enclosed Planning Commission transmittal memo)

At your meeting, Karen Tennyson, Planning Commission Chair, will transmit the Commission's recommendation and staff will present an overview of the recommended regulations. Staff suggests that the Council consider the regulation highlights and issues listed in the Commission's transmission memo as a guide for discussion of the recommended development regulations.

Staff recommends that the effective date of the ordinance be on August 31 in order to provide lead time to train staff and establish procedures.

## BACKGROUND DISCUSSION

### Small Lot Single-Family Regulations Summary (Attachment 1, 2 and 3 to Exhibit A)

A new concept adopted in the Market and Norkirk Plans allows reduced lot size beyond what the underlying zoning allows, in order to provide an incentive to retain or create smaller homes on smaller lots. This policy intends to encourage housing diversity by providing more housing choice, and to offer a viable alternative to the market trend toward large homes maximizing the building envelope and changing the character of the neighborhoods.

### Historic Residence Preservation Regulations Summary (Attachment 3, 4, and 5 to Exhibit A)

Another new concept adopted in the Market and Norkirk Neighborhood Plans allows reduced lot size in order to provide an incentive to preserve historic residences. This policy intends to encourage voluntary retention of remaining historic homes that would otherwise be torn down, making way for larger homes on larger lots and changing the character of the neighborhoods.

New fees are necessary to pay for this historic residence preservation incentive. The proposed amendments to the Zoning Code establish a review process to determine if a house in the Market or Norkirk Neighborhoods can be designated a historic residence based upon decisional criteria to be evaluated by an expert meeting federal standards, who makes a recommendation to the Planning Director through Process I. The zoning amendments also establish a review process to evaluate requests to alter the designated historic residence. These alteration applications are also subject to decisional criteria evaluated by a qualified expert meeting federal standards who makes a recommendation to the Planning Official for a Planning Official decision. King County Historic Preservation Program staff has the expertise to evaluate the criteria.

To take into account the County's review time and costs, in addition to the basic City fee to process these permits, there is a pass-through fee to the County for their review services. This arrangement is authorized through an interlocal agreement with King County for historic preservation services. The pass-through fee is based upon a task authorization attached to the two-party contract between the City and the applicant. It establishes the specific tasks and time it will take to process both types of applications, and the total fee based on County staff hourly rates.

Because preserving historic residences is a public benefit, and because most of the substantive review of these applications is carried out by the King County Historic Preservation staff, staff recommends that the City's zoning permit fee to designate a historic residence be reduced from the $3,000 average fee for a process I to $1,000. The fee for the alteration request remains an average fee for modifications - $600. The attached ordinance would also acknowledge the applicants' additional County pass through fee, as cited in the General Notes, paid after entering into a 2-party contract.

## History

The updated Market and Norkirk Neighborhood Plans were adopted in December 2006 (Ordinances 4077 and 4078, respectively). Both have new policies regarding small lot single-family and historic residence preservation incentives. These draft regulations implement the policies adopted with the neighborhood plans.

The Planning Commission held three study sessions on these incentives, where they discussed the various issues and took public comments. At several of their meetings, Housing Consultant Mike Luis provided information on the economic viability of the small lot single family incentive, and King County Historic Preservation Officer, Julie Koler, provided background and direction on the historic preservation incentive. Public involvement efforts also included staff presentations to the Market and Norkirk Neighborhood Associations prior to the public hearing, to explain the proposed regulations. All Planning Commission meetings were advertised on public notice sign boards, on the project website, and in e-mails sent to the list serve subscribers.

The Planning Commission public hearing on the draft regulations was held on April 26. Of the 7 people who spoke at the hearing, four addressed the small lot single-family incentive and three addressed the historic preservation incentive. Regarding the small lot single-family regulations, two of the four speakers were asking for clarification that 1) the proposal was voluntary not mandatory and 2) whether these regulations could be used on lots that currently are large enough to be subdivided (yes, as long as no more than half the resulting lots created with a subdivision are small and on the small lots a small home is retained or created). No one spoke against the proposal, and several spoke about their favored F.A.R. for the small lot. One spoke in support of a F.A.R. of .3 and the other supported a .35 F.A.R. in all zones except the RS 8.5 zone, where a .4 F.A.R. was supported.

The three speakers commenting on historic preservation regulations addressed 1) the desire to broaden this incentive by making the criteria less strict; specifically, the age of the home be the sole criteria regardless of its historic integrity, 2) the desire to permit a historic home to be moved from its original location to another lot within either neighborhood, in order to take advantage of this incentive and 3), the opinion that these regulations would not be an effective incentive to retain a historic home for someone who owned a lot that currently can be subdivided using existing regulations. The memorandum prepared for the hearing is available for viewing at: http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/mnh/MN_Workprogram.htm

The audio of the hearing, to listen to the public comments, is available at http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm. All other Commission meetings are also available on-line.

All written comments received on this project are included as **Exhibit B** to this memorandum. All Planning Commission meeting minutes are included as **Exhibit C**.

## SEPA COMPLIANCE

An addendum to the City's Draft and Final EIS for the 2004 Kirkland Comprehensive Plan was issued prior to the final Planning Commission public hearing in April. It is included as **Exhibit D**.

## EXHIBITS:

Exhibit A Planning Commission Transmittal Memorandum, dated May 7, 2007
Exhibit B Public Comments received on the Project
Exhibit C Planning Commission Minutes
Exhibit D SEPA Addendum

Cc: File IV-03-27Kirkland Chamber of Commerce
Market Neighborhood Association
Norkirk Neighborhood Association
Thelma Shanks, 815 18th Avenue West
The Kirkland Heritage Society, Heritage Hall, 203 Market Street, Kirkland, WA 98033
Marguerite B. Oprea 1250 6th Street West, Kirkland, WA 89033
Julie Koler, King County Historic Preservation Program, King Co. Office of Business Relations and Economic Development, 701 5th Avenue, Suite 2000, Seattle, WA 98104
Fee Schedule - Alphabetical File
File MIS06-00053

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

**MEMORANDUM**

**To:** City Council

**From:** Kirkland Planning Commission
_____, Chair
Karen Tennyson

**Date:** June 6, 2007

**Subject:** PLANNING COMMISSION RECOMMENDATION TO ADOPT NORKIRK AND MARKET SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION ZONING AND SUBDIVISION AMENDMENTS, (MIS06-00053)

**Introduction**

We are very pleased to submit the recommended zoning and subdivision regulations to implement the small lot single-family and historic residence preservation incentives for the Market and Norkirk Neighborhoods for consideration by the City Council. This effort culminates the work started with the adoption of the policies contained in the recently adopted Market and Norkirk Neighborhood Plans, which are the basis for these regulations. These regulations address very distinct and compelling concerns that we heard expressed during the Plans update process; that these neighborhoods are losing housing size diversity and neighborhood character. Both incentives provide voluntary solutions to these challenges by allowing smaller lots sizes than would otherwise be allowed when subdividing if small homes are retained or created or historic homes are preserved.

**Regulation Highlights and Planning Commission Issues**

**1. Small Lot Single Family Regulations**

Highlights

Small lot single-family incentives are addressed in Policy M 4.2 in the Market Neighborhood Plan and Policy N 4.2 in the Norkirk Neighborhood Plan. The Policy and narrative states:

> *"Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.*
>
> *Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the minimum lot size allowed in the zone if at least one of the lots contains a small home.*

> *This incentive encourages diversity, maintains neighborhood character, and provides more housing choice.*
>
> *Up to 50% of the lots to be subdivided should be allowed to be smaller than the zoning designation allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS 7.2 and RS 6.3 zones and no less than 6,000 square feet in the RS 8.5 zone. The size of the homes on one or both lots would be strictly limited by a reduced floor area ratio and all other zoning regulations would apply. "*

The purpose of these new regulations is to implement the policy to promote housing diversity by creating or retaining smaller homes. Regulations provide an incentive by allowing half the lots to be smaller when subdividing, if the smaller lots contain a reduced sized home.

The proposed small lot single-family regulations to implement this policy are **Attachments 1, 2 and 3** to this memorandum. This incentive may be utilized in the RS 8.5, RS 7.2, and RS 6.3 zones by enabling properties of at least 14,500 square feet in the RS 8.5 zone, 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on the smaller of the two newly created lots. In the RS 8.5 zone, one lot would remain 8,500 square feet and other would be 6,000 square feet. In the RS 7.2 zone, one lot would remain 7,200 square feet, and the other smaller lot would be 5,000 square feet. In the RS 6.3 zone, one lot would remain 6,300 square feet and the other would be no smaller than 5,000 square feet. Larger aggregations of land would be allowed to be subdivided utilizing this new regulation, as long as no more than half of the resulting lots were smaller than otherwise allowed in the zone, and a small home were located on each of the small lots.

The recommend reduced floor area ratio (F.A.R.) for the small home is 30 percent of the small lot size, provided that it can be increased to 35 percent of the lot size if roof pitch is 4:12 (4 foot vertical to 12 feet horizontal) and side yard setbacks are a minimum of 7.5 feet. The other, regular sized lot must comply with the F.A.R. requirement in effect for the underlying zone. In the case of all three zones where the small lot single family subdivision incentive may be utilized, the home may be 50 percent of the lot size.

Additionally, to make small lot single-family subdivisions more compatible with the surrounding residential development and to ensure acceptance, certain restrictions apply. We recommend that for those situations where flag lots are utilized, the narrow portion of a flag lot (up to 30 feet in width) that provides access to the small lot be excluded from the calculation of lot area of the small lot. This is to ensure that the house is in scale with the lot configuration. We also recommend that accessory dwelling units (ADU) be prohibited on the small lot to reduce crowding, and in response to the neighborhoods concerns about density. These restrictions would be noted on the face of the Plat to ensure compliance and reinforced in the F.A.R. zoning regulations for single-family development and ADU regulations.

Issues

*Floor Area Ratio*

The Planning Commission felt that it was important to balance the neighborhoods concerns about density with the need to provide a sufficient F.A.R. to ensure that the small lot single-family incentive is economically viable and will be used. We looked at what the reduced F.A.R. for the small lot should be and whether to require a reduced F.A.R. on all lots or just on the small lots. We took into account information provided by Housing Consultant Mike Luis on economic feasibility, information provided by staff on subdivision processing costs, and information presented by others on how current F.A.R. exemptions result in bigger homes than measured using Kirkland's F.A.R calculations.

The housing consultant concluded that:

- A reduced F.A.R. on both lots is not economically feasible,
- If the reduced F.A.R. is not attractive, the small lot single-family incentive won't be used, and a larger home on a larger lot will be built instead,
- The cost of subdividing reduces the profit margin.

Staff concluded that even a .4 F.A.R. for one new small home and a .5 F.A.R. for one new regular size home in a two lot plat compared to one new large home on the same undivided lot, would be only marginally profitable. This is based upon the City's subdivision processing fees, impact fees, and utility fees, and soft costs a developer pays, like carrying costs and planning, engineering and legal costs. However, staff also concluded that if an existing small home were retained, rather than constructing a new small home, the soft costs would be reduced, which would increase the economic feasibility of this incentive.

We also considered the information gathered from Mike Luis's interviews with developers/builders regarding the innovative housing demonstration project in North Rose Hill, which will be presented to you with the innovative housing project, and which coincidently is consistent with our preference for the small home to be a minimum size of about 1,500 square feet without a garage. Builders commented that a one car garage within the 1,500 square feet compact single family homes at the Cam West Bungalows project doesn't provide enough living space for the occupants. Those homes are similar to the type that is anticipated utilizing the small lot single-family incentive in the Market and Norkirk Neighborhoods. We feel comfortable that a one car garage of 200 square feet, plus 1,500 square feet of living space would be a functionally reasonable sized home. The total (1,700 square feet) is comparable to a .35 F.A.R.

Finally, we considered how the City's F.A.R. rules that exempt below grade space, vaulted space, and other spaces that aren't counted in the F.A.R. calculations, can add to the square footage of homes as discussed and illustrated in a public comment from architect Tim Olsen . We believe that these exempt spaces add to heated floor area and tilt the argument back toward a smaller F.A.R. Additionally, since we have an existing F.A.R. bonus template in place in RS 5.0 zones that

was formulated to encourage better design, we think that utilizing it for this small lot single-family incentive will encourage good design and less bulk. The bonus requires peak roofs at a minimum pitch of 4 feet vertical: 12 feet horizontal, and increased side yard setbacks from minimum 5 feet to equal a total of 15 feet, to 7.5 feet on all side yards.

The bottom line is that establishing the tipping point for the F.A.R. to be both economically viable and yet address the need for truly smaller homes is a judgment call. We must keep in mind that the purpose of this incentive is to provide house size diversity. We can always increase F.A.R. later if this incentive isn't used, but it would be difficult to decrease it. Based on all the information we considered, we recommend the reduced F.A.R. be applied to the small lots only and that it be a F.A.R. that truly provides house size diversity that we can distinguish from the street. We think that a .3 F.A.R. with a bonus to a .35 F.A.R. if the home meets setback and roof form design criteria consistent with what has been adopted for the RS 5.0 zone, is the right size.

*Flagged lots*

Limiting building mass has been a concern to both neighborhoods throughout the plan update process. In order to ensure that the small home that is either retained or newly constructed doesn't appear out of scale and crowded on the small lots, we recommend not including the portion of a flag lot used for access (referred to as the flag pole) up to 30 feet in width, in the lot size calculation for the small lot.

*Accessory Dwelling Units*

Because more lots can be created by utilizing the small lot single-family incentive than otherwise are allowed in both neighborhoods, there is concern about the resulting increased housing density. We believe that one way to address it is to limit the ability for more than one unit to be allowed on small lots. Although the increased density will occur over time, and site specific conditions may make this incentive unattractive for some lots that otherwise are eligible (e.g. a large home may have been recently constructed) we remain sensitive to this concern. With the small lot single-family subdivision we're allowing two homes rather than one, but if we also allow an ADU, we would be allowing three homes. We feel that we need to respect the concerns of the neighborhood. Therefore, we recommend that ADU's be prohibited on small lots.

*Mechanism for ensuring that a small home remains on the small lot in perpetuity.*

The F.A.R. restriction will be recorded on the face of the Plat and could only be removed through a plat alteration process. This restriction will be reinforced in the Zoning Code and also be noted in the City's permit tracking program and flagged in our parcel data files. If the original small home is demolished, and a new home constructed, the building permit review will reveal the F.A.R. requirement.

## 2. Historic Residence Preservation Regulations

Highlights

Historic preservation incentives are addressed in Policy M 1.2 in the Market Neighborhood Plan and Policy N 1.2 in the Norkirk Neighborhood Plan. The Policy and narrative states:

> *"Provide incentives to encourage retention of identified buildings of historic significance*
>
> *Allow flexibility in lot size requirements for lots that contain historic buildings. This incentive will allow lots containing historic buildings to be subdivided into smaller lots than would otherwise be permitted if the historic buildings meet designated criteria and are preserved on site.*
>
> *Minimum lot size in this situation would be 5,000 square feet in an RS 6.3 or 7.2 zones, 6,000 square feet in a RS 8.5 zone and 7,200 square feet in a Waterfront District II (WD II) zone. This incentive would allow up to two smaller lots, including the one containing the historic building, if the recognized integrity of the historic building were preserved. If additional lots were created by the subdivision, they would have to meet the lot size requirements for the zone."*

The purpose of the new regulations is to implement the policy incentive to preserve historic residences in the Norkirk and Market Neighborhoods by allowing up to two smaller lots when subdividing a lot that contains a historic residence, if that residence is preserved. We know that some of the homes inventoried in the mid 1990's by Mimi Sheridan for the Kirkland Heritage Society may now be lost to demolition or altered so significantly that the original character has been lost. However, there are probably others not included in the inventory that may meet the decisional criteria, and so we are excited about the potential for saving some of these "gems".

The proposed historic preservation regulations to implement this policy are **Attachments 3, 4 and 5** to this memorandum. In the WD II, RS 8.5, RS 7.2 and RS 6.3 zones the proposed regulations would allow a subdivision on properties of at least 10,000 square feet in the RS 7.2 and 6.3 zones, 12,000 square feet in the RS 8.5 zone, and 14,400 square feet in the WD II zone, containing recognized historic buildings. In the RS 7.2 and 6.3 zones, both resulting lots would be at least 5,000 square feet. In the RS 8.5 zone both resulting lots would be at least 6,000 square feet. In the WD II zone, both lots would be at least 7,200 square feet. The designated historic residence would remain on either of the resulting small lots. Even in subdivisions containing more lots, only two of the lots could be undersized, and one of these would retain the designated historic residence.

The nomination of a residence for historic designation is voluntary and may be processed either prior to or concurrently with subdivision approval, through a Process I, Planning Director Decision. The criteria used to authenticate that the home is eligible for this incentive is based upon the existing local, state and federally recognized criteria now used to designate the Historic Landmark Overlay Zone. A recommendation from the King County Historic Preservation Program staff would be considered by the Director. The current interlocal agreement with King County to Landmark historic properties in Kirkland will be utilized to administer the historic residence designation in the Market and Norkirk Neighborhoods based on these criteria. The decisional criterion include that the nomination must be at least 40 years old and is either associated with events or lives of persons contributing to national, state or local history, or embodies distinctive architectural design, or it is outstanding work of designer or builder. The intent is to construe liberally the designation criteria in order to preserve what remaining structures we have in the Market and Norkirk Neighborhoods, which also meet the minimum lot size criteria.

Similar to small lot single family subdivisions, in order to address the neighborhoods concern over density increase, as well as to reduce crowding on the small lots, we recommend that undersized lots resulting from historic preservation subdivisions prohibit ADU's and do not use the portion of a flag lot (up to 30 feet in width) providing access to the buildable portion, to calculate the area of the undersized lots.

We also recommend that we allow certain non-conformances to exist on the lot created to contain the historic residence, where the allowance of the nonconformance may be necessary to make the subdivision feasible. Nonconformances would be limited to those necessary for setbacks, F.A.R., and lot coverage on the lot that contains the historic residence. The maximum deviations would be a reduction by 2 feet to required yards, an increase of 5 percentage points to floor area ratio (resulting in an increase from .5 to .55 F.A.R.), and an increase of 5 percentage points to lot coverage (resulting in an increase from 50 percent to 55 percent lot coverage).

Once historic residence designation has been granted, subsequent repairs or alterations to the historic residence would be based upon decisional criteria from the Secretary of the Interior's Standards for Rehabilitation and on our existing Historic Landmark Overlay Zone alteration criteria. These would be administered by the Planning Official who would confer with King County Historic Preservation Program staff. The idea is to recognize normal evolution of use and functionality without losing those historic character-defining features that were identified during the designation process.

Finally, we recommend that once the historic preservation subdivision is approved to create two lots as small as 5,000 square feet and the historic residence has been designated, it is in the best interest of the City that the historic home is preserved in perpetuity. We recommend that the owner is strongly deterred from demolishing, re-locating or altering the historic residence inconsistent with alteration criteria. The way this is done is by establishing disincentives that make this very unappealing and costly to the owner. We feel confident that requiring a replacement home to either replicate the footprint and exterior of the designated historic residence or that it be

replaced with either a home having a .25 F.A.R., or limiting the replacement home to 75% of the original size, whichever is less, will be such a deterrent. (The initial designation process will require documentation of size, dimensions and photos.)

On the other hand, if the home is destroyed as a result of actions beyond the owners control, such as fire or earthquake, the replacement F.A.R would be the same as for a small lot single family home on the small lot – a .3 F.A.R. or .35 F.A.R. if the roof pitch and side yard set backs meet more design friendly criteria. In all these cases the historic designation would be removed.

Issues

*Relocating an historic residence*

During the public hearing discussion the issue was brought forward as to whether we should allow a designated historic residence to be moved from its original location within the Market or Norkirk Neighborhood's to another lot within either neighborhood large enough to be subdivided (lot size would be dependent upon the zone in which it would be located – 10,000 sq. ft in RS 7.2 or RS 6.3 zones, 12,000 sq. ft. in the RS 8.5 zones or 14,400 sq. ft. in the WDII zone). The idea is to allow a historic residence to be moved to a lot that could utilize the incentive and maybe retain more of our historic resources. The Commission agreed that this would be a good idea, and reiterated that while this isn't a practice that would be allowed in strict Historic Landmarking, the intent of the historic preservation incentive is to save more historic residences in Market and Norkirk Neighborhoods, regardless of the size of lot where the home originally was found within either neighborhood.

**Public Participation**

All public comments received on these regulations, are attached to this packet as Exhibit B. All Planning Commission meeting minutes are attached as Exhibit C.

Activities

- The Planning Commission held 3 study sessions leading up to the April 26, 2007 public hearing.

- Prior to the public hearing, staff presented the draft regulations at the Market and Norkirk Neighborhood Associations' regular meetings (on March 21 and April 4, respectively).

Notices

All of these events were open to all members of the public and except for the neighborhood association meetings, which are administered by the associations, all meetings were advertised on eight large public-notice boards located throughout both neighborhoods. In addition, the City sent

out direct postcard mailings to all property owners and neighborhood residents prior to the public hearing and advertised via the *Seattle Times*.

Three hundred and nine subscribers to the list service for the MN Neighborhood Plan update project have been kept informed of the status of the MN small lot single-family and historic preservation regulations project. All staff memorandums were available for viewing on line on the project website. Additionally, the project website advertised the meeting schedule.

cc: File MIS06-00053

Attachments:

1. Recommended Small Lot Single-family Subdivision Regulation
2. Recommended Small Lot Single-family Zoning Special Regulation Amendment for Single Family Residential (RS) Zones Section 15.10.010.
3. Recommended Small Lot Single-family and Historic Preservation Amendment to Zoning Code Section 115.07.9 Accessory Dwelling Units
4. Recommended Historic Preservation Subdivision Regulation
5. Recommended Historic Preservation Amendment to Zoning Code Chapter 75 Regulations – Historic Landmark Overlay Zone

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.42

## Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.48, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.

(c) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.

(d) The floor area ratio (FAR) shall not exceed 30 percent of lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:

1) The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and

2) All structures are set back from side property lines by at least 7.5 feet

(e) The FAR restriction shall be recorded on the face of the plat.

(f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.

**Section 15.10**

# USE ZONE CHART

| Section .010 | USE ⇩ / REGULATIONS ⇨ | Required Review Process | MINIMUMS: Lot Size | MINIMUMS: REQUIRED YARDS (See Ch. 115): Front | MINIMUMS: REQUIRED YARDS (See Ch. 115): Side | MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear | MINIMUMS: Lot Coverage | MAXIMUMS: Height of Structure | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Req'd Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS | | | | | | | | | | |
| .010 | Detached Dwelling Unit | None | As established on the Zoning Map. See Spec. Reg. 1. | 20′ See Spec. Reg. 3. | 5′, but 2 side yards must equal at least 15 feet. | 10′ | 50% See Spec. Reg. 5. | 25′ above average building elevation. | E | A | 2.0 per dwelling unit. | 1. Minimum lot size per dwelling unit is as follows:<br>a. In RS 35 zones, the minimum lot size is 35,000 square feet.<br>b. In RS 12.5 zones, the minimum lot size is 12,500 square feet.<br>c. In RS 8.5 zones, the minimum lot size is 8,500 square feet.<br>d. In RS 7.2 zones, the minimum lot size is 7,200 square feet.<br>e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.<br>f. In RS 5.0 zones, the minimum lot size is 5,000 square feet.<br>In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.<br>2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:<br>a. In RS 35 zones, F.A.R. is 20 percent of lot size.<br>b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.<br>c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.<br>d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.<br>e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.<br>f. In RS 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:<br>i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and<br>ii. A setback of at least 7.5 feet is provided along each side yard.<br>*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*<br>See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.<br>A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC<br>3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).<br>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.<br>5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). |
| | | | | | | | | | | | | |

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.

2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).

3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

   Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

   a. It does not share a common roof structure with the principal unit.

   b. It is not integrated into the footprint of the principal unit.

   c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.

5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.

6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.

7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.

8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.

9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28.42 and 22.28.48.

9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

10. Permitting

    a. Application

        1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

           In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

        2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

        3) If an ADU was or is created without being part of a project for which a building permit was or is finaled, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.

c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:

1) An application for an accessory dwelling permit is filed by December 31, 1997;

2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).

d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.48

## Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, and the small lot single-family provisions of Section 22.28.42, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.

(c) Within the WDII zone, the lots shall be at least 7,200 square feet.

(d) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.

(e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

(f) If an historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the Plat.

(g) As part of subdivision approval, the City may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

1) Required yards may be 2 feet less than required by the zoning district as shown on the Kirkland zoning map.

2) Floor area ratio may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

3) Lot coverage may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded.

# Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:


| | |
|---|---|
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| 75.100 | Historic Residence Effect – Nonconforming Elements |
| 75.105 | Historic Residence Effect – Demolition, Alteration or Damage |
| 75.110 | Historic Residence Effect – Bonds |


## 75.05 User Guide

This chapter establishes mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

   If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.10 through 75.25.

   If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

   If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

   If you are interested in altering the appearance of a structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

   a. The applicable criteria of Chapter 130 KZC are met; and

   b. Either:

      1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or

b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or

c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or

d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or

g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12 month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.

2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an "HL" will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.

2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.

3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:

   a. The City may not modify any of the provisions of this chapter; and

   b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and

   c. The City may not modify any of the procedural provisions of this code; and

   d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.

2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:

a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and

b. Either:

1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

a) Market Street between Central Way and N.E. 106th Street.

b) State Street between N.E. 68th Street and 2nd Avenue South.

c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the Community Character Element and by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in the Market and Norkirk Neighborhoods to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to determine eligibility for designation as an historic residence. The assessment, funded by the applicant, must be conducted by staff or consultants meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61).

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve the designation of an Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

The approval must include the following information:

1. The address of the historic residence.

2. The gross floor area of the historic residence and dimensioned drawings of each floor.

3. A digital photograph of each building elevation and significant feature.

4. A description of the historic residence and its significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

The City designation of an Historic Residence will have the following effects:

1. No feature identified as significant under KZC 75.75 may be altered in any manner except as provided in KZC 75.85 through 75.110.

2. All other requirements of this code shall apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Request To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:

a. Ordinary repairs and maintenance that do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or

b. Repairs or replacement of utility systems, provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and may approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:

a. The extent to which the proposal would utilize in-kind materials,

b. The extent to which the proposal would adversely affect the significant character defining features of an historic residence.

c. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

d. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

The review by the Planning Official shall be based on The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) in KZC 75.95. The Planning Official shall arrange for an analysis funded by the applicant to determine if the Criteria for Alteration are met. The person conducting the analysis shall meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61);

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation)

In determining the adverse impact of an alteration on the significant features of an historic residence, the Planning Official shall consider the following Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Any nonconformance on the subject property shall not be required to be corrected if doing so would require the alteration of a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

1. If an historic residence is destroyed, relocated, or altered as a result of the action of the property owner, and such action is inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the following standards apply:

    a. The structure shall be reconstructed pursuant to the Secretary of Interior's Standards for the Treatment of Historic Properties (Reconstruction) (Code of Federal Regulations, 36 CFR Part 68) to replicate the footprint and exterior of the historic residence; or

    b. The maximum Floor Area Ratio (F.A.R.) of any altered or new structure shall not exceed 25 percent of the lot size, or 75% of the gross floor area of the historic residence, whichever is less.

2. If an historic residence is destroyed or damaged for any reason outside the control of the property owner, the maximum FAR of the resulting structure shall not exceed 30 percent of the lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:

    a. The primary roof form of all structures is gabled, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and

b. A setback of at least 7.5 feet is provided along each side yard.

3. Accessory dwelling units shall be prohibited in connection with the resulting structure.

4. The historic residence designation shall be removed from the resulting structure.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

## Joan Lieberman-Brill

**From:** angelique.reiss@comcast.net
**Sent:** Tuesday, January 09, 2007 12:08 AM
**To:** Joan Lieberman-Brill
**Subject:** Please support .30 FAR on small lot single family option homes; subtract private road footage

c/o Joan Lieberman-Brill (please forward to Councilmembers and Planning Staff prior to 1/11 meeting- thank you!)

Dear Councilmembers and Planning Department Staff,

I have spoken to a number of other Norkirk residents, including some of the other Norkirk Neighborhood Board Members, who are disappointed that the small lot single family rezoning option passed in December. We are very concerned about the FAR component that has not yet been determined. This rezone was promoted and justified as a method of creating smaller homes and more affordable housing through reduced FARs, yet Councilmember Sternoff stated at the December city council meeting when this was passed that he would not support the smaller FAR number, as it is not what developers want. What should matter is what constituents want. Many neighborhood residents are opposed to higher density in single family home areas of Norkirk, and opposed to more big houses. We strongly support limiting the FAR for this option at .30, not larger, on at least one and preferably both lots.

Meeting growth targets, particularly of affordable housing, will require high density housing such as apartments and condos. They should be built in appropriate areas that are within a short walking distance of retail shops, restaurants and services. In the housing study packet given to councilmembers before last week's city council meeting, the packet noted that on the Eastside it is Bellevue that has been able to successfully meet affordable housing targets. Bellevue has not met those targets by destroying the quality of life in established single family home neighborhoods such as Clyde Hill and Enatai; those neighborhoods still have large lots, with front and back yards, and many trees. Rather, high density housing has been added in other neighborhoods that had undeveloped spaces to accomodate high density housing. High density housing is an excellent option for creating a high volume of units, and accomodating the needs of residents who have no cars. (This is not just a "
NIMBY" letter; my husband and I lived in extremely high density housing for ten years, starting in a 180 sf apartment in Japan and moving up to a 540 sf apartment in California. We had no car or shared one car for five of those years. Our housing situation was well suited to our lives then.)

The notion that the small lot single family option will provide "affordable" housing is completely unrealistic given the price of any new single family home in Kirkland, and anything greater than a .30 FAR ensures that the homes will be large and extremely expensive: well over a million dollars. In Norkirk, families on a very limited budget such as single parents trying to keep their kids in the local schools, are often only able to rent modest old rental homes. The bigger the FAR number on this rezone, the more older homes will be sold and turned into two new homes where there was one old one, and the fewer rentals there will be. Sadly, more families like several of the neighbors on our street will be evicted from their rental homes so that owners can cash in on this real estate windfall, forcing these families to leave the community they love and the schools where their kids' friends and teachers are. We had a very sad farewell party for a divorced single mom and her two sons recently, a nice family that was heartbroken about having to move because the owners couldn't resist selling their subdividable lot. The small lot single family option will have the effect of reducing affordable housing in Norkirk by increasing the number of subdividable lots, and only the smaller FAR numbers will mitigate this negative impact by protecting our neighborhood from more extremely expensive, unattractive monster homes with no yards, trees, or privacy.

Another important issue is calculating the square footage of lots on private streets, when the lots include part of the street. When calculating the square footage of lots on private streets for the purpose of qualifying for the 12,200 suare foot threshold for subdividing, the portion of the lot that is actually street surface should be subtracted from the total area. For example, a "12,500 sf foot lot" that includes a 70' x 10'



EXHIBIT B

portion of street surface in front of the lot, should have the 700 sf of street subtracted, since it is actually only an 11,800 sf lot of usable land, and therefore does not qualify for the small lot single family option. (Our "8700 square foot lot" is actually only 8000 sf because it includes the paved road in front.) Narrow private streets with no sidewalks and very limited parking need to be protected from overdevelopment. Language to this effect should be included in the final draft.

Any response and comments regarding these elements will be welcome. I would be happy to meet with any councilmembers or planning department staff who have an interest in discussing this further, or taking a brief walk around Norkirk to see examples of the negative impact of homes recently built under the .50 FAR limit. During the years I spent working for legislators as an aide and district director, I saw the value of site visits for elected officials and government staff who want to see the everyday results of current policy, and how they affect constituents.

Thank you for your consideration,

Angelique Reiss

428 16th Lane
Kirkland, WA 98033
cell 425-533-8138

**Joan Lieberman-Brill**

**From:** robert stonefelt [stoneyage@msn.com]
**Sent:** Saturday, January 27, 2007 12:20 PM
**To:** Angela Ruggeri; Joan Lieberman-Brill
**Cc:** Eric Shields; Paul Stewart
**Subject:** Norkirk/Market Neighborhoods ( Please Forward to PC )

Dear Planning Commission Members,

After attending last PC meeting, Thursday night, it appears Compact Small Home option adopted by City Council, will be controversial. Afterall, this is Norkirk.

Sort of reluctant to share my thoughts, since, it was never my intention to get involved with the details of this newly adopted option. I mainly would like to speak on behalf of Market Neighborhood property owner, Thelma Shanks. I understand, Thelma has been for 2 1/2 years, trying to find an avenue to split her whopper of a lot of 15,600 sqft in a RS8.5 zoning. She falls just 150 sqft short.

I think of my 1 1/2 year involvement seeking a similiar avenue to split the Stonefelt large lot. She has been at it one year more. As you review FAR for Compact Small Home option; for both Norkirk and Market Neighborhoods; might you consider some destinction in a less restrictive FAR requirement for her large lot split. Especially, since it is in Market Neighborhood.

The destinction could be as a simple zoning designation. Greater FAR latitude for lots in RS8.5 zoning. It would seem that this has merit solely due to it being a larger lot to split to begin with. Again, it comes down to what is fair and reasonable. Would it harm or be out of character in this surrounding neighborhood? If too restrictive FAR, then, it looks like a 7,800 plus sqft home is the odds on favorite, result.

One final thought. Last year, Commission and Council already reduced FAR from .6 to .5 in RS5 zone.
Thanking you in advance for considering the above, in your recommendations for City Council review, I remain
Sincerely Yours,
Robert Stonefelt
PS Would like to share more on Green Zoning incentives in future emails; for you to consider in FAR discussion.

RECEIVED
JAN 30 2007
PLANNING DEPARTMENT
BY ____ PM

To: Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill

FROM: Thelma Shanks
815 18 Av W Kirkland WA 98033

RE: Market Neighborhood Small Lot Single Family Option
6 properties in the <u>Current</u> <u>8.5</u> <u>Zone</u>.

DATE: JANUARY 29 2007

I extend my appreciation and thanks for the December 2006 passing of the Market Neighborhood Small Lot Single Family Option. It was gratifying to receive unanimous support from the City Council members.

As Regulations are drafted for the zoning changes with F.A.R. to be determined, I submit the following for consideration

The map (attachment 9 of the P.C. memo dated 8/17/06) identified six properties which could utilize this option if desired

| | | | | |
|---|---|---|---|---|
| #1 | 1688 | 10 St. W. | 15,306 sq. ft. | Built 2002 |
| #2 | 880 | 16 Av W | 14,659 " " | |
| #3 | 818 | 16 St. W | 14,557 " " | |
| #4 | 803 | 18 Av W | 15,600 " " | (Corner lot) |
| #5 | 815 | 18 Av W | 15,600 " " | |
| #6 | 1835 | 9 St. W | 15,000 " " | |

Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill

In my opinion it is unlikely that properties #1 & #2 would utilize the option because of the condition of the current homes. Therefore, it appears four properties may choose to do so.

My property is #5 on the list. Property #4 is a corner lot so may have reduced building potential. I feel my property of 15,600 sq. ft should be granted at least a .4 F.A.R.

15,600
- 8500
7,100 small lot

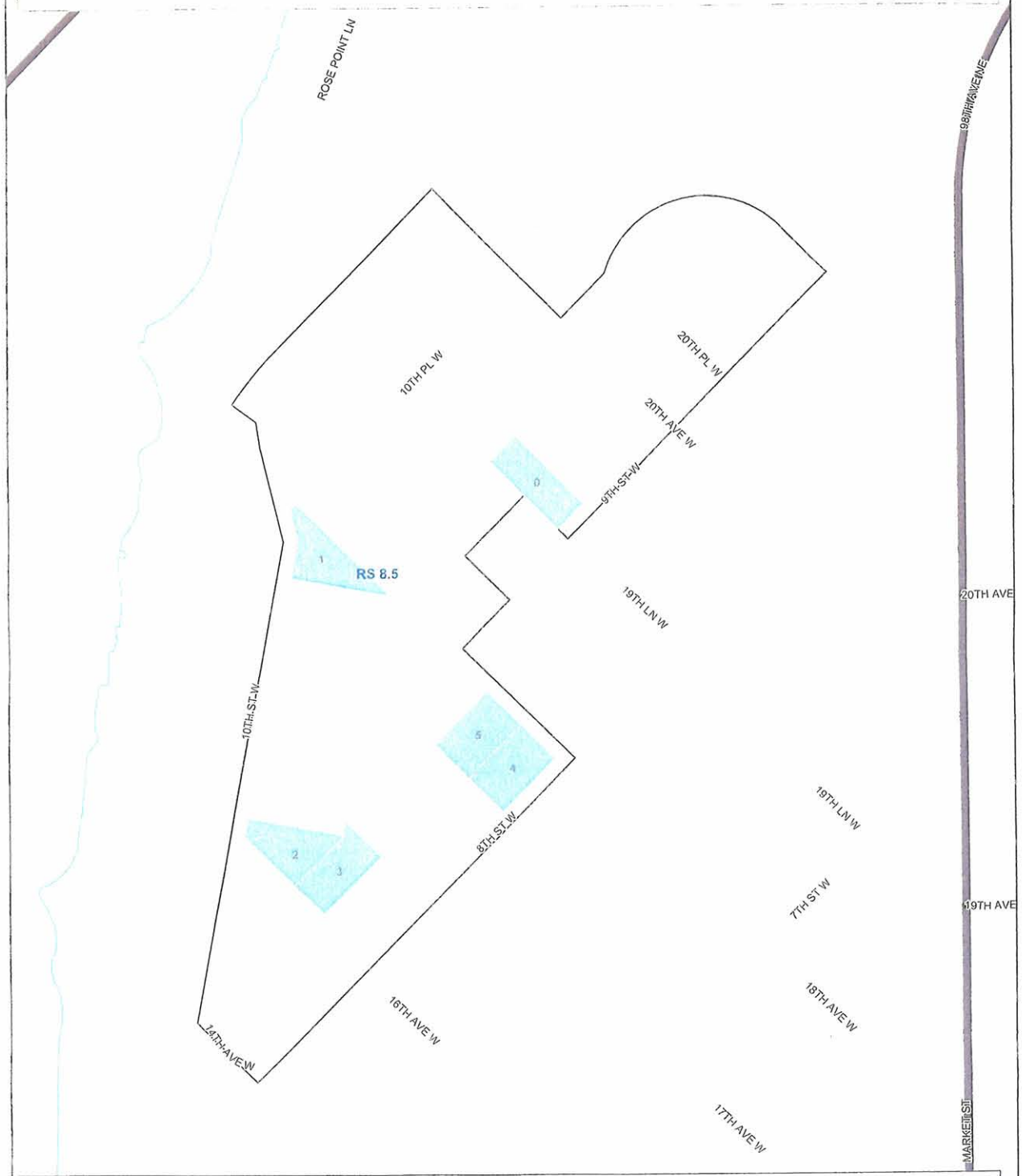
Minimum small lot size is 6000 sq. ft.

If properties that fall in the 7.2 zone (which I am not addressing) utilize the option, we would see a same ratio in size of homes and lots that suggests the desired end result of diversification.

In 2003 two homes in the 8.5 zone — 1824 & 1820 10th St (7300 sq. ft & 8300 sq. ft. respectively) were permitted with less than the 8500 sq. ft. requirement.

Thank you for your consideration.

# Market Neighborhood Small Single Family Option Undersized Lots Between 14,500 SF and 15,725 SF in RS 8.5 Zone




## Legend

- Potential Market Boundary
- RS8.5 Zoning
- Market neighborhood area
- Market14500-15725sf 1,2

Note:
1. There are 6 lots that have potential for subdivision under the small lot single family option.
2. Lots that have the potential for subdivision under current subdivision flexibility standards are at least 15,725 sq. ft. in area (17,000 sq. ft. minus 15% of 8,500 sq. ft.)

N
S

0 0.02 0.04 Miles

ATTACHMENT 9
Market
PC Memo 3/17/06

February 15, 2007

Kirkland City Council
123 5th Avenue
Kirkland Wa. 98033

re: Updated Market Neighborhood Plan

As reported in The Kirkland Courier of February 2007, I am in favor of policies to encourage the preservation of historic homes and to promote the retention of small homes in the Market Neighborhood.

For fifty years I have lived in my home and had given up all hope of its survival. It has been very depressing to see my close neighborhood disintegrate. It is so wasteful to knock down a good house and haul it to the dump. I have McMansions being built on each side of my home.

Paul Hayden Kirk was the renowned local architect for my home, a plan which was one of the ten award-winning homes selected by the American Institute of Architects--Sunset Magazine, the cover of the 1957 October issue. I am the original owner and this house has been a delight.

It saddened me to think that when I die (I am 90 years of age) this home will be trashed. My roof and carpeting would have replaced if I had not thought that it was a useless expense. My neighbor, Ruth Lindsay, put on a 20-year roof and 2 years later her house was knocked down.

Perhaps the tipping point has been reached in Kirkland's gentrification. A city's homes are a clear expression of its values.

I do not have a computer and my age keeps me from attending the various meetings, but I am very interested in the outcome of your considerations.

Respectfully Yours,

Marguerite B. Opree

Marguerite B. Opree
1250 6th Street West
Kirkland Wa 98033

RECEIVED
FEB 15 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

## Joan Lieberman-Brill

**From:** Loren Feldman [lorenfeldman@msn.com]
**Sent:** Monday, March 12, 2007 10:41 AM
**To:** Joan Lieberman-Brill
**Subject:** Loren Feldman - Comments to the Planning Commission for the City of Kirkland

Dear Planning Commission,

We are glad we went to the meeting on March 8th 07. Our initial reaction and final analysis based on the .3 FAR for the new small lot code is that it will not justify the risk to take advantage of the new code.

As your consultant points out the margins are razor thin and we agree. The .3 does not render a product large enough to justify the costs, and associated risks. I think you all are on the right track but if the .3 is adopted we will have to see how many really take advantage of the new small lot code.

We will follow this proposal as we see potential with a .4 FAR assuming the second lot is only 5000'. From a development standpoint we see the difference between .3
and .4 as the difference between doing the project and not.

We also would like to attend future meetings regarding these topics.

Thanks again for your service to our community. We really appreciate your time to put together the study, and potential code as we believe the intent is great.

Sincere regards,

Loren Feldman
9520 130th Ave NE Kirkland
WA 98033

To: Kirkland Planning Commission
From: Thelma J. Shanks - 815 18 Av W, Kirkland
Date: March 12, 2007
Attn: Joan Lieberman - Buell

Re: Small Lot - Single Family Home Regulations

I submit the following for consideration following the Planning Commission's meeting of 3/8/07.

I am addressing only RS 8.5 zone W of Market:

1. 6 properties could use this option. (You will note from my previous memo that it appears two would not elect to do so because of age, size & condition of current homes.
2. In recent rezoning in the Norkirk area, 82 properties are now zoned RS 6.3 with a .5 F.A.R. (Peter, President of the Norkirk Neighborhood Assn. reported at the 2/8/07 P.C. meeting that at their 1/6/07 neighborhood meeting, the majority of attendees voted for a .4 F.A.R. Small Lot Option.)
3. At the 3/8/07 P.C. meeting, members seemed to favor either a .3 or .35 F.A.R. with a 1700 sq. ft home being acceptable in the R.S. 7.2. 5000 min lot x .3 = 1500 s.f
5000 min lot x .35 = 1750 s.f.
(RS 8.5 minimum lot increases to 6000 sq. ft.)

4. With development costs being estimated to be $47,000 +, it appears to me that less than a 3.5 F.A.R. would decrease the number of property owners wanting to utilize this permanent F.A.R for the smaller lot.
5. It was noted the $47,000 could be reduced if the current home is preserved. If a .4 F.A.R is regulated, my current home built in 1954 could be retained by removing the garage & creating a flag lot for the larger home.
6. If .4 is not an option for the smaller home, could the regulations be written so a developer, on an individual basis, request splitting the F.A.R's between both lots resulting in 2 smaller homes?

My property originally consisted of two 50 foot lots which were married when the house was built.

Thank you for your consideration as you adopt the regulations. I appreciate your hard work & time spent in this endeavor.

## Joan Lieberman-Brill

**From:** Tim Olson [tim.olson6@verizon.net]
**Sent:** Tuesday, March 20, 2007 10:53 AM
**To:** Eric Shields
**Cc:** Joan Lieberman-Brill
**Subject:** Big Lot Small Lot Scenario

**Follow Up Flag:** Follow up
**Flag Status:** Red

**Attachments:** BigLotSmallLotSite1.pdf

BigLotSmallLotSite1.pdf (53 KB...

Hi Eric and Joan,

Attached is a pdf site plan for a "maxed out" Big Lot/Small Lot scenario with a .5/.3 FAR. My point is to demonstrate that the vision of quaint little "Chapinesque" cottages on small lots carved from the 12,200 lots may...with the right terrain, a bulldozer, flat roofs, retaining walls, and covered decks and porches...look much different.

The house on Lot #1 has an 1896 SF basement with a four car garage, large media room, wine room; an 1896 SF Main Floor with a 9' ceiling containing an entry, bedrooms and den opening onto a large covered deck, sewing/craft room and more; the Upper Floor has an 11' ceiling with a huge covered deck overlooking the lake. Total SF for the house is roughly 5688 SF.

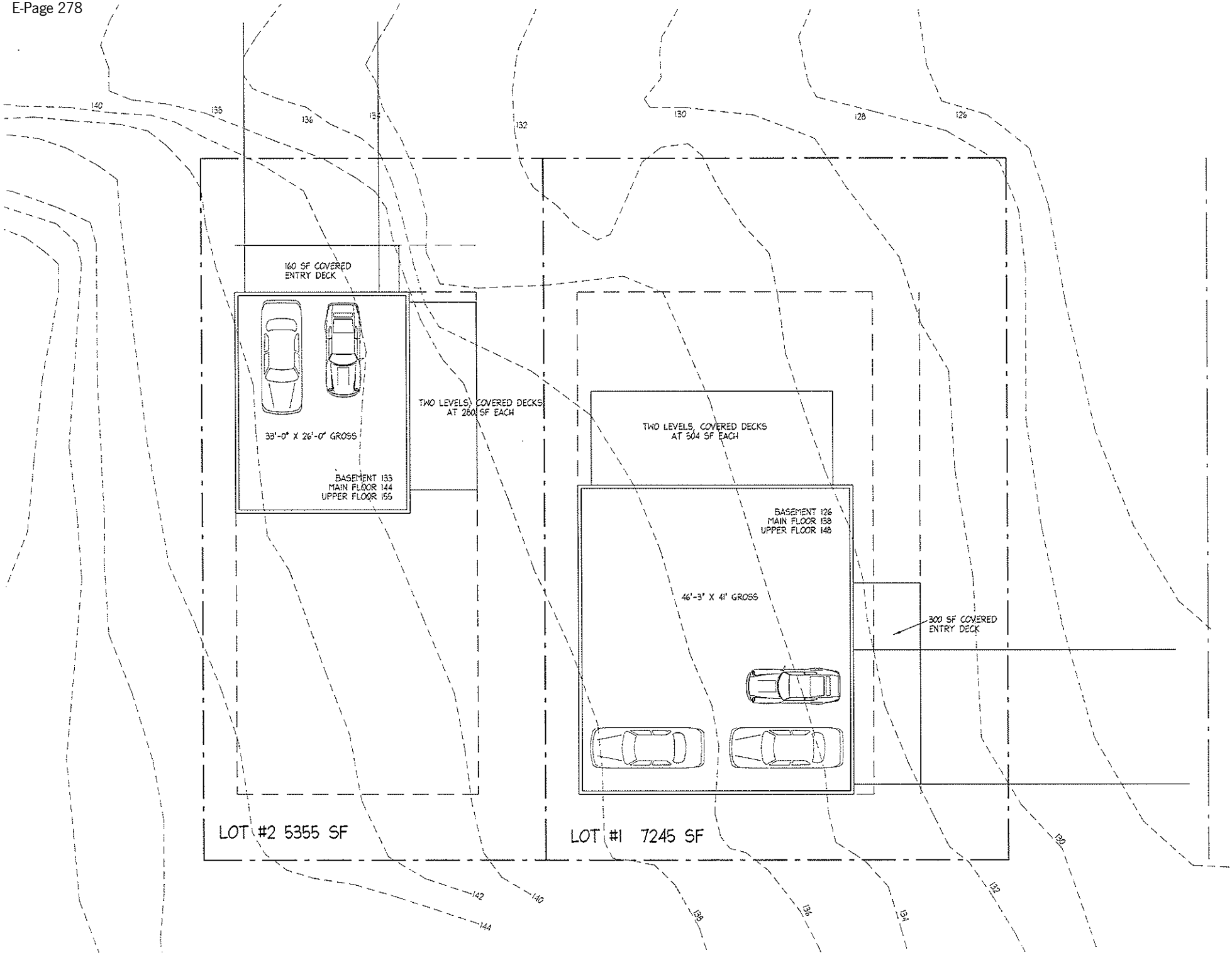
The small house on Lot #2 (.3 FAR) is a "lite" version of the big house (two car basement garage, smaller wine closet) totalling 2574 SF.

This scenario uses an actual lot with topography pulled from the aerial photo w/ overlaid contour lines. I've also looked at other lots (including Pete Bartnick's and his neighbor's). There are numerous opportunities to develop scenarios like the one I've shown here.

I tried to find email addresses for Janet Pruitt, Kiri Rennaker, and other PC members...no luck. Can you forward to them if you think appropriate.

Thank you,
Tim Olson

PS. I'll try to produce a quick 3D version when I have time.


160 SF COVERED
ENTRY DECK
33'-0" X 26'-0" GROSS
BASEMENT 133
MAIN FLOOR 144
UPPER FLOOR 155
TWO LEVELS, COVERED DECKS
AT 280 SF EACH
TWO LEVELS, COVERED DECKS
AT 504 SF EACH
BASEMENT 126
MAIN FLOOR 138
UPPER FLOOR 148
46'-3" X 41' GROSS
300 SF COVERED
ENTRY DECK
LOT #2 5355 SF
LOT #1 7245 SF
140
138
136
134
132
130
128
126
142
144

## Joan Lieberman-Brill

**From:** Robert Burke [rgburke2@verizon.net]

**Sent:** Thursday, April 26, 2007 3:44 PM

**To:** Joan Lieberman-Brill

**Subject:** Planning Commission Hearing

Joan;

As we discussed, I am not going to be at the public hearing tonight, but want to express my support for the incentives being discussed for preservation of residential structures that meet historic criteria. These provide another tool to encourage structures that preserve the historic character of our community. The two-tier system and replacement in the same style would seems to add incentives to retain a structure.

Thank you for all the work of the Commission and Staff in preparing these ordinances in response to the policies adopted in the Market and Norkirk Neighborhood Plans.

Bob Burke

## Joan Lieberman-Brill

**From:** Jean Guth [djguth@yahoo.com]
**Sent:** Tuesday, April 24, 2007 3:51 PM
**To:** Joan Lieberman-Brill
**Subject:** Comments for the Planning Commission meeting April 26

Hi Joan:
My husband Eric Holtz and I live in the Norkirk neighborhood. We would like to let the members of the Planning Commission know that we support the idea of regulations to help historic preservation and also support the small lot\single family home initiative.
I think for the latter, the small lot program that would allow large lots to subdivide and build a smaller home, we would endorse a FAR for these homes that is around 2000 square feet.

Additionally, we continue to support the reduced FAR for the Norkirk area. Our neighborhood continues to see the construction of "big box" style houses with little relationship to the style of surrounding existing homes and that reduce the street views of the lake.

We also support the implementation of the proposed Market Street Commercial Corridor zoning changes. We would like to encourage a change in the Market Street zoning to allow neighborhood coffee shops, small local restaurants and pubs. It seems like a maximum square footage of 2000-2500 square feet might encourage the establishment of some of the neighborhood places we enjoy and patronize and minimize the neighborhood impact. Please feel free to contact me for any clarification. And let me know if there is any further information you need from me. Thank you, Jean Guth 425-889-4769

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Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com

**Joan Lieberman-Brill**

**From:** Mary Williams [mary@estrofest.com] on behalf of williams@knoepp.com
**Sent:** Tuesday, April 24, 2007 8:39 AM
**To:** Joan Lieberman-Brill
**Subject:** A letter to the Planning Commissioners in support of the proposed Norkirk zoning changes

April 24, 2007

Dear Kirkland Planning Commissioners,

We are writing regarding proposed zoning changes to the Norkirk neighborhood. We are owners of 11-21st place, a property that abuts Market St. ( Our address for this property used to be 2008 Market St., but we changed access to the back of the lot.) We have owned this property since, I think, 1994. We lived in the home for about five years and now maintain it as a rental.

We believe that rezoning this portion of Kirkland for moderately higher density makes sense. Kirkland is a growing town, and development is inevitable. Also, due to its central location and proximity to major employers, value of property in the area is rising and will continue to do so. Allowing higher density for smaller, more affordable homes, specifically, will help maintain affordability and diversity in the city. Folks who work in lower wage jobs in Kirkland will be able to live where they work.

This plan will also help to contain sprawl and, resultantly, reduce wider traffic congestion by helping folks live nearer their work and services (markets, post office, restaurants, etc.) We appreciate that the boundaries of this zone change preserves environmentally sensitive areas by containing increased density to areas not near watersheds, wetlands, etc.

Kirkland is in the unique position of being a suburban, urban village with the benefits, and draw, of both. By picking a careful path between those who want to make a quick development buck and those who would freeze the city as-is, Kirkland has the potential to be a leader in smart, far-sighted urban planning. Good luck!

Mary Williams and Kevin Knoepp
600 Wellington Ave
Seattle, WA 98122
(206) 720-1098

## Joan Lieberman-Brill

**From:** *Pat Byers [PByers@FPCBellevue.org]*
**Sent:** Thursday, April 26, 2007 10:35 AM
**To:** Joan Lieberman-Brill
**Subject:** *Planning Commission Meeting Tonight*

Hello Joan,

My name is Patricia Byers and I live at 25 20th Ave in Kirkland. *I am unable to make the Planning Commission* Meeting tonight as I need to prepare for a memorial service on Saturday. Kiri Rennaker suggested that I e-mail you to let you know that I am in full support of the proposals that are being presented. Hopefully this e-mail will substitute for my not being there in person.

I am a long time resident of the city. 25 20th Ave has been my family home since 1954 and I have returned to live there fulltime since 1996. I am excited to know that you want to maintain the integrity of Kirkland by preserving the historic homes and retaining the small homes on small lots atmosphere of the city.

Thank you for your consideration in this manner,
Patricia G. Byers
25 20th Ave
Kirkland, WA 98033
425-822-2866

## Joan Lieberman-Brill

**From:** Peter Loft [peterloft@hotmail.com]
**Sent:** Thursday, April 26, 2007 1:18 PM
**To:** Joan Lieberman-Brill
**Subject:** norkirk zoning changes

Hi Joan, I want to go on the record as stating that the city needs to put more money/incentives into dealing with the congestion caused already by the increased density in Norkirk.

It is a great idea to increase desity **with** mitigations to reduce cut through traffic, increased city funding for pedestrian safety, and increased funding for police enforcement of traffice violations, for without you are slowly but surely eroding the very qualities of life that attract young families to Kirkland in the first place, and that would be a shame.

As far as I can tell there is lots of rhetoric from the city council and city government employees regarding quality of life valuing families and pedestrian walkways etc., but if you look at the facts, the traffic continues to worsen, parent's concerns about child pedestrian safety continues to increase, while the number of cars on our streets and new homes in our neighborhoods accelerates dramatically. All while the city council a few years ago REPEALLED the law that required new developments to provide sidewalks. Peter Loft 1214 6th street.

Will be included in 6/19 Packet

cc: Council
Dave
Eric
Paul
John L.

RECEIVED
MAY 22 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

To: City Council Members
Dave Ramsay, City Manager
Paul Stewart / Eric Shields

From: Thelma Shanks
815 18 Av W Kirkland

Re: Small Lot Single Family Home MIS 06-00053

Date: May 22, 2007

I submit the following for your consideration before the June 19, 2007 City Council meeting.

The Planning Committee will be recommending a .3 FAR with a potential of .35 with design elements.

I feel a .3 FAR seems questionable that many, if any, would utilize the Small Lot Single Family Home Option. This reduced FAR will be a permanent requirement and will be noted on the plat.

The cost of getting us to this stage has been great — not only staff man hours, consulting fees, volumes of paperwork, signage & lengthy meetings but nearly four years for me as a property owner. I would like to see this be given a chance to succeed.

1. 82 properties were rezoned in the Norkirk neighborhood to RS 6.3. The FAR is .5.
2. There are 5,000 sq. ft. properties with .5 FAR.

3. There are only 6 properties in my current 8.5 zone eligible for this Regulation. From my prior memo. you will note that as few as 5 or 6 could be interested.
4. With a .4 FAR my 1954 house could be retained.
5. The small lot on my property of 7100 sq. ft. is larger than #1 & #2 mentioned above.

I personally talked to three builders who were skeptical that the reduced FAR of .3 or .35 would warrant the developmental costs and time for utilizing this concept.

Thank you for your interest and consideration. I would invite you to visit my property as you review my concerns.

Attachment

RECEIVED
JAN 30 2007
PM
PLANNING DEPARTMENT
BY

To: Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill
FROM: Thelma Shanks
815 18 Av W Kirkland WA 98033
RE: Market Neighborhood Small Lot Single Family Option
6 properties in the current 8.5 zone.
DATE: JANUARY 29 2007

I extend my appreciation and thanks for the December 2006 passing of the Market Neighborhood Small Lot Single Family Option. It was gratifying to receive unanimous support from the City Council members.

As Regulations are drafted for the zoning changes with F.A.R. to be determined, I submit the following for consideration

The map (attachment 9 of the P.C. memo dated 8/17/06) identified six properties which could utilize this option if desired:

| | | | | |
|---|---|---|---|---|
| #1 | 1688 | 10 St. W. | 15,306 sq. ft. | Built 2002 |
| #2 | 880 | 16 Av W | 14,659 " " | |
| #3 | 818 | 16 St. W | 14,557 " " | |
| #4 | 803 | 18 Av W | 15,600 " " | (Corner lot) |
| #5 | 815 | 18 Av W | 15,600 " " | |
| #6 | 1835 | 9 St. W | 15,000 " " | |

Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill

In my opinion it is unlikely that properties #1 & #2 would utilize the option because of the condition of the current homes. Therefore, it appears four properties may choose to do so.

My property is #5 on the list. Property #4 is a corner lot so may have reduced building potential. I feel my property of 15,600 sq. ft should be granted at least a .4 F.A.R.

$$\begin{array}{r} 15,600 \\ -\ 8,500 \\ \hline 7,100 \end{array}$$ small lot

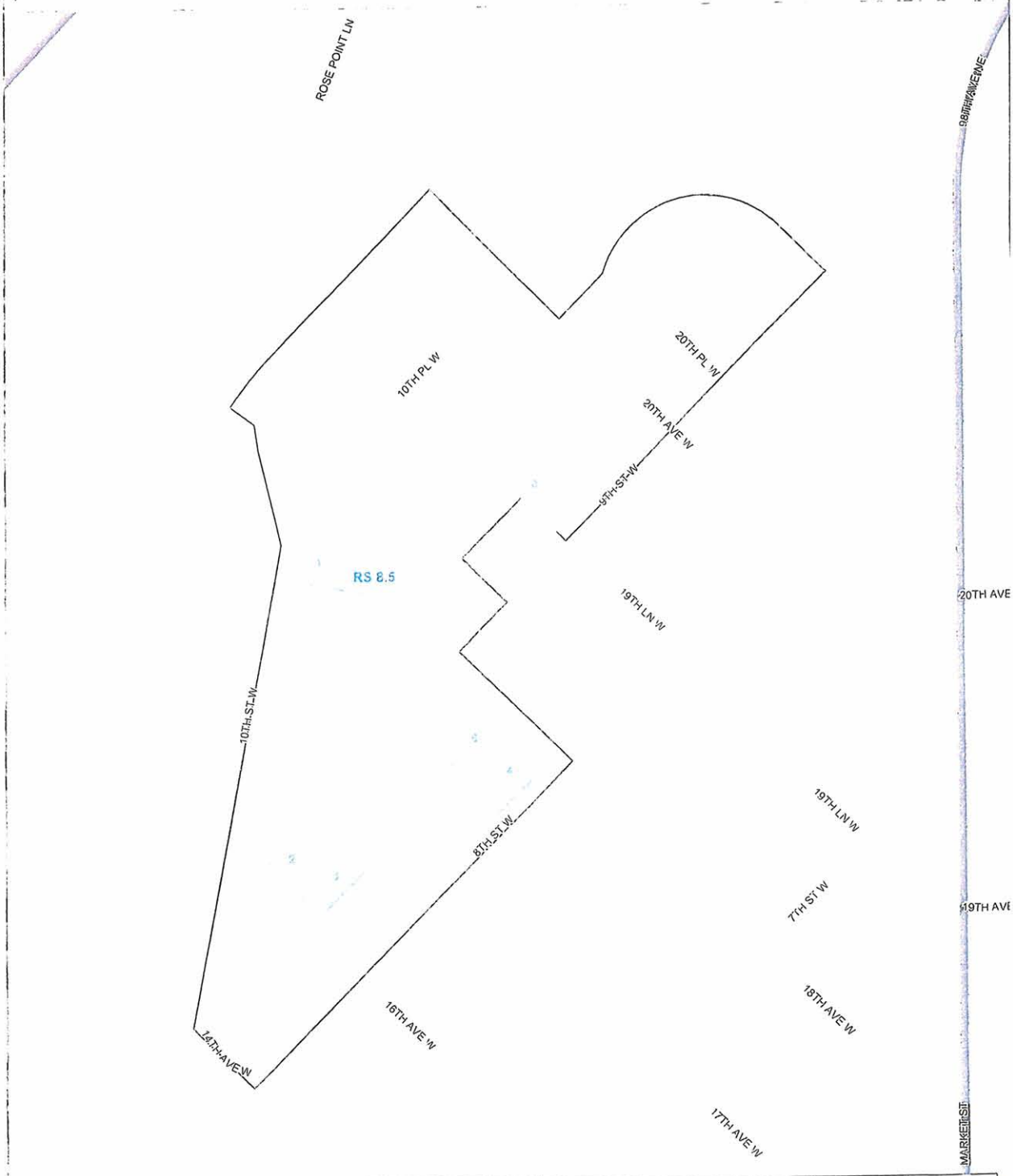
Minimum small lot size is 6000 sq. ft.

If properties that fall in the 7.2 zone (which I am not addressing) utilize the option, we would see a same ratio in sizes of homes and lots that suggests the desired end result of diversification.

In 2003 two homes in the 8.5 zone — 1824 & 1820 10th 7300 sq. ft & 8300 sq. ft. respectively) were permitted with less than the 8500 sq. ft. requirement.

Thank you for your consideration.

# Market Neighborhood Small Single Family Option Undersized Lots Between 14,500 SF and 15,725 SF in RS 8.5 Zone




**Legend**

- Potential Market Boundary
- RS8.5 Zoning
- Market neighborhood area
- Market14500-15725sf 1,2

Note:
1. There are 6 lots that have potential for subdivision under the small lot single family option.
2. Lots that have the potential for subdivision under current subdivision flexibility standards are at least 15,725 sq. ft. in area (17,000 sq. ft. minus 15% of 8,500 sq. ft.)

N
S

0 0.02 0.04 Miles

ATTACHMENT 1

**KIRKLAND PLANNING COMMISSION**
**January 25, 2007**

1. **CALL TO ORDER/ROLL CALL - 7:00**

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: Kiri Rennaker.

Staff Present: Joan Lieberman-Brill, Angela Ruggeri, Paul Stewart, and Teresa Swan.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE - NONE**

1. Robert Stonefelt, 901 1st Street. Spoke in favor of the Norkirk Neighborhood rezone.

4. **PUBLIC HEARINGS**

The Chair opened the public hearing on the 2006 City Initiated Comprehensive Plan Amendments and related Zoning Map Amendments for the Mark Twain Park Land Exchange-File No. ZON06-00009

Teresa Swan gave a brief history and timeline of the land exchange for Mark Twain Park. This has already been authorized by the City Council on May 2, 2006. She also explained that amendments for the land exchange are a carry-over of the 2006 Comprehensive Plan amendments adopted in December 2006.

Ms. Swan showed a map of the exchange and discussed the planned access easement for a future public road connection as part of a future subdivision of the property. She responded to questions of the commission regarding the easement.

The chair asked for public comment. There were none.

Motion to recommend to City Council the Staff's recommendation.
Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Discussion ensued, beginning with clarification of the public lands indicated on the Neighborhood Land Use Map (attachment 4, 8 and 11).

Mr. Stewart indicated we will review corrections to the map where public lands are indicated.

**EXHIBIT C 1**

Vote: Motion carried 6-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair closed the Public Hearing portion of the meeting. The Commissioners moved to the study session area of the Chambers.

5. **STUDY SESSIONS**

A. Drafted Work Program for Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations- File No.MIS06-00053. Held study session to review proposed work program schedule and public involvement. Provided direction on changes to work program.

Joan Lieberman-Brill discussed her goal for tonight's meeting.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th PL. Mr. Bartnick is a member of the Norkirk Neighborhood association and invited any of the Commissioners to attend the March meeting when this subject is on the agenda. Mr. Bartnick also spoke regarding Small Lot Single-Family and would like to see more restrictions on the smaller lot.

2. Robert Stonefelt, 901 1st Street. Spoke against FAR restrictions on Small Lots.

The Chair directed the meeting back to Ms. Lieberman-Brill.

The Commission discussed and received clarification on how the calendar is scheduled. Ms Lieberman-Brill clarified the intent of the meetings being out of sequence.

The commission clarified the timeline and the expectations at the different meetings.

Angela Ruggeri responded and clarified her role in this process. Ms. Lieberman-Brill also responded regarding the tight timeline.

The Chair summarized how the process and timeline would work.

Planning staff noticed a discrepancy in the schedule. Discussion ensued.

Planning staff clarified how the appropriate neighborhood associations are informed during this process via website list service and mailed memorandums, in hopes that they will attend the PC meetings to obtain information and to have an opportunity to voice their opinions.

The commission discussed neighborhood involvement, and the Planning Commission's opportunities for outreach.

Ms. Lieberman-Brill clarified the mechanism for how public can sign up to receive e-mails through the City's web-site. She further described the

various ways in which this the public has been notified. She mentioned that the web-site for the Plan Updates has received a substantial amount of 'hits'.

The Chair asked for discussion on issues to address, there were none.

B. Drafted Work Program for the Market Street Commercial Corridor Design Regulations. Held study session, reviewed proposed work program schedule and public involvement. Provided direction on changes to work program.

The Commission agreed that most of the discussion points for the public involvement and scheduling discussed on the previous item were applicable to this agenda item as well.

Ms. Ruggeri outlined the key issues to the Market Street Corridor Design Regulations including design review process for Historic intersection and possibly the rest of the corridor; tweaking the zoning requirements; and possibly expanding the retail uses allowed along the corridor because they are presently limited due to old zoning language.

6. **UNFINISHED BUSINESS**

A. Drafted Planning Work Program and Joint Meeting with City Council. Reviewed the revised Planning Work Program and discussed joint meeting with City Council. Recommended Council adopt Planning Work Program, identified discussion topics for joint meeting, and approved letter of transmittal to the City Council.

Mr. Stewart summarized some of the key issues discussed during the Planning Commission Retreat held December 14th.

The Commission discussed roles of both the Houghton Community Council and the CAC (Citizen Advisory Committee) in the neighborhood plans. There is a concern of double representation.

Mr. Stewart agreed with the Commission ideas on recruitment and how to work with the CAC and HCC.

Ms. Lieberman-Brill clarified the schedule changes.

The Chair asked for public comment.

1. Robert Stonefelt 901 1st Street. Spoke again regarding incentives to builders. Spoke about environmental issues, and stewardships.

The Commission extensively discussed better ways to articulate the letter of transmittal to the City Council.

The Commission discussed how to prioritize three key topics for the joint meeting with the city council.

Further discussion on which Commissioners will present the key topics to the City Council.

The Commission adopted the work program as ammended.

The Chair called for a break - 8:40

The meeting resumed - 8:49

B. Planning Commission Revised Rules of Procedure. Reviewed proposed revised rules of procedure. Adopted rules.

Staff clarified for the Commission that the department should be referred to as Planning and Community Development Department.

Discussion on Section 3, Order of Business. When public comment should be heard. Commission agreed that this should be moved to Section 8, Item C and should include language to allow the Chair the flexibility to get comment when it makes sense.

Discussion on Section 9, item C, when to close the public hearing.

Motion to approve the Rules of Procedure as amended.
Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair was provided a copy of Roberts Rules of Order for reference.

7. **NEW BUSINESS - NONE**

8. **READING AND/OR APPROVAL OF MINUTES:**

A. October 26, 2006

No vote was recorded after the motion to approve Miscellaneous Zoning Code Ammendments.

Motion to approve October 26, 2006 minutes as ammended.
Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. November 9, 2006

Item 10, A; Administrative Reports, there is no detail of what the Planning Commission presented to the City Council.

Motion to approve November 9, 2006 minutes as amended.
Moved by Andy Held, no second required

Vote: Motion carried 6-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

9. **TASK FORCE REPORTS**

City has hired consultants for the update to the Downtown Strategic Plan.
Commission received clarification regarding the Strategic Plan.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

Mr. Stewart mentioned that the City Council agreed with the Planning Commission to move forward with the Innovative Housing regulations, and are starting that process.

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

The Chair reminded the commission of their meeting on February 6th with the City Council.

11. **COMMENTS FROM THE AUDIENCE - NONE**

12. **ADJOURNMENT - 9:04**

Motion to Approve
Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission

**EXHIBIT C 1**

**KIRKLAND PLANNING COMMISSION**
**February 08, 2007**

1. **CALL TO ORDER/ROLL CALL - 7:00PM**

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Dorian Collins, Joan Lieberman-Brill, Angela Ruggeri, and Eric Shields.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE**

The Chair clarified the new rules of procedure adopted by the Planning Commission regarding Public Comment.

1. George Tuton, 1936 4th St. Asked if the Commission had considered his earlier recommendation to have a time capsule. Paul Stewart offered to check and have someone get back to Mr. Tuton regarding this.

2. Robert Stonefelt, 901 1st St. Spoke in favor of .4 FAR for Small Lot Single Family Incentives. He attended a meeting of the Norkirk Neighborhood, and felt that the majority (20-25 residents) were also in favor of the .4 FAR. Also spoke in favor of the flexibility of the proposed zoning code ammendments to the Market Street Commercial Corridor Plan.

The Chair was also in attendance of the Norkirk Neighborhood meeting and she did say that the majority was in favor of .4 FAR, but clarified that they preferred smaller (.3 FAR), but they felt that no one would be motivated by the .3 FAR.

5. **STUDY SESSIONS**

A. Innovative Housing Regulations - Work Program -- File No. ZON07-00005. Reviewed draft work program for development of permanent innovative housing regulations. Provided direction for any changes to approach.

Senior Planner Dorian Collins reviewed the Innovative Housing Regulations Work Program for the year.

The City has contracted with Michael Luis, who will lead an advisory group consisting of architects, builders, developers and realtors. The intent is they will help provide input for permanent innovative housing regulations for the City.

**EXHIBIT C 2**

She discussed the timeline for the various advisory meetings and the community workshop.

Ms. Collins responded to questions regarding the advisory group. Followed by discussion on how the participants were chosen for the advisory groups.

The Commission discussed examples of various innovative housing projects they would like to receive information about and poossibly visit.

The Chair asked for public comments regarding innovative housing. There were none.

Paul Stewart distributed copies to the Commissioners of the 2006 King County benchmarks on Affordable housing. This was done at the request of the City Council.

Eric Shields discussed a recent meeting he attended with ARCH. They are putting together an advisory group to provide strategic input. Participation from Planning Commission members is welcome. Janet Pruitt and Carolyn Hayek expressed an interest.

B. Small Lots & Historic Preservation -- File No. MIS06-00053. Discussed issues and reviewed draft regulations to implement small lot single-family and historic preservation policies. Provided direction on changes to the draft regulations.

Joan Lieberman-Brill began her presentation by stating the format for tonight's meeting.

She summarized the purpose of the Historic Preservation Regulations for the Market and Norkirk neighborhoods. She then discussed the proposed policies to provide incentives for retaining historically significant residences.

Planning staff clarified flag lots for the Commission.

Ms. Lieberman-Brill continued her overview by discussing Historic Residence Designation Standards, Criteria and Process.

Planning staff responded to questions regarding enforcement of improvements or alterations to historical residences.

Ms. Lieberman-Brill introduced Julie Koler, with the King County Historic Preservation Program. Ms. Koler described the interlocal agreement between the City of Kirkland and King County. She summarized how the proposed process for a residence to be considered historically significant is a less extensive process than obtaining a Landmark Designation.

Ms. Koler responded to clarifying questions of the Commission.

Ms. Koler discussed the role of the Landmarks Commission. She mentioned that there currently are incentive packages available for owners of historic residences; tax breaks, low interest loans, and direct grant and aid.

Planning staff responded to questions of the Commission. Ms. Koler concluded her presentation.

The Chair asked for public Comment.

1. Pat Tuton, 1936 4th St. Spoke in favor of historic preservation, but feels that it may not be a realistic investment because there isn't a market for historic homes as residences due to comfort (small bathrooms, small closets) and maintenance issues.

2. Bob Burke, 1032 4th St. Mr. Burke lives in an older home. He spoke in favor of incentives to help ensure historic preservation.

The Chair directed questions of the overlay zone to Mr. Burke.

3. George Tuton, 1936 4th St. Spoke in favor of historic preservation but feels it is difficult and costly to maintain an older home.

4. Pat Tuton, 1936 4th St. Ms. Tuton asked how burdonsome it would be to obtain permits for needed repairs to a historic residence.

Ms. Koler responded that a health and safety issue is not required for review at King County. The King County process takes about a month for approval of routine maintenance and repair.

5. Barbara Loomis, 304 8th Ave W. Ms. Loomis lives in a designated historic residence. Spoke in favor of incentives to help preserve historic residences.

The Chair asked for public comment. There were none.

Joan Lieberman-Brill resumed her presentation of Hisoric Residence Designation Criteria and Process. Ms. Lieberman-Brill responded to questions regarding how many potentially historic homes on subdividable properties exist in Market and Norkirk based on an inventory done for the Kirkland Heritage Society in 1999.

Planning Staff and Commission discussed various lists available of potential historic properties. They also discussed to what extent homeowners would be made aware that their home is a potentially historic residence and might be eligible for voluntary nomination as a designated historic residence.

The Commission discussed the staff recommendation on process.

Ms. Lieberman-Brill discussed mechanisms to ensure compliance. Followed by further commission discussion.

Julie Kohler responded to questions regarding the possibility of rebuilding a historic home after if was destroyed. King County does not support this because they strive to save history and not provide a recreation of it.

Continued discussion on mechanisms to ensure compliance and criteria for repair and maintenance.

Ms. Koler clarified for the Commission by explaining the differences between historic residences and Landmark Properties.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th Pl. Mr. Bartnick asked if there were any stipulation to allow a home to be moved to another lot and allow the same incentive. The Commission responded that the house may be moved to another location on the lot, but not another piece of property.

2. Robert Stonefelt, 901 1st St. Asked for clarification regarding criteria for historic homes.

Ms. Lieberman-Brill resumed her presentation with Small Lot Single Family Regulations Purpose. She described the different standards; lot size, zoning and FAR's.

The Commission received clarification on the concept of the flag lot.

Ms. Lieberman-Bill showed graphics of the FAR options for small lot single family regulations that would be feasible incentives to homeowners. Commission and Staff discussion ensued, followed by the conclusion of Ms. Lieberman-Brill's presentation.

The Chair asked for public comment.

1. Thelma Shanks, 815 18th Ave W. Ms. Shanks clarified the options for her property. She spoke in favor of .4 FAR.

Commission discussion on FAR.

2. Pete Bartnick, 313 11th Pl. Would like to see incentives for encouraging both houses to be built on the street, instead of one behind the other.

Ms. Lieberman-Brill provided key issue discussion items for small lot single family regulations. She suggested the Commission begin with FAR.

Commission and Staff extensively discussed FAR.

The Commission discussed Mr. Luis' study regarding economic viability.

The Commission received clarification on what is expected during tonight's meeting.

The Chair called for a break - 9:39

The meeting resumed at 9:51.

Staff and Commission discussion on whether to move tonight's third study session item (Market Street Commercial Corridor Design Regulations) to a

future meeting. The decision was made to include all items tonight and stay late.

Ms. Lieberman-Brill clarified for the Commission the items she will have prepared for the next Public Hearing meeting.

The Chair invited public comment.

1. Robert Stonefelt, 911 1st. Spoke in favor of .4 FAR, he felt that it provides more options for homeowners and builders.

2. Pete Bartnick, 313 11th Pl. Mentioned some issues discussed at the Norkirk Neighborhood meeting held the previous night regarding recommended FAR and stated those present supported the concept of small lot single family regulations.

C. Market Street Corridor Design Regulations -- File No. MIS07-00007 Discussed issues and draft regulations to implement the Market Street Corridor design policies. Provided direction on the draft regulations.

The Chair invited public comment.

1. Pete Bartnick, 313 11th Pl. Spoke against allowing non-conforming lots.

Angela Ruggeri gave a brief background to the Market Street Corridor Design Regulations. She clarified the potential changes to the zoning of the subareas. She responded to questions of the Commission regarding the plan, and began discussion with Subareas One and Four.

Lengthly Staff and Commission discussion on retail uses.

Ms. Ruggeri continued with discussion on Subareas One and Four; requiring administrative design review with design standards relating to building frontage, street corners, pedestrian oriented space, parking garages, scale and materials. Discussion followed regarding commercial parking and standards for administrative design review.

Ms. Ruggeri continued her presentation by moving on to Subarea Two (Zip Mart Area). Staff and Commission discussion on the goals to allow for greater flexibility in retail uses and ways to improve the Market Corridor streetscape.

Commission and Staff discussion on Subarea Three and ways to retain the character of the Historic District. Commission agreed to require support from the Design Review Board to maintain character of the district.

Brief discussion on Subareas One through Four, how zoning areas will be shown for the Market Street Corridor.

The Chair invited public comment. There was none.

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**
8. **READING AND/OR APPROVAL OF MINUTES - NONE**
9. **TASK FORCE REPORTS**
10. **ADMINISTRATIVE REPORTS**
    A. City Council Actions
        (1) Brief discussion on observations from Joint Meeting with City Council.
    B. Hearing Examiner Actions
    C. Public Meeting Calendar Update * February 22 Meeting is cancelled
11. **COMMENTS FROM THE AUDIENCE - NONE**
12. **ADJOURNMENT - 10:57PM**

Chair
Kirkland Planning Commission

**EXHIBIT C 2**

**KIRKLAND PLANNING COMMISSION**
**March 08, 2007**

1. **CALL TO ORDER/ROLL CALL - 7:03**

Members Present: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

Members Absent: Matthew Gregory, Andy Held, and Karen Tennyson, Vice Chair.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE**

1. Loren Feldman, 9520 130th Ave NE. Had a question regarding incentives for historic preservation.

Eric Shields responded to Mr. Feldman's question.

2. Bruce Johnson, 1013 6th St. Had a question regarding Small Lot Single-Family regulations.

Eric Shields responded to Mr. Johnson's question.

4. **STUDY SESSIONS**

A. Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations, File No. MIS06-00053. Continued to discuss issues and draft regulations to implement small lot single-family and historic preservation policies. Provided direction on the draft regulations.

Joan Lieberman-Brill clarified that the policies and incentives regarding Small-Lot Single Family and Historic Preservation have already been adopted in December 2006 with the adoption of the Market and Norkirk neighborhood plans. The intent of the study sessions is to draft regulations to implement the two policies. She stated the format of tonight's meeting and began her presentation with a background on Historic Preservation Regulations.

Ms. Lieberman-Brill responded to Mr. Feldman's question.

She noted the changes that clarify the issue of flag lots and how their lot area is proposed to be calculated.

She then summarized the proposed new section in Zoning Code Chapter 75 that has been revised to ensure that the historic character giving features of

**EXHIBIT C 3**

the residences are retained. She then described the hierarchy of alteration criteria.

Ms. Lieberman-Brill summarized the direction they are looking for from the Commission prior to the Public Hearing next month. She then concluded her presentation.

The chair invited public comment.

1. Loren Feldman. 9520 130th Ave NE. Asked what the eligibility criteria is for a historic home.

2. Joe Bergevin 12838 NE 95th St. Asked what would happen if a homeowner wanted to redevelop a historic home.

Mr. Shields and Mr. Stewart responded to Mr. Bergevin's question.

Ms. Lieberman-Brill responded to questions regarding how any interior remodeling would affect the historic designation of a home.

Staff and Commission discussion on the difference between Small-Lot Single Family and Historic Preservation regulations.

The Commission asked Ms. Lieberman-Brill for statistical information on the square footage of those historic residences, identified on the "Historic Preservation" maps introduced during the Plans adoption process. She will provide assessor information for the next meeting.

Mr. Bergevin (speaker number two, above) was allowed to address the Commission. He questioned if a historic home could be moved to another site on the lot. The Commission responded 'yes' to his inquiry.

The Commission discussed eligibility requirements.

Ms. Lieberman-Brill introduced Julie Koler, from The King County Historic Preservation Program. Ms. Koler responded to Commission questions about how the criteria for Historic Designation is applied.

The Commission and Staff discussed different types of penalties that could be applied when alterations to a historic residence are made that violate the criteria. Further discussion on how to handle homes that have health and safety issues, or that have burned. Also, what would be done if someone maliciously intends to take advantage of the regulation.

The Commission concluded their discussion on historic preservation. They then verified the timelines and the upcoming meetings planned regarding Market and Norkirk neighborhoods.

The Chair invited public comment.

1. Todd Owens, 218 Main St. Is interested in sidewalks, and wanted to know the best way to make comments. Mr. Shields suggested several options for Mr. Owens.

2. Joe Bergevin, 12838 NE 95th St. Asked for a clarification on the differences between Small-Lot Single Family and Historic Preservation. He spoke against smaller FAR for the Historic Preservation regulation.

There were no further comments. The Chair concluded the historic preservation discussion of the meeting.

The Chair called for a break at 8:12.

The meeting resumed at 8:28.

The Chair invited Public Comment.

1. Angelique Reiss, 428 16th Ln. Spoke against small lot single family proposal. Spoke in favor of reduced (.3 or less) FAR.

2. Josh Reiss, 428 16th Ln. Spoke against small lot single family proposal.

3. Robert Stonefelt, 901 1st St. Spoke in favor of small lot single family proposal.

4. Pete Bartnick, 313 11th Pl. Spoke in favor of .3 FAR, but questioned some of the housing data included in the packet.

Joan Lieberman-Brill resumed her presentation with the Small-Lot Single Family portion of the study session. She summarized the changes made since February, and discussed some of the reports prepared by housing consultant Michael Luis that are included in the packet. Mr. Luis was in attendance at the meeting.

Ms. Lieberman-Brill showed some graphics of possible visual impact of different FAR in the RS 7.2 and RS 8.5 zones. These were prepared at the request of the Council.

Ms. Lieberman-Brill introduced housing consultant Mike Luis who responded to Pete Bartnick's (speaker number four, above) previous comments regarding his reports. He then clarified some of the main points of his report and how his data was compiled.

Mr. Luis responded to questions from the Commission regarding how square footage is measured and land prices.

Mr. Bergevin (audience member) was allowed to address the Commission with questions regarding corner lots. Mr. Shields responded. Mr. Bergevin then commented that many of the homes being built in this area are custom, and not 'spec' houses.

Following the Key Issues, the Commission briefly discussed reducing FAR on one or both lots, driveway portion of a flag lot, and mechanisms to ensure compliance.

The Commission discussed in length Key Issue number one, recommended FAR.

Ms. Lieberman-Brill responded to questions with respect to whether or not a detached garage is included in the FAR. Followed by Commission discussion on detached garages.

Staff and Commission discussed possible scenarios for different FAR's.

Mr. Shields reminded the Commissioners of a public comment that asked them to consider measuring overall lot coverage rather than just FAR.

Mr. Shields clarified the Commission's opinions regarding FAR, ADU's and detached garages.

Ms. Lieberman Brill reminded the Commission of the upcoming meetings.

The Chair invited public comment.

1. Angelique Reiss, 428 16th Ln. Ms. Reiss received clarification on how easements are calculated in the lot area. She also asked the Commission to consider different FAR's for one and two story homes.

2. Tim Olson, 1571 3rd St. Asked the commission to not consider the visual examples from the packet. He then received clarification on parking requirements. He also encouraged the Commission to recommend more detailed language in the regulation.

3. Pete Bartnick, 311 11th Pl. Asked Mr. Luis regarding the feasibility of development of smaller homes. Mr. Luis responded. Mr. Bartnick encouraged the Commission to try to be innovative when making recommendations about exceptions that could be made regarding FAR.

4. Joe Bergevin, 12838 NE 95th St. Asked the Commission to consider zero lot lines and encouraged them to look at his project located in Juanita as an example.

The Chair called for a break at 9:49.

The meeting resumed at 9:58.

Market Street Corridor Design Regulations, File No. MIS07-00007. Continued discussion of draft regulations to implement the Market Street Corridor policies. Planning Commission provided direction on the draft regulations.

The Chair asked for public comment. There was none.

Angela Ruggeri began her presentation by briefly summarizing what has taken place so far.

Ms. Ruggeri went through each subarea for discussion beginning with the PR zones (north and south of the historic district). This zone has proposed changes to allow a more general small retail category for the Market Street Corridor.

Ms. Ruggeri clarified that the intent is to allow neighborhood oriented retail, but not to make it a retail destination. Staff and Commission discussed existing businesses and store square footage. There was also discussion of specific retail uses that should be allowed.

Ms. Ruggeri briefly discussed funeral homes, size limit for retail uses, and minimum lot size requirement for retail uses in the Market Street Corridor.

Staff and Commission discussed special regulations to limit fast food restaurants.

Staff and Commission discussed the reduced front yard setback in subarea four. This was followed by a brief discussion on horizontal facade regulation and front yard setback in subareas one and four.

Staff and Commission discussed the allowance of Dwelling Units in the PR zones. Followed by discussion on Dwelling Units in the BN zone (Zip Mart area).

Continued discussion on floor area size limit for retail uses in the BN zone. Further discussion on types of limited fast food uses in the Market Street Corridor.

The Commission briefly discussed the suggestion for requiring administrative design review in the BN and PR zones and Design Review Board review in the historic district.

Ms. Ruggeri briefly discussed an e-mail from Commissioner Matthew Gregory regarding the boundry for the Historic District.

Ms. Ruggeri concluded her presentation.

The Chair asked for public comment.

1. Robert Stonefelt, 901 1st St. Mr. Stonefelt asked for clarification on the PR 3.6 zone. Mr. Shields responded.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. December 14, 2006

Motion to approve December 14, 2006 minutes as written.
Moved by Carolyn Hayek, seconded by Kiri Rennaker

Vote: Motion carried 4-0
Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

6. **TASK FORCE REPORTS**

Commissioner Hayek mentioned that the Downtown Action Team seems to be evolving. They are readdressing the downtown strategic plan and are asking for more involvement. Mr. Shields clarified the role and vision of the Downtown Action Team.

Motion to appoint Carolyn Hayek as a representative to the Downtown Advisory Committee.
Moved by Byron Katsuyama, seconded by Kiri Rennaker

Vote: Motion carried 4-0
Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

7. **ADMINISTRATIVE REPORTS**

   A. City Council Actions

   B. Hearing Examiner Actions

   C. Public Meeting Calendar Update - Discussion on rescheduling March 22 and April 12 Planning Commission meetings.

8. **COMMENTS FROM THE AUDIENCE - None.**

9. **ADJOURNMENT - 11:06**

Motion to Approve adjourn.
Moved by Kiri Rennaker, seconded by Byron Katsuyama

Chair
Kirkland Planning Commission

**EXHIBIT C 3**

**KIRKLAND PLANNING COMMISSION**
**April 26, 2007**

1. **CALL TO ORDER/ROLL CALL - 7:00**

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE** - None.

4. **PUBLIC HEARINGS**

A. Market and Norkirk Neighborhoods' Small Lot Single-family & Historic Preservation Regulations, File No. MIS06-00053. Held a public hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Residence Preservation regulations. Took public comment at the hearing and then provided staff with direction on zoning and subdivision regulations and a recommendation for City Council.

Joan Lieberman-Brill began by stating the format for tonight's public hearing and explained the intent of the proposed regulations.

She reviewed the Small Lot Single-Family Standards that are being proposed. She then discussed minimum lot size and the incentives that being considered for the various zones.

She displayed maps that show the lots that may potentially take advantage of this incentive in both Market and Norkirk neighborhoods. She then showed what revisions have been made to the proposed regulation since the March study session.

Ms. Lieberman-Brill summarized the direction that Staff will be looking for from the Commission following tonight's Public Hearing.

The Chair addressed the audience to ensure they understood the purpose of tonight's Public Hearing.

1. Karin Munro, 309 10th Ave W. Ms. Monroe asked for clarification regarding the lots impacted by this proposed regulation.

2. Pete Bartnick, 313 11th PL. He spoke in favor of the Small Lot Single-Family Regulation with the .35 FAR but would prefer .30 FAR.

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3. Brad Hinkel, 1820 10th PL W. Mr. Hinkel asked for clarification on how this regulation would impact his lots. Mr. Shields and Commissioners responded to Mr. Hinkle's questions.

4. Robert Stonefelt, 901 1st ST. Mr. Stonefeld spoke in favor of Small Lot Single-Family Regulation but asked the Commission to reconsider and allow .4 FAR in the RS8.5 zone.

There were no further public comments.

Commissioner Hayek responded to one of the comments from the public regarding subdivision of lots.

Mr. Shields added by explaining current subdivision regulations.

Ms. Lieberman-Brill responded to Commission questions regarding allowing an ADU on the smaller lot. Further Commission and Staff discussion on different ADU options.

The Chair asked for indication from the Commission on how they felt regarding how the reduced FAR should be applied. The Comission concurred that the reduced FAR should only be on the smaller lot.

The Commission continued discussion of FAR.

Mr. Shields responded to questions of the Commission. He then encouraged the Commission to not complicate their recommendations regarding this FAR regulation.

The Chair asked each Commissioner to indicate their preference for the recommended FAR.

Motion to recommend to City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code for RS 5.0 zones; a minimum side yard setback of 7-1/2 feet on both sides and a roof pitch of 12:4.
Moved by Andy Held, seconded by Karen Tennyson, Vice Chair

Mr. Held amended his motion.

Motion to recommend to the City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code regarding minimum roof pitch and minimum side yard setbacks of 7-1/2 feet. ADU's are not allowed on the small lots and all the other proposed zoning amendments related to the Small Lot single-Family regulations are as proposed by staff in the packet dated April 18, 2007.
Moved by Andy Held, seconded by Carolyn Hayek

The Commission discussed side yard setbacks.

Vote: Motion carried 7-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Ms. Lieberman-Brill resumed her presentation with the Historic Preservation Regulation portion of the Public Hearing.

She summarized the purpose and proposed standards for the Historic Residence Preservation incentives.

Ms. Lieberman-Brill discussed Historic Residence Designation Criteria and Process. She then introduced Julie Koler from King County Preservation Office. Ms. Koler provided examples of homes with historical significance when they were built, and how they look currently. She addressed the issue of eligibility to preserve historic homes.

Ms. Lieberman-Brill continued her presentation by briefly reviewing details of the regulations regarding repairs, maintenance, alterations and violation enforcement.

She then summarized the revisions made to the Historic Preservation Regulation since the March study session.

Ms. Lieberman-Brill clarified the next steps and the timeline for this Regulation.

The Chair asked for public comment regarding the Historic Preservation Regulations.

1. Margaret Carnegie, 11259 126th Ave NE. Ms. Carnegie commented that the restrictions are so strict that not many homes would qualify as a historic residence, and that other older homes still add value to the neighborhood.

2. Pete Bartnick, 313 11th Pl. Mr. Bartnick spoke in favor of Historic Preservation and asked the Commission to consider allowing a historic residence to be moved to another location.

3. Greg Harris, 420 10th Ave. Mr. Harris asked what the incentives are to potential Historic Homeowners. The Commission and Staff responded to Mr. Harris' questions.

4. Pete Bartnick, 313 11th Pl. Mr. Bartnick wanted to clarify his previous comment that he was asking the Commission to consider allowing a historic residence to be moved to different lot, and not somewhere on the same lot, which is currently allowed.

The Chair closed the public hearing portion of the meeting.

Ms. Koler and Mr. Shields responded to the last public comment regarding moving a historic residence to another lot.

The Commission discussed moving historic homes. Staff clarified that this proposed regulation would only apply to the Market and Norkirk neighborhoods at this time.

Ms. Lieberman-Brill emphasized that Historic Preservation is not the same process as obtaining a Historic Landmark Designation.

The Commission discussed whether or not to allow ADU's on either lot.

Staff responded to Commission questions regarding protecting a historic residence and how many of these potential historic residences exist.

Ms. Koler and Staff responded to questions in regard to demolition, alteration or damage to a historic residence. Commission discussion ensued.

The Chair asked for final discussion from the Commission regarding possible disincentives if a historic residence is destroyed.

The Commission briefly discussed non-conformance. They then discussed impact fees.

Staff responded to Commission discussion regarding impact fees.

Motion to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area
Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

The motion was amended by Commissioner Held, and supported by Commissioner Gregory.

Motion to to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area. If the house were destroyed not due to the intent of the owner, the FAR could be .3 with incentives to .35 based upon roof pitch and setbacks.
Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair called for a break at 9:01.

The meeting resumed at 9:10

Motion to close the Public Hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family & Historic Preservation Regulations.
Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 7-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. Market Street Corridor Design Regulations, File No. ZON07-00007. Held a public hearing on the Market Street Corridor regulations and design guidelines. Took

public comment at the hearing and then provide staff with direction on regulations and design guidelines for the Market Street Corridor and a recommendation for City Council.

Angela Ruggeri began her presentation by giving a background on the Market Street Corridor Plan. She then showed a map and detailed the Subareas.

She discussed the new zoning format that is being proposed. Subarea one and four are being combined together because they are similar in the proposed regulations. She then discussed the proposed changes and the review process that may be required.

She itemized the proposed changes to subarea one and four regarding Retail categories, mulit-family, limiting the types of restaurant uses, parking, and historic streetlights.

Ms. Ruggeri then discussed the subarea two proposed changes to retail category as well as the design review requirement. The language is more open to allow for potential redevelopment of this area.

She discussed subarea three and the requirements for design review. The proposed Changes also include a more general retail category, reducing the maximum retail size, prohibiting gas stations and car dealerships and adding noise restrictions.

Ms. Ruggeri explained design regulations in Chapter 92 of the zoning code which includes the regulations that Staff will use to review proposals along the corridor, except the Historic District. She then discussed design guidelines for Pedestrian-Oriented Business Districts that will be used by the Design Review Board, for the Historic District.

The Chair asked for public comment.

1. Scott McDonald, 6350 NE 159th St, Kenmore. Mr. McDonald owns the building at 410 Market St, and had comments regarding parking. He feels the design guidelines should encourage underground parking in the Market Street Corridor.

2. Robert Stonefelt, 901 1st St. Mr. Stonefelt had questions for Ms. Ruggeri regarding building height in Subarea One and asked for clarification regarding adjoining property. He then spoke in favor of reducing front setbacks and allowing flexibility in horizontal facade in the Market Street Corridor.

The Commission began their discussion by clarifying front yard setback in the Subarea two. Mr. Shields and Ms. Ruggeri responded to questions regarding parking and setbacks. Followed by a more detailed discussions on parking.

Ms. Ruggeri responded to the issue of underground parking that was brought up by the first public comment.

The Commission discussed retail size in Subareas two and three. They offered a suggestion to increase the maximum retail size to 4000 square feet. This would be the same as the miaximum square footage allowed for restaurants.

The Commissioners conveyed the sentiments of a working group that to discussed the Market Street Corridor, and talked about the one existing drive through business (a small coffee vendor).

Commission continued discussion on drive through facilities and a concern for the only existing drive through business in the corridor.

Continued extensive Commission and Staff discussion regarding drive-through businesses in the corridor.

Ms. Ruggeri clarified for the Commission the special regulations in the use zone chart 40.10.

Ms. Ruggeri asked the Commission to take a look at some proposed changes to design regulations for use during Administrative Design Review. She also mentioned that she may be proposing more changes to the language in the guidelines for the Historic District.

The Chair announced that this public hearing will be continued to May 24th.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. January 25, 2007

Motion to approve the January 25, 2007 meeting minutes.
Moved by Carolyn Hayek, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. February 8, 2007

Motion to approve the February 8, 2007 meeting minutes.
Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Vote: Motion carried 7-0
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

6. **ADMINISTRATIVE REPORTS**

Public Meeting Calendar Update - Brief discussion on the Innovative Housing Community workshop that is scheduled for April 30th.

Task Force Reports - Commissioner Carolyn Hayek attended an ARCH meeting and reported on the discussions.

7. **COMMENTS FROM THE AUDIENCE** - None.

8. **ADJOURNMENT - 10:20**

Motion to adjourn.
Moved by Kiri Rennaker, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission

**EXHIBIT C 4**

# NOTICE OF AVAILABILITY

April 12, 2007

The City of Kirkland has issued an addendum to the Draft and Final Environmental Impact Statements for the 2004 Kirkland Comprehensive Plan. The Draft and Final EIS's were issued on July 1, 2004 and October 15, 2004 respectively. **The subject of the EIS addendum are the Small Lot Single Family and Historic Residence Preservation regulations, which implement adopted Norkirk and Market Neighborhood Plans policies pursuant to Chapters 135 and 160 KZC and KMC 22.04.050 - Process IV.** File No. MIS06-00053.

The Draft Small Lot Single-Family regulations encourage housing diversity by creating or retaining some small homes so that there is more housing choice in the Market and Norkirk Neighborhoods in Kirkland. The draft regulations allow smaller lots when subdividing than would otherwise be permitted, if either both or only smaller lots contain a reduced sized home.

The Draft Historic Residence Preservation regulations create an incentive for owners of historic houses in the Market and Norkirk Neighborhoods to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

The following steps will occur in the City of Kirkland's review of this proposal: Public Hearing conducted by the Planning Commission on April 26, 2007; Planning Commission public meeting on May 24, 2007; and decision and action by City Council on June 19, 2007. All dates are subject to change.

If you wish to receive a copy of the proposed Small Lot Single-Family and/or Historic Residence Preservation Amendments or the EIS Addendum, or have any questions, please contact Joan Lieberman-Brill, Kirkland Senior Planner at (425) 587-3254. You may also send requests for copies via e-mail, at jbrill@ci.kirkland.wa.us.

cc: File MIS06-00053

EXHIBIT D

# Fact Sheet

| | |
|---|---|
| **Action Sponsor and Lead Agency** | City of Kirkland<br>Department of Planning and Community Development |
| **Proposed Action** | Legislative adoption of zoning and subdivision regulations implementing small lot single-family and historic residence preservation policies in the recently adopted Norkirk and Market Neighborhood Plans pursuant to Chapters 135, and 160 KZC (Process IV).and KMC 22.04.050. |
| **Responsible Official** | **Eric R. Shields, AICP**<br>**Planning Director** |
| **Contact Person** | Joan Lieberman-Brill AICP Senior Planner, City of Kirkland (425) 587-3254. |
| **Required Approvals** | Adoption by Kirkland City Council |
| **Location of Background Data** | File MIS06-00053<br>City of Kirkland<br>Department of Planning and Community Development<br>123 Fifth Avenue<br>Kirkland, WA 98033 |
| **Date of Issuance** | 4/4/07 |

**City of Kirkland**

**Small Lot Single-Family and Historic Residence Regulations Implementing Norkirk and Market Neighborhood Plan Policies - Process IV Zoning and Subdivision Amendments**

**EIS Addendum dated April 12, 2007**

**File No. MIS06-00053**

## I. Background

The City of Kirkland proposes to adopt regulations implementing recently adopted Market and Norkirk Neighborhood Plans policies to encourage small lot single family development and preservation of historic residences in the Market and Norkirk Neighborhoods. Amendments to the Subdivision Chapter of the Kirkland Municipal Code and to the Kirkland Zoning Code are necessary to implement the neighborhood plan policies. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan, Zoning Code, and Zoning Map amendments.

## II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706.

The City published a Draft and Final EIS on its Comprehensive Plan in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

In September 2006 the City issued two Addendums to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*. One was for the updated Norkirk Neighborhood Plan Chapter of the Comprehensive Plan and related Zoning Map and

Zoning Code amendments and the other was for the updated Market Neighborhood Plan Chapter of the Kirkland Comprehensive Plan and related Zoning Map amendments. Those addendums evaluated the expected impacts associated with the updated Norkirk and Market Neighborhood Plans goals and policies and implementing regulations. Those impacts encompassed the same general policy direction, land use pattern and environmental impacts that were identified with the 10 year update.

The current addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the regulations implementing the recently adopted Norkirk and Market Neighborhood Plans goals and policies for small lot single-family and historic preservation discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 EIS, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

## III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plans and zoning and subdivision regulations are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2) (b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. The adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*, the Norkirk Neighborhood Plan and implementing zoning regulations and rezones and the Market Neighborhood Plan and implementing rezones evaluated in the two September 7, 2006 Addendums, and eventual action on the small lot single family and historic preservation regulations are "non-project actions".

## IV. Environmental Analysis

The *Comprehensive Plan EIS* (City of Kirkland, 2004) evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Norkirk and Market small lot single family and historic preservation Zoning Code and KMC Subdivision amendments are similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the

*Comprehensive Plan EIS*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

***Traffic Impacts***

The adopted small lot single family and historic preservation policies could generate additional residential units in both the Norkirk and Market neighborhoods. The following analysis of traffic impacts was taken from the 2006 addenda, and modified to acknowledge that the minimum lot area threshold for small lot single family was revised upward to 12,200 square feet in Norkirk's RS 7.2 zones, thereby reducing the number of lots eligible for this incentive.

Norkirk Neighborhood - There are 11 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet, which could produce a net increase of 11 units if subdivided. Also in Norkirk, there are 53 lots meeting the minimum size threshold of 12,200 square feet which could be subdivided to preserve or create small homes on small lots, producing a net increase of 53 units. Together, these changes will generate 640 additional Average Daily Trips, approximately 64 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. 64 additional vehicle trips in the PM peak hour within a neighborhood planning area would present an insignificant traffic impact to the City transportation system. The addition of 64 units would have negligible impact to our concurrency LOS standards for the planning horizon of 2022.

Market Neighborhood - There are 8 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet; one property in the RS 8.5 zone with a recognized historic building meeting the minimum lot size threshold of 12,000 square feet; and 2 properties in the Waterfront District II (WDII) zone with recognized historic buildings meeting the minimum lot size threshold of 14,400 square feet, which could produce a net increase of 11 units if subdivided. An additional 10 lots meet the minimum size threshold of 12,200 square feet in the RS 7.2 zone and 6 lots meet the minimum size of 14,500 square feet in the RS 8.5 zone and can be subdivide to preserve or create small homes on small lots. They will potentially produce a net increase of 16 units. Together, these changes will generate 270 additional Average Daily Trips, approximately 27 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. The Kirkland Public Works Department traffic analysis indicates that these additional 27 units and PM peak hour trips would present an insignificant traffic impact to the City transportation system and a negligible impact to our concurrency Level of Service standards for the planning horizon of 2022.

## V. Description of the Proposed Zoning and Subdivision Amendments.

Development regulations have been prepared to implement the neighborhood plans policies that were adopted in December 2006 to encourage preservation of historic

residences and encourage creation or retention of small homes on small lots within the Market and Norkirk neighborhoods. New subdivision and zoning regulations implement these policies.

**a. Historic Residence Regulations –**

The proposed historic residence regulations create an incentive for owners of historic houses to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

Proposed historic residence regulations allow smaller lots than would otherwise be permitted in Norkirk's RS 7.2 or 6.3 zones in order to retain a designated historic residence, if the recognized integrity of the historic residence is preserved. Subdivision of a 10,000 square foot lot into two 5,000 square foot lots is allowed as an incentive to preserve the designated historic residence on one of the two lots. Within the Norkirk Neighborhood, up to 11 additional units could be created if land parcels of at least 10,000 square feet containing designated historic residences are subdivided, utilizing the historic preservation policy to preserve historic homes.

Similarly, in Market's RS 7.2, 8.5 and Waterfront II zones, historic residence regulations allow smaller lots than would otherwise be permitted. Regulations allow subdivision of a 10,000 square foot lot into two 5,000 square foot lots as an incentive in Market's RS 7.2 zone, while in Market's RS 8.5 zone, subdivision of a 12,000 square foot lot into two 6,000 square foot lots would be allowed as an incentive; and subdivision of a 14,400 square foot lot into two 7,200 square foot lots would be allowed in the WD II zone to preserve the designated historic residence on one of the two lots. Within the Market Neighborhood up to 16 total additional units could be created if land parcels of at least 10,000 square feet in the RS 7.2 zone, 6,000 square feet in the RS 8.5 zone, and 7,200 square feet in the WD II zone are subdivided, utilizing the historic preservation regulations to preserve historic homes.

The designation of historic residence is voluntary, and is based on criteria found in the existing KZC Section 75.20 for historic landmark overlay zone designations. Historic residence designation would be approved by a Planning Director decision. Approval could be obtained concurrently as part of a subdivision application. This decision could be appealed to the Kirkland Hearing Examiner. The King County Historic Preservation Program staff or other qualified consultants would conduct an assessment to determine eligibility for designation and make a recommendation to the Planning Director.

Requests to alter or add on to the designated historic residence would be approved by the Planning Official based upon review by King County Historic Preservation Program staff or other qualified consultants. The decisional criteria would be those used for alterations to the Historic Landmark Overlay Zone designation and the Secretary of the Interior's Standards for Rehabilitation. Decisions are appealable to the Kirkland Hearing Examiner.

Demolitions, relocations, or alterations inconsistent with the criteria for alteration of the designated historic residence will result in loss of the designation and reduction of the Floor Area Ratio (FAR) on the subject property. The replacement FAR is still undecided but will likely end up in the range of .2 to .4 in order to deter a person from taking the action.

***Kirkland Subdivision and Zoning Code amendments***
The following amendments are being considered in order to implement the proposed Historic Residence Preservation regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Historic Preservation Lots. This section establishes the minimum lot sizes, eligibility, floor area ratio, and restriction requirements.

- **Zoning Code Chapter 75 Historic Landmark Overlay Zone** – Addition of Historic Residence regulations to this chapter address the process and criteria to designate and alter the historic residence.

- **Zoning Code Chapter 115.07 Accessory Dwelling Units** – Addition to this section addresses the prohibition of accessory dwelling units on all lots utilizing the Historic Preservation subdivision regulations in the Market and Norkirk Neighborhoods.

**b. Small Lot Single-Family Regulations**

Proposed small lot single-family regulations encourage housing diversity by creating or retaining some smaller homes so that there is more housing choice, and to counter the market trend toward large homes maximizing the building envelope and changing the character of the neighborhood. The proposed regulations allow smaller lots than would otherwise be permitted, if small homes are either created or retained on both lots or on the smaller of the newly created lots. The program is entirely voluntary.

In the Norkirk Neighborhood, this would occur in the RS 7.2 and RS 6.3 zones by allowing properties of at least 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on either both lots or on the smaller of the two newly created lots. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. In the RS 6.3 zone, one lot would remain at least 6,300 square feet and the other lot would be no smaller than 5,000 square feet. Up to 53 detached units would potentially result if those lots were subdivided, taking advantage of the proposed small lot single-family regulations to create or preserve small homes on small lots.

In the Market Neighborhood, this would occur in the RS 8.5 and RS 7.2 zones by allowing properties of at least 14,500 square feet in the RS 8.5 zone and 12,200 square feet in the RS 7.2 zone to be subdivided into two lots if a small house is built or retained either both lots or on the smaller of the two newly created lots. In the RS 8.5 zone, one

lot would remain at least 8,500 square feet and the other lot would be no smaller than 6,000 square feet. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. Up to 16 detached units would potentially result if those lots were subdivided, utilizing the proposed small lot single-family regulations to create or preserve small homes on small lots.

The mechanism to ensure compliance would be a restriction recorded on the face of the Plat. The size of the small home would be limited to a Floor Area Ratio (FAR) below what is allowed in the low density zones in the Market and Norkirk low density zones. The FAR contemplated is in the .3 to .4 range. The FAR limitation is reinforced with a proposed Zoning Code Special Regulation.

***Kirkland Subdivision and Zoning Code amendments***

The following amendments are being considered in order to implement the proposed Small Lot Single Family regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Small Lot Single-Family Lots. This section establishes the minimum lot sizes, eligibility, Floor Area Ratio, and restriction requirements.

- **Zoning Code Chapter 15 Single Family Residential (RS) Zones** – Addition to the Detached Dwelling Unit special regulations to recognize that small homes on small lots created through the new subdivision regulations requires a FAR of .3 to .4 (to be decided).

- ***Zoning Code Chapter 115.07 Accessory Dwelling Units*** – Addition to this Section addresses the prohibition of accessory dwelling units on small lots created utilizing the Small Lot Single-Family subdivision regulations in the Market and Norkirk Neighborhoods.

## VI. Public Involvement

Opportunities to solicit public input on the regulations included presentations at the Market and Norkirk Neighborhood Association's regular meetings and study sessions before the Planning Commission.

Planning Commission meetings were open to the public and advertised in the Seattle Times, in a City Update article in the Kirkland Courier, via the City's cable channel and on public notice signboards in the area. In addition, the City sent out direct mailings to all property owners and neighborhood residents, prior to public hearing. Additionally, public notice sign boards were posted to advertise the study sessions and the hearing. Finally, all information was advertised in the City's Market/Norkirk website and the project list service alerted email subscribers when various public meetings were scheduled.

The Planning Commission will hold a public hearing on April 26th. Public notice of the amendments and the public hearing and subsequent public meeting on May 24th are being provided in accordance with State law. The City Council could take final action on the proposal on June 19, 2007. All dates are subject to change.

## VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed small lot single family and historic residence development regulations. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:
1. Proposed KMC Chapter 22.28 Subdivision Design Requirements "Lots - Historic Preservation" amendment
2. Proposed KZC Chapter 75 "Historic Landmark Overlay Zone and Historic Residence Designation" amendment
3. Proposed KMC Chapter 22.28 Subdivision Design Requirements "Lots - Small Lot Single-Family" amendments
4. Proposed KZC Chapter 15 Single Family Residential Special Regulation amendment
5. Proposed KZC Chapter 115.07 Accessory Dwelling Unit amendment

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

New Section

## Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to Sections 22.28.030, 22.28.040, and 22.28.xx, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if a "historic residence" is preserved on one of the lots, pursuant to the process described in Zoning Code Chapter 75. The lots containing less than the minimum required lot area shall meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lot shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lot shall be at least 6,000 square feet.

(c) Within the WDII zone, the lot size shall be at least 7,200 square feet.

(d) The portion of a flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.

(e) Accessory Dwelling Units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

ATTACHMENT 1
SEPA addendum

(a) If the historic residence is demolished, destroyed or the historic features are altered without required City approval, the Floor Area Ratio (FAR) on the lot thereafter shall be .3 or .4. The FAR restriction shall be recorded on the face of the Plat.

(b) The City may modify provisions described in Title 23 of this code that regulate setbacks, lot coverage, and floor area ratio of the lot containing the historic residence if the modification is necessary to accommodate the existing historic residence.

(c) Prior to or at the time of recording the short plat, a notice shall be recorded against the subject property containing the designated historic residence to ensure compliance with the provisions of Chapter 75 of the Kirkland Zoning Code.

## Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:


| | |
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| 75.95 | Historic Residence Effect – Secretary of the Interior's Standards for Rehabilitation |
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### 75.05 User Guide

This chapter establishes ~~a~~ mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

   If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.10 through 75.25.

   If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special

ATTACHMENT 2
SEPA addendum

regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

If you are interested in altering the appearance of structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

   a. The applicable criteria of Chapter 130 KZC are met; and

   b. Either:

      1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

      2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or

b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or

c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or

d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or

g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12-month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.

2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an "HL" will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.

2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.

3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:

   a. The City may not modify any of the provisions of this chapter; and

   b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and

   c. The City may not modify any of the procedural provisions of this code; and

   d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

   e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.

2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in

Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:

   a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and

   b. Either:

      1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

a) Market Street between Central Way and N.E. 106th Street.

b) State Street between N.E. 68th Street and 2nd Avenue South.

c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

      2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and thus provide an excellent record of Kirkland's residential development. The loss of historic houses in these neighborhoods constitutes an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources is consistent with and supported by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with the city's past. The designation of historic residences provides an opportunity to do so.

A house may be considered for historic residence designation if it retains overall original form and massing, and sufficient original fabric to convey its historic character. This could include for example, a house that has been moved but retains its character, changes to windows that do not significantly change the placement or form of the window, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis. These provisions shall be construed liberally in favor of making historic residence designation.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to

determine eligibility for designation as an historic residence. The assessment must be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61.

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve a designation of Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

If the City designates an Historic Residence through Process I, the approval must include the following information:

1. The ~~boundaries of the area and its location.~~address of the historic residence.

2. a description of the historic residence and it's significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

If the City designates an Historic Residence it will have the following effects:

1. No feature identified as significant under KZC 75.70.2 may be altered in any manner except as provided in KZC 75.85 through 75.110.

2. The other requirements of this code apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Requested To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:

    a. Ordinary repairs and maintenance which do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or

    b. Repairs or replacement of utility systems provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:

    1. The extent to which the proposed alteration would utilize in-kind materials and adversely affect the significant character defining features of an historic residence. Such review shall be based on The Secretary of the Interior's Standards for Rehabilitation in KZC 75.95. An analysis to determine if the Criteria for Alteration are met shall be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61);

    2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

    3. c. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

~~3.Demolition, relocation, or unauthorized alteration of the historic residence results in removal of the historic residence designation. The maximum Floor Area Ratio (F.A.R.) on the subject property will be .~~

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for Rehabilitation

In determining the adverse impact of an alteration on the significant features of a historic residence, the Planning Official shall consider the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

~~***The Secretary of the Interior's Standards for Rehabilitation*** *are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.*~~

~~*The Standards (**36 CFR Part 67**) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass attached, adjacent, or related new construction.*~~

~~*The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.*~~

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

If an historic residence is demolished or relocated~~pursuant to Section 75.90.3~~, destroyed by fire or for any other reason, or altered inconsistent with the Secretary of the Interior's Standards for Rehabilitation:

1. the historic residence designation shall be removed;
2. the maximum Floor Area Ratio (FAR) of the resulting structure shall not exceed .2 or .3; (to be decided) and
3. Accessory dwelling units shall be prohibited in connection with the affected residence.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

New Section

## Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lot shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lot shall be at least 6,000 square feet.

(c) The portion of a flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.

(d) The Floor Area Ratio (FAR) shall not exceed.3 or .4. The FAR restriction shall be recorded on the face of the Plat.

(e) Accessory Dwelling Units are prohibited. This restriction shall be recorded on the face of the Plat.

ATTACHMENT 3
SEPA addendum

**Section 15.10**

# USE ZONE CHART

**DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS**

| Section .010 | USE ⇩ / REGULATIONS ⇨ | Required Review Process | MINIMUMS: Lot Size | MINIMUMS: REQUIRED YARDS (See Ch. 115): Front | MINIMUMS: REQUIRED YARDS (See Ch. 115): Side | MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear | MINIMUMS: Lot Coverage | MAXIMUMS: Height of Structure | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Req'd Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| .010 | Detached Dwelling Unit | None | As established on the Zoning Map. See Spec. Reg. 1. | 20′ See Spec. Reg. 3. | 5′, but 2 side yards must equal at least 15 feet. | 10′ | 50% See Spec. Reg. 5. | 25′ above average building elevation. | E | A | 2.0 per dwelling unit. | 1. Minimum lot size per dwelling unit is as follows:<br>a. In RS 35 zones, the minimum lot size is 35,000 square feet.<br>b. In RS 12.5 zones, the minimum lot size is 12,500 square feet.<br>c. In RS 8.5 zones, the minimum lot size is 8,500 square feet.<br>d. In RS 7.2 zones, the minimum lot size is 7,200 square feet.<br>e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.<br>f. In RS 5.0 zones, the minimum lot size is 5,000 square feet.<br>In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.<br>2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:<br>a. In RS 35 zones, F.A.R. is 20 percent of lot size.<br>b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.<br>c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.<br>d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.<br>e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.<br>f. In RS 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:<br>i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and<br>ii. A setback of at least 7.5 feet is provided along each side yard.<br>g. In the Market and Norkirk Neighborhoods as defined by the Comprehensive Plan, FA.R is ((30 percent / 40 percent of lot size)) for small lot(s) created through Section 22.28.xx of the Subdivision Ordinance.<br>*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*<br>See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.<br>3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).<br>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.<br>5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). |

EXHIBIT D - ATTACHMENT 4

ATTACHMENT 7
SEPA addendum

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.

9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size per dwelling unit approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28xx and 22.28.xx.

9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

10. Permitting

a. Application

1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

3) If an ADU was or is created without being part of a project for which a building permit was or is finaled, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b.



ATTACHMENT 5
SEPA addendum



EXHIBIT D - ATTACHMENT 5

# ORDINANCE NO. 4102

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, LAND USE, AND SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 3705 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE CHAPTER 22.28 DESIGN STANDARDS; AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE); CHAPTER 75 HISTORIC LANDMARK OVERLAY ZONE, CHAPTER 115 MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDSARDS, CHAPTER 15 (SINGLE-FAMILY RESIDENTIAL (RS) ZONES) ALL TO ESTABLISH REGULATIONS FOR SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION SUBDIVISIONS, FILE NO MIS06-00053.

WHEREAS, in regular public meeting on June 19, 2007, the City Council considered the recommendation of the Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) and to amend certain sections of the text of the Kirkland Subdivision Ordinance, Ordinance 3705 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated June 7, 2007 and bearing Kirkland Department of Planning and Community Development File No. MIS06-00053; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held a public hearing on April 26, 2007 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued 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

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

Section 1. Subdivision Ordinance text amended: The following specified sections of the text of Ordinance 3705 as amended, the Kirkland Subdivision Ordinance, are amended as follows:

A. Chapter 22.28 Design Requirements:
Text amendment to add a new Section 22.28.042 Lots– Small Lot Single-Family as set forth in Exhibit A attached to this ordinance and incorporated by reference.

B. Chapter 22.28 Design Requirements:
Text amendment to add a new Section 22.28.048 Lots– Historic Preservation as set forth in Exhibit B attached to this ordinance and incorporated by reference.

Section 2. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

C. Chapter 15. Single Family Residential (RS) Zones:
Text amendments to Section 15.10.010 as set forth in Exhibit C attached to this ordinance and incorporated by reference.

D. Chapter 75. Historic Landmark Overlay Zone:
Text amendments to the title and existing sections, and the addition of new Sections 75.55 through 75.110 pertaining to Historic Residence Designation as set forth in Exhibit D attached to this ordinance and incorporated by reference.

E. Chapter 115. Miscellaneous Use Development and Performance Standards:
Text amendments to Section 115.07 Accessory Dwelling Units as set forth in Exhibit E attached to this ordinance and incorporated by reference.

Section 3 If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4.This ordinance shall be in full force and effect on August 31, 2007, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 5.A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2007.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____

City Attorney

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.42

## Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.48, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.

(c) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.

(d) The floor area ratio (FAR) shall not exceed 30 percent of lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:

1) The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and

2) All structures are set back from side property lines by at least 7.5 feet

(e) The FAR restriction shall be recorded on the face of the plat.

(f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.48

## Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, and the small lot single-family provisions of Section 22.28.42, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

(a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.

(b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.

(c) Within the WDII zone, the lots shall be at least 7,200 square feet.

(d) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.

(e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

(f) If an historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the Plat.

(g) As part of subdivision approval, the City may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

1) Required yards may be 2 feet less than required by the zoning district as shown on the Kirkland zoning map.

2) Floor area ratio may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

3) Lot coverage may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded.

**Section 15.10**

# USE ZONE CHART

| Section .010 | USE ⇩ / REGULATIONS ⇨ | Required Review Process | MINIMUMS: Lot Size | MINIMUMS: REQUIRED YARDS (See Ch. 115): Front | MINIMUMS: REQUIRED YARDS (See Ch. 115): Side | MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear | MINIMUMS: Lot Coverage | MAXIMUMS: Height of Structure | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Req'd Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS | | | | | | | | | | |
| .010 | Detached Dwelling Unit | None | As established on the Zoning Map. See Spec. Reg. 1. | 20′ See Spec. Reg. 3. | 5′, but 2 side yards must equal at least 15 feet. | 10′ | 50% See Spec. Reg. 5. | 25′ above average building elevation. | E | A | 2.0 per dwelling unit. | 1. Minimum lot size per dwelling unit is as follows:<br>a. In RS 35 zones, the minimum lot size is 35,000 square feet.<br>b. In RS 12.5 zones, the minimum lot size is 12,500 square feet.<br>c. In RS 8.5 zones, the minimum lot size is 8,500 square feet.<br>d. In RS 7.2 zones, the minimum lot size is 7,200 square feet.<br>e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.<br>f. In RS 5.0 zones, the minimum lot size is 5,000 square feet.<br>In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.<br>2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:<br>a. In RS 35 zones, F.A.R. is 20 percent of lot size.<br>b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.<br>c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.<br>d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.<br>e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.<br>f. In RS 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:<br>i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and<br>ii. A setback of at least 7.5 feet is provided along each side yard.<br>*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*<br>See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.<br>A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC<br>3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).<br>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.<br>5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). |
| | | | | | | | | | | | | |

# Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:


| | |
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| 75.15 | Historic Landmark Overlay Zone Designation – Who May Apply/Special Fee Provision |
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| 75.95 | Historic Residence Effect – Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) |
| 75.100 | Historic Residence Effect – Nonconforming Elements |
| 75.105 | Historic Residence Effect – Demolition, Alteration or Damage |
| 75.110 | Historic Residence Effect – Bonds |


## 75.05 User Guide

This chapter establishes mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

   If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.10 through 75.25.

   If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

   If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

   If you are interested in altering the appearance of a structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

   a. The applicable criteria of Chapter 130 KZC are met; and

   b. Either:

      1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or

b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or

c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or

d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or

g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12 month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.

2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an "HL" will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.

2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.

3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:

   a. The City may not modify any of the provisions of this chapter; and

   b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and

   c. The City may not modify any of the procedural provisions of this code; and

   d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.

2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:

a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and

b. Either:

1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

a) Market Street between Central Way and N.E. 106th Street.

b) State Street between N.E. 68th Street and 2nd Avenue South.

c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the Community Character Element and by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in the Market and Norkirk Neighborhoods to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly

change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to determine eligibility for designation as an historic residence. The assessment, funded by the applicant, must be conducted by staff or consultants meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61).

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve the designation of an Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

The approval must include the following information:

1. The address of the historic residence.

2. The gross floor area of the historic residence and dimensioned drawings of each floor.

3. A digital photograph of each building elevation and significant feature.

4. A description of the historic residence and its significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

The City designation of an Historic Residence will have the following effects:

1. No feature identified as significant under KZC 75.75 may be altered in any manner except as provided in KZC 75.85 through 75.110.

2. All other requirements of this code shall apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Request To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:

   a. Ordinary repairs and maintenance that do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or

   b. Repairs or replacement of utility systems, provided that such work does not alter an exterior significant feature.

   The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and may approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:

   a. The extent to which the proposal would utilize in-kind materials,

   b. The extent to which the proposal would adversely affect the significant character defining features of an historic residence.

   c. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

   d. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

   The review by the Planning Official shall be based on The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) in KZC 75.95. The Planning Official shall arrange for an analysis funded by the applicant to determine if the Criteria for Alteration are met. The person conducting the analysis shall meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61);

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation)

In determining the adverse impact of an alteration on the significant features of an historic residence, the Planning Official shall consider the following Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Any nonconformance on the subject property shall not be required to be corrected if doing so would require the alteration of a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

1. If an historic residence is destroyed, relocated, or altered as a result of the action of the property owner, and such action is inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the following standards apply:

a. The structure shall be reconstructed pursuant to the Secretary of Interior's Standards for the Treatment of Historic Properties (Reconstruction) (Code of Federal Regulations, 36 CFR Part 68) to replicate the footprint and exterior of the historic residence; or

b. The maximum Floor Area Ratio (F.A.R.) of any altered or new structure shall not exceed 25 percent of the lot size, or 75% of the gross floor area of the historic residence, whichever is less.

2. If an historic residence is destroyed or damaged for any reason outside the control of the property owner, the maximum FAR of the resulting structure shall not exceed 30 percent of the lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:

a. The primary roof form of all structures is gabled, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and

b. A setback of at least 7.5 feet is provided along each side yard.

3. Accessory dwelling units shall be prohibited in connection with the resulting structure.

4. The historic residence designation shall be removed from the resulting structure.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.

2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).

3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

   Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

   a. It does not share a common roof structure with the principal unit.

   b. It is not integrated into the footprint of the principal unit.

   c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.

5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.

6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.

7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.

8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.

9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28.42 and 22.28.48.

9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

10. Permitting

    a. Application

        1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

           In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

        2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

        3) If an ADU was or is created without being part of a project for which a building permit was or is finaled, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.

c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:

1) An application for an accessory dwelling permit is filed by December 31, 1997;

2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).

d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

Council Meeting: 06/19/2007
Agenda: New Business
Item #: 11. a. (2).

# ORDINANCE NO. 4103

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC SECTION 5,74,070 BY ADDING A FEE FOR HISTORIC RESIDENCE DESIGNATION AND ALTERATION.

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

Section 1. The schedule contained in KMC 5.74.070 for Process I Review, Planning Official Review, and General Notes is hereby amended to read as follows:

| **FEE TYPE** | **FEE AMOUNT** |
|---|---|
| **Planning Official Decision** | |
| Accessory Dwelling Unit (not required if reviewed concurrently with a building permit) | $300.00 |
| Personal Wireless Service Facility Planning Official Decision | $6,050.00 |
| Personal Wireless Service Facility Subsequent or Minor Modification | $600.00 |
| Parking Modification | $380.00 |
| Sensitive Area Planning Official Decisions or | |
| Administrative Design Review | |
| Fixed Fee | $1,500.00 |
| Fee per new unit | $0.00 |
| Fee per sq. ft. new GFA | $0.00 |
| Master Sign Plan Approval Modification | $600.00 |
| Off-Site Directional Sign Approval Modification | $380.00 |
| Design Review Approval Modification | $760.00 |
| Design Review Approval Extension | $300.00 |
| Historic Residence Alteration | $600 |
| | |
| **Process I Review** | |
| Short Subdivision | |
| Base Fee | $3,000.00 |
| Fee per lot | $700.00 |
| Innovative Short Subdivision | |
| Fixed Fee | $4,900.00 |
| Fee per lot | $700.00 |

| | |
|---|---|
| Substantial Development Permit | |
| General Moorage Facility | $7,560.00 |
| Other Shoreline Improvements | $3,240.00 |
| Personal Wireless Service Facility Process I Review | $7,560.00 |
| Other Process I Review | |
| Residential | |
| Base Fee | $3,000.00 |
| Fee per new residential unit | $350.00 |
| Nonresidential | |
| Base Fee | $3,000.00 |
| Fee per square foot new GFA | $0.21 |
| Mixed Use | |
| Base Fee | $3,000.00 |
| Fee per new unit | $350.00 |
| Fee per square foot new GFA | $0.21 |
| Home Occupation | $1,000.00 |
| Historic Residence Designation | $1,000 |
| ***General Notes:*** | |

**1. Fee Reduction for Applications Processed Together:** When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.

**2. Projects with greater than 50 dwelling units or 50,000 sq. ft. non-residential GFA:** The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one half.

**3. Note for Sensitive Areas permits:**

a. In cases where technical expertise is required, the planning official may require the applicant to fund such studies.

b. Voluntary wetland restoration & voluntary stream rehabilitation projects are not subject to fees.

**4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code:** The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.

**5. Note for Historic Residence permits:** An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

Section 2. This ordinance shall be in full 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

Council Meeting: 06/19/2007
Agenda: New Business
Item #: 11. b.

**CITY OF KIRKLAND**
**Fire & Building Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Jeff Blake, Fire Chief

**Date:** June 6, 2007

**Subject:** Medic One Levy Resolution

## RECOMMENDATION:

Council approve a resolution urging the King County Council to place a County-wide 2008-2013 Medic One/EMS Levy of up to $.30 per thousand dollars of assessed valuation on the November 2007, primary election ballot, rather than a multi-year levy lid lift.

## BACKGROUND DISCUSSION:

The Medic One/Emergency Medical Services (EMS) system provides life-saving medical assistance to all residents of King County. It is recognized as one of the best emergency medical services programs in the country, and its response model has garnered an international reputation for innovation and excellence in out-of-hospital emergency care. It serves over 1.8 million people throughout King County and, on average, responds to a medical emergency in the region every three minutes. In 2005, Medic One/EMS responded to over 162,000 calls for assistance.

The highly praised patient and program services of the Medic One/EMS system are funded by a Medic One/EMS levy that expires December 31, 2007. To continue providing this vital service in 2008 and beyond, a new strategic plan, defining the roles, responsibilities and programs for the system, and a levy rate to fund these approved functions, needed to be crafted.

In early October 2005, the King County EMS Division initiated a region-wide effort to review the issues and options facing our system, and develop recommendations for the next strategic plan. This process brought together Stakeholders that represented the full range of Medic One/EMS providers - urban and rural fire departments and districts, paramedic providers, emergency physicians and medical directors, labor representatives, finance specialists, dispatch agencies and private ambulance companies.

Elected officials and appointees from large cities, suburban cities, and fire districts joined the discussions later in the process to advise the group about potential political concerns with the recommended levy proposal. In total, these Stakeholders spent one year reviewing the needs of the Medic One/EMS system,

the financial and programmatic policies necessary to meet these needs, and the impacts that a specific levy type, length and rate might have on the regional system and taxpayers.

In addition, issues regarding the state requirements for validation and the timing of when to ask voters to support such a levy had to be considered. In October 2006, regional representatives developed consensus around the future funding and operational plans for a 2008-2013 Medic One/EMS levy, unanimously endorsing a levy proposal that they deemed appropriate and prudent.

This document summarizes the results of these discussions, and includes the Stakeholders' approved proposals:

- A six-year Medic One/EMS levy at $.30 per $1,000 Assessed Value (AV);
- A financial plan that provides full funding for Advanced Life Support (ALS)/ paramedic service and identifies ALS as a funding priority;
- The funding of an anticipated 3.0 new paramedic units over the span of the six-year levy period to maintain existing levels of services in anticipation of moderate growth in call volumes and anticipated increases in the age of the population in the region;
- Provision of paramedic service to outlying areas;
- A funding increase for Basic Life Support (BLS) services, tying BLS financial support to incidents where BLS most closely supports paramedic services;
- *Medic One/EMS 2008 - 2013 Strategic Plan*
- Sustained and enhanced funding in anticipation of expected demands for the Core Regional Services/Programs that support the Medic One/EMS system;
- Continued emphasis on Medic One/EMS Strategic Initiatives designed to improve patient care, manage growth in paramedic services, and develop system efficiencies and cost savings;
- Development of a reserve fund to address unanticipated service or demand needs, potential emergencies, and/or significant changes in strategic and financial plan assumptions; and
- Placement of this proposal on the November 2007 General Election ballot.

The ability to provide emergency medical services using a regional EMS property tax levy was passed by the Washington State legislature in 1979. The Revised Code of Washington (RCW) 84.52.069 allows jurisdictions to levy a property tax for the purpose of providing emergency medical services. This levy is subject to the growth limitations contained in RCW 84.52.050 of 1% per year plus the assessment on new construction, even if assessed values increase at a higher rate.

Specifically, RCW 84.52.069:

- Allows a jurisdiction to impose an additional regular property tax up to $0.50 per $1,000 Assessed Value (AV);
- Allows for either a six-year, ten-year, or permanent levy period;
- Requires for passage an approval rate of 60% or greater at an election for which the voter turnout must exceed 40% of the prior general election; and
- Mandates that King County and cities with populations in excess of 50,000 approve the levy proposal prior to placement on the ballot. The Medic One/EMS levy is a countywide levy and requires voter approval every levy period. In addition to the King County Council, cities required to approve the ballot proposal prior to placement on the ballot are Bellevue, Federal Way, Kent,

Redmond, Renton, Seattle and Shoreline. The King County Demographer estimates that the City of Redmond will have more than 50,000 residents by the end of 2006.

Some members of the King County Council are discussing a multi-year levy lid lift as an alternative to the levy funding option described above. There are several concerns with a levy lid lift option. One of the major concerns of the lid lift proposal is the loss of the requirement of cities over 50,000 to approve a ballot measure being place before the voters. This requirement provides for local involvement and control over how our EMS system is operated in King County. The Public Safety Committee asked if the requirement could be made a part of a lid lift proposal. Robin Jenkinson, City Attorney provided this answer to the question:

"The question was asked whether the governance safeguards provided for county-wide EMS levies under State law could be written into the ballot proposition for a levy lid lift. Under State law, no county-wide EMS levy proposal may be placed on the ballot without the approval of the legislative authority of each city, within the county, exceeding 50,000 in population. This requirement is likely due to the preemptive effect that a county-wide EMS levy has upon other taxing districts within the county. At the point that the ballot proposition for a levy lid lift is before the voters, it is too late to receive the pre-approval of the large cities. In conferring with bond counsel, about the only way to effectuate a requirement that the legislative authorities of cities with populations of over 50,000 agree to the placement of a levy lid lift on the ballot would be through an interlocal agreement. However, as has previously been noted, the ballot proposition for the levy lid lift could clearly specify that the funding is dedicated to EMS purposes."

Other concerns about the lid lift proposal are;

The lack of a formal proposal to evaluate the financial plan of the levy lid lift and its ability to fund the 2008 – 2013 Strategic Plan – early discussions have included a reduction of reserves thereby making the strategic plan potentially ineffective.

The levy lid lift essentially ignores the work of the strategic planning sub committee which evaluated all the funding options, prior to making their recommendation for the strategic plan.

Additional "pros and cons" of the two levy proposals are discussed in the attached memorandum to the Public Safety Committee, from Tracey Dunlap, Director of Finance and Administration.

Recently other discussions have surfaced on a reduction of the levy rate; the question is whether a rate of 29 cent could work to fund the strategic plan. Like the levy lid lift option, this would not allow the strategic plan to be fully implemented. There has not been a formal proposal or financial analysis completed for this discussion item either. The reserves identified in the strategic plan appear to be in question under the 29 cent rate discussions. If an alternative to funding these reserves could be identified, then a reduced rate may be workable. It will be important that we preserve the essential services in the plan, thus ensuring we continue to provide these life saving services.

At this point in time there is only one formal proposed strategic plan and financial analysis completed for continuing Medic One/EMS services in the next six years. There have been recent talks which indicate the levy lid lift option may no longer be considered as an alternative. There are meetings planned to further explore a reduced levy rate; staff will report out to council at your June 19th meeting on any updated information concerning these discussions.

As identified above, the 2008 – 2013 Medic One/EMS Strategic Plan is a consensus document of staff, and elected official in King County developed over an 18 month planning period. The Strategic Plan is comprehensive analysis of the needs, options, and direction necessary to provide emergency medical services throughout King County, including Kirkland, through the year 2013.

Council Member Mary-Alyce Burleigh chairs the Suburban Cities Public Issues Committee which is also involved in this process and looking for policy direction from its member cities. This resolution would provide Council Member Burleigh with Kirkland's interest in the funding of the Medic One/EMS 2008 – 2013 Strategic Plan.

Staff, working with the Public Safety Committee, has compared the Medic One/EMS 2008 -2013 Strategic Plan and proposed levy with the multi-year levy lid lift alternative. The Public Safety Committee asked staff to bring forward this resolution for Council consideration in supporting a Medic One/EMS Levy at a rate of up to 30 cents

The City of Kirkland is not required to approve a levy proposal as are cities over 50,000 population; however, passage of the attached resolution would send a clear message to the King County Council of the City Council's desire to have the County Council place a Medic One/EMS Levy for up to 30 cents per 1,000 dollars of assessed valuation before the voters on the November 2007 primary ballot instead of the multi-year levy lid lift alternative.

Please let me know if you have any questions.

Attachments:

EMS Levy Follow Up memo (with its attachments) from Tracey Dunlap, Director of Finance & Administration

**CITY OF KIRKLAND**
**Department of Finance & Administration**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
**www.ci.kirkland.wa.us**

# MEMORANDUM

**To:** Public Safety Committee
Dave Ramsay, City Manager

**From:** Tracey Dunlap, Director of Finance and Administration

**Date:** May 25, 2007

**Subject:** EMS Levy Follow Up

## Background Discussion:

At the May 17, 2007 Public Safety Committee meeting, additional information was requested regarding the "Pros & Cons" of the two County levy proposals that were summarized in the May 4, 2007 memorandum prepared by the Fire & Building and Finance & Administration departments (Attachment A). As a reminder, the table below provides King County's summary of pros and cons, which is followed by a discussion of the pros and cons from a Kirkland perspective.

**Six Year Funding Options – King County Perspective**

| Levy Type | AV rate | Growth rate | PRO | CON |
|---|---|---|---|---|
| **EMS levy**<br><br>**RCW 84.52.069** | *Begin* $0.30<br>↓<br>*End* $0.238 | 1% | • Allows for growth rate within I-747 1% limits<br>• Allows a predictable on-going funding source<br>• Quickly builds a $41 million contingency reserve for unanticipated needs<br>• Requires approval of cities over 50,000<br>• Familiar to participating agencies<br>• Agencies not concerned with levy compression or future junior district levy pro-rationing. | • Requires a higher tax for the rate payer<br>• Increases the current levy by almost 50%<br>• Builds a large contingency reserve that is undesignated |
| **Multi-year Lid lift**<br><br>**RCW 84.55.050(3)(b)** | *Begin* $0.254<br>↓<br>*End* $0.238 | Medical CPI<br><br>avg = 4% | • Provides a rate similar to the previous levy period<br>• Allows for annual inflationary adjustments over 1% limits<br>• Would provide savings for the rate payer<br>• Would encourage efficiencies in management of the fund<br>• Potential savings to county taxpayers of up to $41 million | • Increases growth rate over statutory limit of 1%<br>• Capacity/compression will need to be monitored<br>• Could require more time in building a contingency reserve for unanticipated needs<br>• No condition in RCW for cities over 50,000 approval |

Source: KC EMS Division staff report dated May 1, 2007

## Kirkland Perspective on Pros and Cons

**Potential "Savings" from Levy Lid Lift over EMS Levy -** In reality, the "savings" results from not funding the contingency recommended in the Strategic Plan. While savings may result in the circumstance where no unforeseen needs arise, there is also increased risk to service levels if such events occur and there is not available funding source to absorb the impacts. Based on the Strategic Plan, a reserve policy would be adopted and the use of the contingency would have to be approved by the EMS Advisory Committee and the County Council, which should provides safeguards on how and when the funding is expended. If the contingency is not used during the levy period, it would likely continue to be available in subsequent periods for similar purposes.

**Contingency Reserve is "Undesignated"** – In addition to the reserve policies contemplated in the Strategic Plan, supplemental information was provided by King County on May 16 regarding the current EMS Financial Plan, which included more description of the sizing of the reserves proposed within the EMS levy (Attachment B).

**Lower Tax Rate** – The Levy Lid Lift does result in a lower initial tax rate per $1,000 in assessed value, which increases each year by the medical inflation rate, with projections ending up at the same rate at the end of six years. This rate does produce a lower tax payment for the taxpayer in the early years. This lower rate also generates less revenue than the EMS levy and the amount of revenue may be less predicable than the EMS levy since annual increases will vary based on the medical CPI. The lower revenue collection results in less contingency reserve for unanticipated needs.

**Approval by cities over 50,000** - The City does not currently benefit from this provision, however, the population of Kirkland will likely exceed 50,000 in the next few years, regardless of annexation. Removing the condition in effect changes the current EMS governance structure. The large cities having an additional "voice" in the process may help to ensure that city interests are well represented in decision-making with the County and special purpose districts.

**Levy Compression** – It is our understanding that there is some risk that the levy lid lift could result in levy compression or impact the pro-ration of Fire District Levies (reducing actual funding or levy capacities). While this would not impact Kirkland, it does introduce the potential for creating factions within the EMS community, which would be a negative outcome.

**Change in Governance Process** - Concerns have been expressed among the fire professionals about: 1) the potential EMS governance ramifications with the levy lid lift funding methodology, and 2) the possibility that the funds might not be as secure for EMS purposes under this method. It appears that the levy lid lift language would be specifically for EMS services, which should provide a dedicated funding source, but we would recommend that it be clear that the funding is dedicated to EMS purposes under either option and that the same governance structure would apply.

**Strategic Planning Process** - The $0.30 EMS levy and related recommendations were the result of 18 months of regional planning efforts and agreement. It appears that the levy lid lift option was briefly considered early in the process but rejected in favor of the EMS levy. Addition of the levy lid lift option at this stage, without a similar degree of deliberation and regional involvement, raises concerns that this action could have negative ramifications to the overall EMS Governance process.

**Efficiencies** – It is unclear how the levy lid lift option encourages efficiencies in management of the fund, since the main funding difference is the level of contingency reserve for unanticipated needs. Under either scenario, Kirkland should encourage continued accountability and reporting on expenditure decisions and reserve funding.

**Majority Requirement** - Another pro cited for the levy lid lift option is that it requires a 50% majority rather than a 60% majority vote. This apparent advantage is likely less significant to the passage of the EMS levy (which

historically garners strong voter support) than to the issue of the impact on unrelated levy voting due to "voter fatigue".

**Attachments:**

A. May 4, 2007 EMS Levy Memorandum to the Public Safety Committee
B. May 16, 2007 Presentation by King County Office of Management and Budget

**CITY OF KIRKLAND**
**Fire & Building Department**
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
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## MEMORANDUM

DRAFT 5/4/07

**To:** Public Safety Committee
Dave Ramsay, Kirkland City Manager

**From:** Jack Henderson, Deputy Chief, Operations
Tracey Dunlap, Director of Finance and Administration

**Date:** May 4, 2007

**Subject:** EMS Levy

### Background Discussion:

At the April 25th, 2007 meeting of the Kirkland Public Safety Committee meeting, member Mary-Alyce Burleigh requested a memo on the "Pros & Cons" of the two levy proposals to support the Medic One/Emergency Medical Services system for 2008-2013.

EMS services in King County have been funded in part, via an EMS Levy, since 1979. The current levy period is 2002 through 2007. In preparation for the expiration of the current levy, the county's EMS Division has facilitated a region-wide effort for the 2008 Medic 1/EMS levy planning process which started in 2005. The process has resulted in a Strategic Plan for 2008-2013. This strategic plan is the primary policy and financial document that will direct the Medic One/EMS system and forms the basis for the levy that the council will ask voters to approve to fund the EMS program. This effort included Technical Stakeholders (17), Finance Representatives (12), Elected Officials from eleven agencies, Labor representative, Medical Directors (2), and Paramedic providers from Cities under 50,000 population (2).

The regional representatives developed consensus for future funding and operations for the 2008-2013 levy period, unanimously endorsing a levy proposal that they deemed appropriate and prudent consisting of:

- Levy Funding Option
  - A six-year EMS excess levy of up to 30 cents per $1,000 AV (assessed value)
- Ballot Timing
  - Placement on the November 2007 general election ballot
- Full funding for ALS (advance life support)
- Three new paramedic units over the six years
- Funding increase for BLS (basic life support)
- Paramedic service in outlying areas
- Continued and enhanced funding for initiatives and regional services and programs
- Contingency Funding: $41 million contingency reserve fund for unanticipated needs or demands

On April 25, 2007, the strategic plan was amended by the Regional Policy Committee (RPC) to make substantial changes to Attachment A, the *Medic One/EMS 2008-2013 Strategic Plan.* The plan was amended to include the option of a multi-year levy lid lift as an alternative and feasible funding mechanism. The graphic below will give a comparison of the two funding options, as presented in the KC EMS Division staff report. As indicated in the graphic,

the difference between the two funding options appears to be the approach for funding unanticipated needs over the life of the levy (contingency funding).

**Recommended Strategic Plan Programs for 2007 through 2013**

| Program | EMS levy | Lid Lift |
|---|---|---|
| **Continued Services:** | | |
| 25 medic units funded at 100% | ◆ | ◆ |
| Maintain units for Woodinville, North Bend, Vashon & Skykomish | ◆ | ◆ |
| Partial funding for BLS (fire fighters/EMTs) | ◆ | ◆ |
| Maintain core services/programs | ◆ | ◆ |
| Continue strategic initiatives | ◆ | ◆ |
| **New Services:** | | |
| 3 new medic units ( 1 in Seattle and 2 in King County) | ◆ | ◆ |
| Additional BLS funding | ◆ | ◆ |
| Enhanced dispatch programs | ◆ | ◆ |
| Enhanced EMT education and training | ◆ | ◆ |
| Medical quality Improvement program | ◆ | ◆ |
| Enhanced injury prevention program | ◆ | ◆ |
| Partial support for all-hazards management preparation | ◆ | ◆ |
| Enhanced data collection | ◆ | ◆ |
| 6.9% contingency to meet unanticipated needs | ◆ | |
| Flexible contingency to meet unanticipated needs | | ◆ |

Source: KC EMS Division staff report dated May 1, 2007

The plan recommends that a contingency reserve be created as noted on page 70 of the plan:

> *"Having no planned contingency and reserve posed a significant challenge in the 2002-2007 levy. During the planning process, the ALS and Regional Services/Strategic Initiatives Subcommittees requested that contingency be included in the 2008-2013 Financial Plan.*
>
> *Subcommittee members agreed a reserve was needed to cover unplanned expenditures – whether these related to an emergency situation, significant changes in economic assumptions, or new operational and programmatic needs. Particular concerns related to the economic assumptions in the Financial Plan include the initial estimated assessed value for 2008 (that serves as the starting point for the levy), rates of new construction growth, and the estimated growth in CPI."*

The two options are different in the requirements for approval by the voters and in the total amount of revenue that will be collected over the life of the levy**.**

An **Emergency medical care and service levy**, under RCW 84.52.069, is subject to the 1% growth limitation approved by the voters by passage of Initiative 747. In addition, the EMS levy must secure a 40% voter turnout for the preceding general election and obtain a super majority or 60% voter approval for passage. EMS has historically been funded through this mechanism which is an Excess Levy.

A **multi year levy lid lift**, under RCW 84.55.050(3) (b), allows jurisdictions to increase a levy at a higher growth rate than the 1% limit for a period of up to 6 years. The growth rate and the dollar rate for the first year must be specified in the ballot title. However, this type of levy requires a simple majority vote for approval. This type of levy would be collected under the county's taxing authority, rather than exclusively as an EMS levy.

The King County staff report provides an assessment of the "Impact for Citizen Taxes" summarized in the table below as the expected annual costs for each levy option, based upon a $400,000 average home price growing at approximately 6% per year. (Note: the first line of the table shows collection for 2007.)

**Typical Homeowner Annual Costs for EMS Levy Options**

| | EMS Levy | Cost to Typical Homeowner | Multi-Year Levy Lid Lift | Cost to Typical Homeowner |
|---|---|---|---|---|
| **Current EMS Cost 2007** | **$0.2070** | **$83** | **$0.2070** | **$83** |
| 2008 | $0.3000 | $120 | $0.2540 | $102 |
| 2009 | $0.2843 | $121 | $0.2490 | $106 |
| 2010 | $0.2724 | $123 | $0.2440 | $110 |
| 2011 | $0.2593 | $124 | $0.2400 | $115 |
| 2012 | $0.2485 | $125 | $0.2380 | $120 |
| 2013 | $0.2380 | $126 | $0.2370 | $126 |
| **Typical Taxpayer Cost:** | | **$739** | | **$678** |

Source: KC EMS Division staff report dated May 1, 2007

## Discussion of Potential Issues:

The King County staff report provides the following table describing the pros and cons of the two approaches:

**Six Year Funding Options**

| Levy Type | AV rate | Growth rate | PRO | CON |
|---|---|---|---|---|
| **EMS levy**<br><br>**RCW 84.52.069** | *Begin* $0.30<br>↓<br>*End* $0.238 | 1% | • Allows for growth rate within I-747 1% limits<br>• Allows a predictable on-going funding source<br>• Quickly builds a $41 million contingency reserve for unanticipated needs<br>• Requires approval of cities over 50,000<br>• Familiar to participating agencies<br>• Agencies not concerned with levy compression or future junior district levy pro-rationing. | • Requires a higher tax for the rate payer<br>• Increases the current levy by almost 50%<br>• Builds a large contingency reserve that is undesignated |
| **Multi-year Lid lift**<br><br>**RCW 84.55.050(3)(b)** | *Begin* $0.254<br>↓<br>*End* $0.238 | Medical CPI<br><br>avg = 4% | • Provides a rate similar to the previous levy period<br>• Allows for annual inflationary adjustments over 1% limits<br>• Would provide savings for the rate payer<br>• Would encourage efficiencies in management of the fund<br>• Potential savings to county taxpayers of up to $41 million | • Increases growth rate over statutory limit of 1%<br>• Capacity/compression will need to be monitored<br>• Could require more time in building a contingency reserve for unanticipated needs<br>• No condition in RCW for cities over 50,000 approval |

Source: KC EMS Division staff report dated May 1, 2007

- Based on the information reviewed to date, there is one major "Pro" listed for the Levy Lid Lift option that may be misleading: "Potential savings to county taxpayers of up to $41 million". In reality, the "savings" results from not funding the contingency recommended in the Strategic Plan. While savings may result in the circumstance where no unforeseen needs arise, there is also increased risk to service levels if such events occur and there is not available funding source to absorb the impacts. Based on the Strategic Plan, a reserve policy would be adopted and the use of the contingency would have to be approved by the EMS Advisory Committee and the County Council, which should provides safeguards on how and when the funding is expended. If the contingency is not used during the levy period, it would likely continue to be available in subsequent periods for similar purposes.

- One of the major advantages of the levy lid lift option appears to be that the initial increase to a single family home would be less, but would increase at a faster rate in subsequent years (more in line with medical inflation) ending up at the same rate at the end of the period. While this has obvious voter appeal, the caveat should follow that the savings are generated by not funding the contingency at the recommended level, which could have negative consequences as described above.

- A concern has been expressed among the fire professionals about the potential EMS Governance ramifications with the levy lid lift funding methodology, and that the funds might not be as secure for EMS purposes under this method. It appears that the levy lid lift language would be specifically for EMS services, which should provide a dedicated funding source, but we would recommend that it be clear that the funding is dedicated to EMS purposes under either option and that the same governance structure would apply.

- There is a concern that the levy lid lift would impact pro-rationing of Fire District Levies (Senior Taxing Districts and the possibility of pro-rating Junior Taxing Districts, and reducing actual funding or levy capacities). While there is not sufficient information available to assess this issue, it does introduce the potential for creating factions within the EMS community, which would be a negative outcome.

- The Strategic Plan recommendations, including the $0.30 EMS levy, were the result of 18 months of regional planning efforts and agreement. The levy lid lift option appears to have been added at the last minute, without a similar degree of deliberation and regional involvement. There are concerns that this action could have negative ramifications on the overall EMS Governance process.

- In relation to the governance issue, the City of Federal Way put forward the following input (from April 17, 2007 staff report to the City's Human Services & Regional Affairs Committee):

  > *"The key difference from the Suburban Cities' perspective is the potential to have less, or no, input in the allocation of future Medical/EMS levies. In addition, we should also be concerned that should there be a time that the King County regular levy "capacity" evaporates, all junior taxing districts, such as fire districts, may be required to reduce their levies through a proration process.* ***For these reasons, South King Fire and Rescue does not support the Lid Lift option."***

- Another pro cited for the levy lid lift option is that it requires a 50% majority rather than a 60% majority vote. This apparent advantage is likely less significant to the passage of the EMS levy (which historically garners strong voter support) than to the issue of the impact on unrelated levy voting due to "voter fatigue".

## RECOMMENDATION:

That the Public safety Committee and the Kirkland City Council support the $0.30 EMS Levy Proposal.

## Attachments:

A. King County Levy Staff report, May 1, 2007
B. City of Federal Way Staff report, April 17, 2007
C. Medic One Levy and Strategic Plan memo from Jeff Blake, Fire Chief City of Kirkland, April 16, 2007

# Stakeholder Briefing on EMS Financial Plan

May 16, 2007

Christopher Bushnell, PhD
King County Office of Management and Budget

# Process update

**January:**

Strategic plan transmitted to King County Council.

**April:**

Council acts on strategic plan.

**May:**

Executive transmits levy to council.

# Objectives

1. Update financial assumptions reflect current forecasts.

2. Improve accuracy by incorporating additional detail.

3. Implement advisory committee recommendations on contingency reserves.

# Model Revisions: Revenue

- Incorporated 2007 AV data and revised county forecast for 2008.
- Levy projection now includes forecast of Non-Seattle AV proportion through 2013.
- Revenue forecast updated with latest omitted assessment and refund levy data.

# Model Revisions: Expenditures

Improved composite ALS inflator by separately forecasting the following components:

- Pharmaceuticals/Medical Supplies
- Vehicle Costs/Fuel

# Net Effect of Revisions

(Non-Seattle, Millions of Dollars)

| | Strategic Plan | Financial Plan | Δ |
|---|---|---|---|
| Revenue | 393.0 | 406.4 | 13.5 |
| | | | |
| ALS | -227.2 | -236.2 | -9.0 |
| BLS | -90.1 | -93.1 | -3.0 |
| RS/SI | -45.8 | -50.0 | -4.2 |

# Contingency Recommendation

Annual Contingency Reserves:

- 9% of Advanced Life Saving Services
- 5% of Basic Life Saving Services
- 5% of Regional Services

Blended rate of 6.9%

# Implementing Contingency Recommendations

Four Classes of Reserves:

- Disaster Response
- Unanticipated Inflation (including Salary and Wage)
- 6% Fund Balance Requirement
- Other Reserves

# Disaster Response

- Provides emergency appropriation authority for up to three weeks of full paramedic services mobilization.
- Requires emergency declaration.
- Specifically restricted under ordinance §9.

# Unanticipated Inflation

- Provides funds to cover unanticipated inflation with specific triggers (variance of more than one percent in a given year).
- Specifically restricted under ordinance §§10-11.

# Six Percent Fund Balance

- Requires an undesignated fund balance of six percent of adopted revenues.
- Replaces previous policy of 1/12 of expenditures (8.33%).
- Specifically restricted under ordinance §8.

# Other Reserves

- Other small reserves established to address outyear costs during levy period.
- Reserve for millage reduction also established to collect unexpended contingency funds.

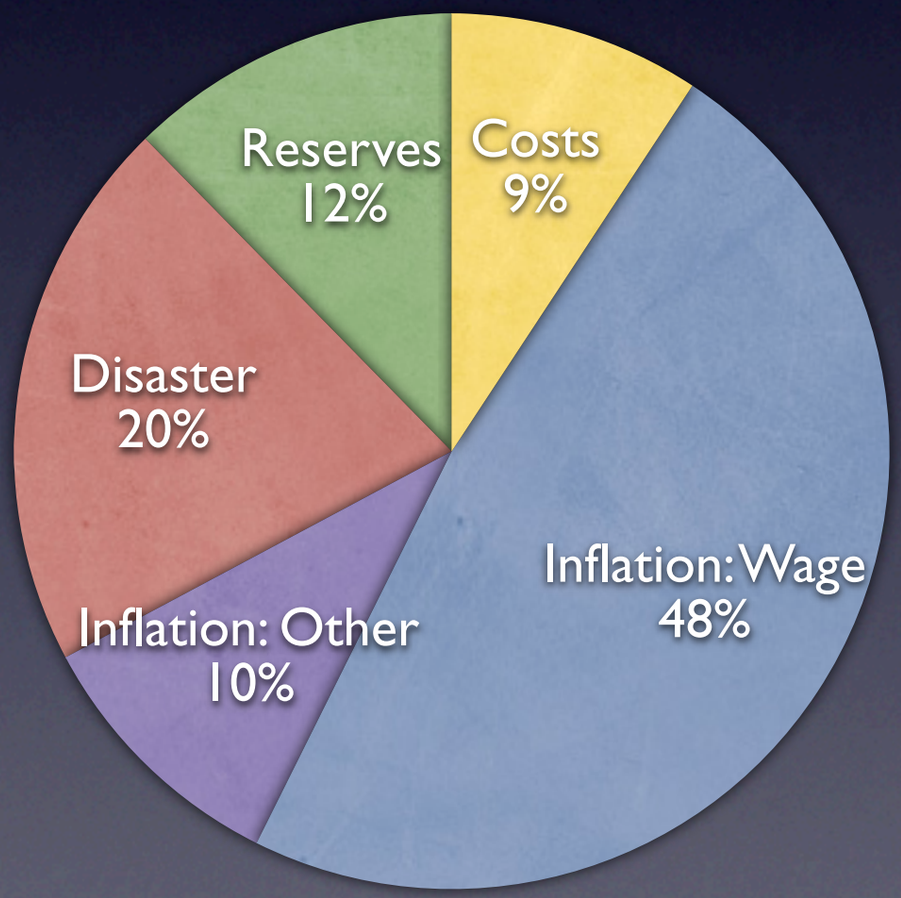
# Allocation of $41.8 million contingency

$41.8 Total Contingency

$14.5 Seattle
$27.2 King County

$2.6 Net fund balance

King County



# RESOLUTION R-4651

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND URGING THE KING COUNTY COUNCIL TO PLACE A COUNTY-WIDE 2008-2013 MEDIC ONE/EMERGENCY MEDICAL SERVICES (EMS) LEVY OF UP TO $0.30 PER THOUSAND DOLLARS OF ASSESSED VALUATION ON THE NOVEMBER 2007 PRIMARY BALLOT.

WHEREAS, the existing Medic One/EMS Levy will expire at the end of the year 2007; and

WHEREAS, a region-wide effort to thoroughly review the future needs of the emergency medical services system began in October of 2005 and involved the full range of Medic One/EMS Stakeholders; and

WHEREAS, such analysis included the impacts that a specific levy type, length and rate might have on the regional system and taxpayers; and

WHEREAS, the City of Kirkland significantly participated in these discussions throughout the process and was represented as a Stakeholder on both the Technical Stakeholder and the Elected Official Committees; and

WHEREAS, in October of 2006, Stakeholders developed consensus around the future funding and operational plans for a 2008-2013 Medic One/EMS levy and unanimously endorsed a six-year levy of up to $0.30 per thousand dollars of assessed value; and

WHEREAS, the King County Council is now considering a multi-year levy lid lift as an alternative to a six-year Medic One/EMS levy of up to $0.30 per thousand dollars of assessed valuation for the period of 2008 through 2013; and

WHEREAS, the Kirkland City Council has reviewed and compared the two levy proposals and favors a six-year EMS levy of up to $0.30 per thousand dollars of assessed value;

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

Section 1. The City Council supports the proposed six-year County-wide Medic One/EMS Levy of up to $0.30 per thousand dollars of assessed value for the Years 2008-2013 over the multi-year lid lift alternative proposal and urges the King County Council to place a Medic One/EMS Levy as a ballot measure before voters in the November 2007 primary election.

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

Council Meeting: 06/19/2007
Agenda: New Business
Item #: 11. 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

**Date:** May 25, 2007

**Subject:** JAIL UPDATE

Recommendation:

Council receives an update on regional and local jail planning activities and provides direction to staff for conducting further planning for the Kirkland jail.

Background:

The City of Kirkland is responsible for housing misdemeanant inmates that are detained on Kirkland charges. Kirkland's average daily population (ADP) is twenty eight which means that, on any given day, the City has an average of 28 individuals being held on Kirkland misdemeanor charges. In addition to the 28 housed inmates, additional sentenced offenders may be on electronic home detention or work release. Kirkland operates a 12-bed jail facility and contracts for the remaining needs from King County, Yakima County and various smaller local jails. Various events and circumstances can impact Kirkland's jail services including:

*Expiration of Contracts for Jail Beds*

In 2001, Kirkland, along with 37 other cities in the County, entered into an interlocal agreement with King County to gradually phase out of their facilities and be completely independent of King County facilities by December 31, 2012. Shortly after the King County interlocal was signed, the contracting cities entered into an interlocal agreement with Yakima County to provide up to 440 beds for King County cities' misdemeanant inmates. The Yakima interlocal agreement originally expired December 31, 2009 and was subsequently extended to December 31, 2010.

*Yakima County Contract*

Another issue that arose in 2005, was related to the management of the Yakima County Jail. A variety of inmate complaints and incidents of inmate violence were identified and the contracting cities (including Kirkland) commissioned a study to evaluate the conditions in the Yakima County Jail. As a result of the report's findings and Yakima's initial failure to address these critical issues, twelve cities filed a claim for damages based on Yakima's jail management practices. Since that time, Yakima County has made significant improvements in inmate management practices, opened two of four pods in their new jail facility

and improved medical services. Subsequent evaluations documented the improvements and most of the cities (including Kirkland) have now agreed to settle the complaint and release the claim.

*Regional Jail Planning*

One of the outcomes of the King County interlocal agreement was the formation of a regional jail planning group that was tasked with identifying options for new misdemeanant jail capacity in King County. In 2006, the "JAG Study of Local Jail Population, Capacity and Services" was completed by Ricci Greene Associates. Their report documents jail system issues, profiles the inmate population, projects future needs and provides a series of options to meet those needs. The report concludes that there are not enough beds in King County to house all of our felony and misdemeanor inmates and that additional jail capacity needs to be acquired. Since King County has previously indicated that they will no longer provide misdemeanant jail services for cities, the cities need to develop alternative options.

*Kirkland Jail and Public Safety Facilities*

The City of Kirkland is also studying its own jail operations and public safety facilities in general. In 2002, a space needs study for all City Hall services including police was completed by McClaren and Associates. The study projects facilities needs with and without annexation (continuing study of the potential annexation of Finn Hill, Juanita and Kingsgate has been taking place concurrently with the jail study). One element of the study relates to public safety facilities and, specifically, the possibility of expanding the current jail from 12 to 75 beds. With or without annexation, a larger jail may be considered as a local option to new capacity with the potential for excess beds to be rented to other local entities to help defray Kirkland's costs until the beds were needed for our own use.

*Kirkland Jail Staffing*

During the 2007-2008 budget process, a staffing shortage relating to Kirkland's jail was brought to light. The City engaged the services of CRS Incorporated to analyze current staffing for the Kirkland jail and provide recommendations regarding staffing levels. Their initial report documented the need for additional staffing and the City Council approved five new corrections officers in the 2007-2008 budget. CRS was also asked to analyze the cost/benefit of jail operations to better inform the Council about whether a 75-bed jail (as suggested in the 2002 facilities study) was a cost-effective solution for future jail capacity.

The purpose of this memo is to bring together the results of these studies regarding current and future jail capacity needs and options to address them on a local and/or regional level. Because we believe that the Yakima County jail management issues have been satisfactorily resolved at this time, this memo does not address that facility.

## REGIONAL JAIL PLANNING

Regional jail planning efforts have been underway since 2002 following the conclusion of negotiations with King County to phase out of the County jail facilities. An interlocal agreement between thirty seven King County cities was signed in 2003 that established the organizational structure and scope for regional jail planning (see attachment A). The initial interlocal agreement established three groups. A jail planning task force was subsequently established.

- Jail Oversight Assembly ("The Assembly") – Composed of elected representatives from each of the thirty seven cities active in the jail planning process. The Assembly is charged with making "policy determinations necessary to guide and direct the administration" of the agreement. Council member Bob Sternoff is Kirkland's representative.

- Jail Administration Group ("JAG") – Staff group charged with administering the agreement, conducting studies and making recommendations to the Assembly. There are six voting representatives on the JAG – one from Seattle, one from Bellevue and four appointed by the Suburban Cities Association. Other cities' staff also attends JAG meetings as do members of the JOG (see below). Assistant City Manager Marilynne Beard is one of the four members of the JAG appointed by SCA.

- Jail Operations Group (JOG) – Staff group composed of one representative from each city and charged with coordinating jail operational needs with Yakima County, King County and the remaining system of jail facilities in the county and advising the JAG. Kirkland Corrections Sergeant Bob Balkema is vice-chair.

- Jail Planning Task Force (JPTF) – Formed in 2007, the task force is a sub-group of elected officials from the assembly, staff and members of the JAG charged with developing a recommended strategy for securing new jail facilities based on the options presented in the "JAG Study of Local Jail Population, Capacity and Services" completed by Ricci Greene Associates. Councilmember Sternoff and Marilynne Beard are members of the task force.

As a practical matter, all meetings are open to any of the participating cities and there are some cities that routinely attend JAG and JOG meetings.

One of the major activities of the JAG (in addition to management of the Yakima County contract) was management of a consultant study documenting jail capacity needs and options. The report ("JAG Study of Local Jail Population, Capacity and Services," referred to in this memo as the RGA report) was completed by Ricci Greene Associates (RGA) and accepted by the JAG in December 2006. Following acceptance of the final RGA report, the Jail Oversight Assembly was briefed (February 2007) and the Jail Planning Task Force (JPTF) was formed. A copy of the RGA report executive summary is included as Attachment B along with selected excerpts from the full report that help describe the current jail system. The full text of the report is available through CouncilNet.

The primary finding of the report was that the JAG cities would need a total of 1,450 jail beds over the next twenty years to meet all of their misdemeanor bed needs. The report describes twelve possible scenarios

ranging from construction of one facility to meet all needs to a series of smaller facilities that meet bed needs on a sub-regional level. The analysis takes into consideration past incarceration trends, future population growth, beds currently available from providers other than King and Yakima County (e.g. Renton, Issaquah) and inmate profiles. Key inmate profile elements are noted:

- 63% of the inmate population are in a pre-trial status and 37% are sentenced
- 84% of admissions are male
- The average age is 36 and the median age is 42
- 81% of the population are jailed for non-violent offenses (however, our own studies indicate that over half have prior felony convictions)
- The cities currently have 330 beds available within the County

The report assumes that the cities will not have the option of contracting for jail beds with King County or Yakima County for the long term and that, ultimately, King County cities will need to address their own capacity needs. The Jail Planning Task Force is charged with analyzing the report's findings and narrowing down the twelve alternatives to a recommended course of action for presentation to the Jail Oversight Assembly by the end of 2007, including the size and number of facilities to be built and the location. A copy of the JPTF's workplan is included as attachment C.

The RGA report and the general jail planning process raise a variety of questions:

- Why can't we just keep contracting for beds from other counties?

  Since 2001, King County has maintained their position that the cities need to phase out of the current facilities in order for the County to have sufficient space to house felony inmates (which are legally their responsibility) and their own misdemeanant population. The Yakima County contract expires in 2010 and there is no guarantee they will continue to be an option for any significant time beyond the contract expiration date. Additionally, there is a built-in inefficiency to housing prisoners outside of the County. Another consideration is the risk of continued reliance on other agencies that have no legal responsibility to provide the service. Although contracting will probably be an option for some period beyond the current contract period, there is sufficient uncertainty to warrant pursuing new local facilities.

- Can we use alternative sentencing options to keep the misdemeanant population down?

  Alternative sentencing applies only to the sentenced portion of the inmate population (estimated to be about 37% of the total). Its use is based on each Judge's sentencing philosophies and their assessment of the offender. Of those 37%, many are not good candidates for work release or electronic home detention because of mandatory sentencing requirements or the violent or repeated nature of their offenses. Kirkland does use alternative sentencing – electronic home detention, work release and community service – whenever the Judge determines that it is appropriate.

- Would better mental health services reduce the number of jail beds needed in the long term?

  Mental health services are ideally an integral part of the jail system and provide intervention and

treatment early and effectively. Mental health issues are the root cause of some criminal acts and contribute to recidivism rates. A variety of efforts are underway at the state and local level to address inadequacies of mental health services for incarcerated individuals. Among those efforts is an effort underway by the King County Alliance for Human Services to encourage the King County Council to consider implementation of a 0.1% sales tax increase for mental health and substance abuse services. Although it is not clear exactly how that funding would apply to reducing jail bed requirements, there is an identified gap in mental health services that contributes to the increasing need for jail beds. While there is no hard data at this time about what portion of the current inmate population could be diverted out of a traditional jail setting, anecdotal local data suggests that fewer than 20% of the adult misdemeanant jail population falls into this category. Although an improved mental health system is needed and can potentially prevent future increases in jail bed needs, it cannot eliminate the need for more misdemeanant jail beds.

- Is it possible that King County will change its mind and agree to build additional capacity for cities?

  King County is currently conducting a study of jail capacity needs. They intend to present their findings to the Jail Oversight Assembly in July. At this time, we have no reason to believe that they plan to build additional misdemeanant facilities for city use. However, as the County and the cities proceed with jail planning efforts, this option may be explored. The advantage of partnering with the County on jail facilities is that they have an existing corrections system in place as well as existing relationships with all of the cities. The disadvantages could be cost (King County has higher daily rates than other current options, particularly when booking charges are taken into consideration) and the lack of control over cost increases. In addition, they may be unwilling to permanently dedicate enough beds for city misdemeanants which potentially place us in the same situation as we are now.

- Are there cities willing to site a jail facility within their corporate boundaries?

  This will be a key question for the Jail Planning Task Force. Their recommended option may involve multiple facilities throughout King County. If there was only one centralized facility, transport becomes an issue for cities located longer distances from the facility. Once an initial determination is made about how many facilities and where (e.g. north, south, west) site identification can begin. We expect that finding a site for a new jail facility may be challenging for some communities.

Like Kirkland, several other cities are considering constructing their own jails. At this time, there is a group of south County cities (Renton, Federal Way, Des Moines and Tukwila) that are studying the feasibility of constructing a new facility that could accommodate their own needs and potentially the needs of some of the smaller nearby south County cities. Auburn is also undertaking a study to independently determine whether replacing and/or enlarging their jail is cost effective. Kirkland is currently studying the relative costs of operating our own jail at different capacity levels. All of these entities are actively involved in the regional jail planning process and will continue to be involved.

The Ricci Greene consultants left the Jail Oversight Assembly with an outline of a jail facility development process. The first task is <u>project definition</u>:

- *How big is it?*
- *What's in it?*
- *Where Does it Go?*
- *How Much Does it Cost?*
- *How will it be Funded?*
- *When Does it Come on Line?*
- *What Does it Look Like?*
- *What Happens to the Existing Facilities?*

Once these questions are answered, we could proceed to the facility planning process:

- *Site Identification, Analysis and Selection*
- *Detailed Space Programming*
- *Conceptual Options*
- *Preliminary Cost Estimates*
- *Recommended Option*
- *Implementation Plan*

From planning to occupancy, RGA estimates a six- to eight-year time span. Based on this estimate and the expected end of the King County and Yakima Contracts, they recommended that the task force make a recommendation to the Jail Oversight Assembly as to which of the twelve options should be pursued by the end of 2007.

## KIRKLAND JAIL PLANNING STUDY

Kirkland engaged the services of CRS Inc. in 2006 to complete two studies. The first, discussed earlier in this report, provided an assessment of corrections staffing and recommendations for staffing enhancements. The second component of their study involved a cost analysis of operating a jail at five levels of service ranging from a four-hour holding facility to a jail facility large enough to accommodate all of Kirkland's needs (including annexation) with capacity to rent beds to other jurisdictions. A copy of their report is included as Attachment D which incorporates the first study as an appendix.

The report compares the five options (both with and without annexation) on the basis of "cost per bed day." Each option was analyzed against a set of quantitative and qualitative criteria including cost (both short term and long term), expansion potential, local control, law enforcement considerations and transportation/safety issues. For the purpose of the analysis, all costs were fully loaded to reflect direct, department indirect and citywide overhead costs. The analysis also assumes that all contracting agencies would increase their rates to achieve greater cost recovery. In the absence of information about what they might charge, we assumed that they would charge a rate similar to what we would charge. Presumably, this is the cost that the City would need to recover through daily rates if beds were rented to other agencies. Summaries of the key characteristics of the options (with and without annexation) are shown on the following page.

**Key Characteristics of Each Option, Without Annexation (A)**

| **A. No Annexation** | **1. Lockup** | **2. 12-Bed Jail** | **3. All Minimums** | **4. Full Jail** | **5. Jail & Rental** |
|---|---|---|---|---|---|
| **Percent of Kirkland detention days housed in Kirkland** | **4%** (416 in 2007) | **23.6%** (2,457 in 2007) | **65%** (6,768 in 2007) | **100%** (10,513 in 2007) | **100%** (10,513 in 2007) |
| **Number of Kirkland *Jail* employees (full-time equivalents-FTE) in 2025** | 6.5 | 12.0 | 12.0 | 17.5 | 21.1 |
| **Number of Kirkland *Transport* Employees (full-time equivalents-FTE) in 2025** | 6.5 | 5.3 | 3.5 | 2.5 | 2.5 |
| **TOTAL KIRKLAND EMPLOYEES in 2025** | **13.0** | **17.3** | **15.5** | **20.0** | **23.6** |
| **Average Daily Inmates Housed In Kirkland in 2025** | None | 6.5 inmates | 31.0 inmates | 45.9 inmates | 77.9 inmates |
| **Total Jail Beds** | No "beds" | 12 | 36 | 60 | 92 |
| **Construction costs for renovation (millions)** | None | None | $5.07 | $8.45 | $12.96 |
| **Construction costs for new construction (millions)** | None | None | $7.90 | $13.18 | $20.20 |

**Key Characteristics of Each Option, With Annexation (B)**

| **B. With Annexation** | **1. Lockup** | **2. 12-Bed Jail** | **3. All Minimums** | **4. Full Jail** | **5. Jail Plus Rental** |
|---|---|---|---|---|---|
| **Percent of Kirkland detention days housed in Kirkland** | **4%** (631 in 2007) | **15.8%** (3,721 in 2007) | **65%** (10,249 in 2007) | **100%** (15,769 in 2007) | **100%** (15,769 in 2007) |
| **Number of Kirkland Jail employees (full-time equivalents-FTE) in 2025** | 6.5 | 12.0 | 12.0 | 17.5 | 21.1 |
| **Number of Kirkland *Transport* Employees (FTE) in 2025** | 7.7 | 8.1 | 5.3 | 3.7 | 3.7 |
| **TOTAL KIRKLAND EMPLOYEES in 2025** | **14.2** | **20.1** | **17.3** | **21.2** | **24.8** |
| **Average Daily Inmates Housed in Kirkland Jail in 2025** | None Lockup Only | 6.5 inmates | 46.4 inmates | 68.8 inmates | 100.8 inmates |
| **Total Jail Beds** | No "beds" | 12 | 64 | 92 | 124 |
| **Construction costs for renovation (millions)** | None | None | $9.01 | $12.96 | $17.47 |
| **Construction costs for new construction (millions)** | None | None | $14.05 | $20.20 | $27.23 |

The analysis concludes that the most cost-effective long-term solution involves building a 125-bed jail with the assumption that we would rent out excess beds and recoup some costs. There are higher near-term costs for capital but, in general, the larger the facility, the more cost-effective it becomes because staffing does not increase in direct proportion to inmates. In fact, based on the consultant's finding, the City's current twelve bed jail is the least cost efficient. However, the study notes that the qualitative challenges of locating a 125-bed jail facility and the near-term capital costs potentially make this option the most difficult to implement.

The following table compares the estimated cost per day in 2015 for the various options analyzed by the consultant.

| Option | Without Annexation | With Annexation |
|---|---|---|
| 4-Hour Lock-up | 322.48 | 279.22 |
| 12-Bed Jail (Current) | 325.88 | 291.78 |
| All Minimums | 263.39 | 232.69 |
| Full-service/Kirkland only | 273.98 | 225.79 |
| Full-service/rent beds | 202.92 | 187.42 |

In comparing the range of projected daily rates to the rates currently paid to other jurisdictions, it would seem as if Kirkland's daily rate would be considerably more. However, the consultant noted that existing contract rates are artificially low (e.g. do not reflect full cost recovery) and, in effect, represent a subsidized rate. While cities may be reflecting incremental direct costs in their rates, they may not be including all costs. In the future, if other jurisdictions go to a full cost recovery model (as King County has indicated they may), then Kirkland's projected rates could be competitive and it may be cost effective for us to operate our own jail that meets all of our needs. That being said, since we do not have information on the cost of a regional facility, we don't have a basis for comparison with our own projected costs. Potentially, if a larger misdemeanant facility generates economies of scale, the regional solution may be more cost effective and the City wouldn't be able to compete with their rates if we were to rent jail beds. Although local control is an advantage, local public acceptance of a larger jail may be a difficult obstacle to overcome in building a facility of sufficient size to be cost effective and meet our needs for the next twenty years.

## RECOMMENDED NEXT STEPS

There are numerous complex variables factoring into the jail planning process. For Kirkland alone, the potential annexation presents an uncertainty about future needs that makes facilities planning a conditional exercise at best. Whether or not the City annexes the PAA, the need for additional jail capacity will still exist as well as the need for additional staff space for public safety personnel. The City Council approved funding for a public safety campus feasibility study that will examine the potential for building additional public safety spacing (with options for a jail) in close proximity to the existing Municipal Court.

At this time, staff recommends that the City go forward on two parallel paths. Kirkland should continue its participation in the regional jail planning effort. This effort may yield a more cost effective solution, but may take a longer period of time given the number of jurisdictions involved. Kirkland should continue to include a jail facility in its planning assumptions for a public safety building, with options to build at two or

three levels of service (holding facility to complement a regional facility and a larger, full-service facility to allow for local jail services that are not reliant on other jurisdictions).

Several important regional meetings will occur over the next two months that will tell us more about the regional project. Regular reports on both of these efforts will be provided to the Public Safety Committee and the City Council over the coming months.

Attachment A

# INTERLOCAL AGREEMENT FOR JAIL ADMINISTRATION

## ESTABLISHING THE TERM, PURPOSE, MEMBERSHIP, GOVERNANCE, JAIL OVERSIGHT ASSEMBLY (ASSEMBLY), JAIL ADMINISTRATION GROUP (JAG), JAIL OPERATION GROUP (JOG), MEETINGS, FISCAL AGENT, STAFFING, ANNUAL ASSESSMENT, TERMINATION, DISPOSITION OF REAL PROPERTY, INSURANCE AND INDEMNIFICATION REQUIREMENTS AND GENERAL PROVISIONS

**This Interlocal Agreement ("Agreement")** is dated effective November 1, 2003 and is made and entered into between Algona, Auburn, Town of Beaux Arts Village, Bellevue, Black Diamond, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Duvall, Enumclaw, Federal Way, Hunts Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Milton, Newcastle, Normandy Park, North Bend, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Skykomish, Snoqualmie, Tukwila, Woodinville and the Town of Yarrow Point, Washington, municipal corporations organized under the laws of the State of Washington (collectively the "Cities").

A. The Cities enter into this Agreement pursuant to and as authorized by the Interlocal Cooperation Act (Chapter 39.34 RCW).

B. Some of the Cities have entered into a long term Interlocal Agreement with Yakima County, as amended, for the purpose of housing the Cities' inmates in Yakima County jail facilities ("Yakima Jail Contract"). The Yakima Jail Contract commits the Cities to deliver a certain number of inmates to Yakima County to satisfy a Minimum Bed Commitment. The Yakima Jail Contract and any addendums to it are incorporated herein by this reference.

C. Previously, the Cities negotiated the terms of an agreement regarding the use by the Cities of the Minimum Bed Commitment, including the allocation of jail beds among the Cities and the allocation of charges for jail service under the Yakima Jail Contract; however, that agreement never took effect.

D. Some of the Cities have entered into a Jail Services Agreement with King County ("King County Jail Contract") providing for the Cities' use of jail beds in King County jail facilities for a limited time not to exceed ten years. The King County Jail Contract is incorporated herein by this reference.

E. The King County Jail Contract provides for the creation of a Jail Administration Group to respond to any issue regarding the administration, implementation or interpretation of the King County Jail Contract.

F. King County and the City of Bellevue have entered into a Land Transfer Agreement pursuant to Paragraph 12 of the King County Jail Contract which provides for the transfer of ownership of the eastside Jail site ("Jail Property") to Bellevue on behalf of all of the Cities. The Land Transfer Agreement is incorporated herein by this reference.

G. The Cities desire to enter into this Interlocal Agreement for Jail Administration in order to set forth the purpose, membership, governance, meeting frequency, fiscal agent, staffing, term, annual assessment, termination, and insurance and indemnification requirements, and regarding the use by the Cities of the Minimum Bed Commitment under the Yakima Jail Contract, including the method for allocating those jail beds as between the Cites, and to establish the formula for payment for unused beds should the Cities collectively fail to meet their Minimum Bed Commitment with Yakima County, as more specifically set forth in this Agreement.

H. The Cities of Kent and Enumclaw are not parties to the Yakima Jail Contract or the King County Jail Contract. Kent and Enumclaw are included as parties to this Interlocal Agreement to clarify the City of Bellevue's authority with respect to the Jail Property, and to provide for Kent's and Enumclaw's participation in the planning process for disposition of Jail Property proceeds and for future jail facilities.

**IT IS HEREBY AGREED AS FOLLOWS:**

## 1. PURPOSE

This Interlocal Agreement is entered into by the Cities to further clarify the role of the Cities and their representatives in planning, implementation, operation and administration of interlocal agreements related to the provision of current jail services, and in planning for future facilities and programs for municipal inmates, and to establish a formula for the payment of unused beds should the Cities collectively fail to meet their Minimum Bed Commitment with Yakima County. This Agreement implements the administration group created by the King County Jail Contract and creates a group in order to facilitate cooperation in the examination of policy issues, questions and/or disputes involving the administration of the King County Jail Contract and the Yakima Jail Contract, the disposition of the Jail Property proceeds, and the planning for new misdemeanant secure jail facilities, non-secure alternative facilities or programs to create additional misdemeanant capacity.

## 2. CREATION OF THE ASSEMBLY, JAG AND JOG

To accomplish the purposes of this Agreement, the Cities hereby create an oversight group of elected representatives called the Jail Oversight Assembly ("Assembly"), an administrative entity called the Jail Administration Group ("JAG"), and an operations entity called the Jail Operations Group ("JOG"), all as further described in Section 6 of this Agreement.

## 3. DEFINITIONS

**Assembly** means the Jail Oversight Assembly created pursuant to Section 6 of this Agreement with the duties described herein.

**Average Daily Population ("ADP")** means that number of City Inmates confined in Yakima County jail facilities for a year, divided by 365.

**Cities** means Algona, Auburn, Town of Beaux Arts Village, Bellevue, Black Diamond, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Duvall, Enumclaw, Federal Way, Hunts Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Milton, Newcastle, Normandy Park, North Bend, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Skykomish, Snoqualmie, Tukwila, Woodinville, and Town of Yarrow Point, Washington.

**City** means a Washington city or town that is a party to this Agreement.

**City Member** means any city or town that has signed this Agreement.

**Estimated Average Daily Population ("EADP")** means that number of City Inmates that each City estimates it will confine in Yakima County jail facilities in a year, divided by 365.

**Fiscal Agent** means the "fiscal agent" selected by the Assembly pursuant to RCW 39.34.030.

**JAG** means the Jail Administration Group created pursuant to Section 6 of this Agreement, and the King County Jail Contract.

**JOG** means the Jail Operation Group created pursuant to Section 6 of this Agreement and with the duties described herein.

**Jail Property** means that certain real property located in Bellevue, Washington and commonly known as 1440 116th Avenue NE and 1412 116th Avenue NE, Bellevue, Washington, to be conveyed to the City of Bellevue to hold on behalf of all King County cities as third party beneficiaries consistent with the King County Jail Contract.

**Minimum Bed Commitment** means the bed commitment made by the Cities collectively to maintain an Average Daily Population in Yakima County jail facilities equal to 440 City Inmates from October 1, 2003 through December 31, 2009, or as otherwise set in the Yakima Jail Contract.

**Overused Bed Commitment** means the difference between a City's EADP and the actual number of City Inmates sent to Yakima County jail facilities by that City, where the actual number is less than that City's EADP.

## 4. TERM

This Agreement shall be dated effective November 1, 2003 and shall continue until December 31, 2012, the date of the expiration of the King County Jail Contract ("Term"). This Agreement may be renewed for any successive periods, by written addendum, under terms and conditions acceptable to all of the Cities. No City that is a party to this Agreement at its inception or thereafter will be required to be a party to any renewal of this Agreement.

## 5. TERMINATION

5.1 Termination Unrelated to Yakima Jail Contract. Any City may terminate its participation in this Agreement by delivering written notice to the Assembly, by

December 31 in any year, of its intention to terminate effective December 31 of the following year. Any City terminating this Agreement shall remain legally and financially responsible for any obligation incurred by the City pursuant to the terms of this Agreement, including its obligation to pay its annual assessment for the current budget year as described in Sections 8 and 9 of this Agreement.

5.2 Termination for Cause – Yakima Jail Contract. In the event any City's participation in the Yakima Jail Contract is terminated for cause, as defined in the Yakima Jail Contract, such City shall remain legally and financially responsible to Yakima County for its EADP until December 31, 2009, or the end of the then existing term if the Yakima Jail Contract has been extended before the termination for cause; provided, that the terminated City may be entitled to a credit under Section 10 of this Agreement.

## 6. GOVERNANCE

6.1 Jail Oversight Assembly (Assembly).

(a) Membership. Each City Member shall appoint one elected official to be a member of the Assembly. The initial Assembly member for each City shall be the elected official designated by the City in the space provided below the City's signature on this Agreement. In the event that a City's initial Assembly member becomes unable to serve as an Assembly member, the City shall designate a new or alternate Assembly member.

(b) Assembly Powers. The Assembly shall make policy determinations necessary to guide and direct the administration of this Agreement, and to guide JAG and JOG in the performance of duties under this Agreement, the King County Jail Contract, the Land Transfer Agreement, and the Yakima Jail Contract. The Assembly shall have the following duties and powers:

(i) Annual Assessment, Budget and Work Program. The Assembly shall receive recommendations from JAG regarding the annual budget pursuant to Section 8 of this Agreement, the amount of the annual assessment pursuant to Section 9 of this Agreement, and an annual work program. On or before July 1st of each year, the Assembly shall submit to the legislative body of each City a recommendation for the annual assessments, the annual budget, and the work program for the next year.

(ii) Disposition of Jail Property. The Assembly shall receive recommendations from JAG and/or JOG regarding use of any proceeds of the sale or transfer of the Jail Property, and then either approve, reject or approve with modification such use of the proceeds.

(iii) New Misdemeanant Facilities. The Assembly shall receive recommendations from JAG and/or JOG regarding alternatives for assessment and planning for new misdemeanant secure jail facilities, proposals to site or create jail facilities, options for non-secure alternative facilities or programs and issuance of long term debt for construction of such facilities and then either approve, reject, or modify the recommended alternative.

(iv) Amendments. The Assembly shall receive recommendations from JAG and/or JOG regarding any amendments to this Agreement, including the amendment of the annual assessment formula set forth in Section 9 of this Agreement, or the other interlocal agreements referenced by this Agreement and incorporated herein, and then make a recommendation to approve, reject or modify such amendment to the legislative bodies of each City or return the recommendation to the JAG or JOG.

(v) Fiscal Agent. The Assembly shall appoint a Fiscal Agent for the purposes of carrying out and recording financial transactions pursuant to RCW 39.34.030.

(vi) Policy Determinations. The Assembly may make such policy determinations as are necessary to guide the administration or implementation of this Agreement, the King County Jail Contract, the Yakima Jail Contract, and the Land Transfer Agreement, including but not limited to policy regarding the hiring of employees or contracting with consultants, purchasing of goods or services, and adoption of procedures for the administration of this Agreement.

(c) Meetings. The Assembly shall meet at the times convened by its officers, but at least once each year. For any meeting held in addition to one annual meeting regarding the annual budget, assessments, and work program, the Assembly may meet by telephone, electronically, video conferencing, or any other communications mechanism that allows simultaneous communication between all persons in attendance; provided, that at least fourteen days notice of the meeting is provided to all Assembly members. A quorum shall consist of Assembly members representing sixty percent (60%) of the total residential population of all City Members. Decisions shall be made or action shall be taken by the affirmative vote of Assembly members from Cities having sixty percent (60%) of the total residential population of all City Members. For purposes of this section, each Cities' residential population shall be deemed to be the most recent population estimate available from the State of Washington's Office of Financial Management. If an Assembly member will be absent from a meeting, the Assembly member may, but is not required to, designate by written proxy another person to attend the meeting and vote on behalf of the Assembly member. The Assembly may seek a straw vote for informational purposes only.

(d) Assembly Officers. The Assembly members shall select up to four officers, including a chairperson and vice-chairperson to serve as the executive committee; provided, that if representatives are not selected from each of the three largest jail users among the cities that are parties to both the Yakima and King County jail interlocal agreements for housing misdemeanant inmates, such representatives shall be included as additional members of the executive committee. "Largest jail user" is determined by the sum of the jail inmate populations in the King County and Yakima jail facilities from the prior calendar year. The officers serving as the executive committee shall (1) convene meetings of the Assembly as the officers determine appropriate, but at least once a year, (2) establish the agenda for each meeting, (3) act as spokespersons for the Assembly, and (4) convene and make assignments to Assembly subcommittees, as

appropriate. The chairperson shall preside over the Assembly's meetings, and the vice-chairperson shall preside in the chairperson's absence.

6.2 Jail Administration Group (JAG).

(a) Membership. The JAG shall be composed of six (6) members as follows:

| | |
|---|---|
| City of Seattle Representative | (1) |
| City of Bellevue Representative | (1) |
| Suburban Cities Representatives | (4) |

The Mayor of Seattle shall appoint the City of Seattle representative, and shall also appoint an alternative Seattle representative to serve in the event that the original representative is absent or becomes unable to serve. The Bellevue City Manager shall appoint the City of Bellevue representative, and shall also appoint an alternative Bellevue representative to serve in the event that the original representative is absent or becomes unable to serve. The Suburban Cities Association ("SCA") shall select three (3) representative cities through a process defined by the SCA, and a fourth representative among the SCA cities shall be selected by the Mayor or City Manager of the SCA city that is the largest jail user and a party to both the King County and Yakima interlocal agreements for housing misdemeanant inmates. "Largest jail user" is determined by the sum of the jail inmate populations in the King County and Yakima jail facilities from the prior calendar year. For each city representative selected by SCA, and the suburban city selected based upon largest jail population, the Mayor of a mayor/council city or the City Manager of a manager/council city shall appoint that City's representative, as well as an alternative representative to serve in the event that the original representative is absent or becomes unable to serve. The Seattle, Bellevue, and Suburban Cities members of the JAG created in this Section shall be the same as the members of the JAG created under the King County Jail Contract.

(b) JAG Powers. The JAG shall administer this Agreement pursuant to the terms of this Agreement, the Yakima Jail Contract, the King County Jail Contract, and the Land Transfer Agreement and pursuant to any procedures adopted by the Assembly or JAG. The JAG shall have the following duties and powers:

(i) Act as the Cities' representatives to the King County Jail Contract and perform all duties assigned to JAG under that Contract, consistent with policy direction provided by the Assembly under this Agreement;

(ii) Make policy recommendations as defined in Section 6.1 of this Agreement to the Assembly including, without limitation, recommendations on the disposition of the Jail Property proceeds (subject to Section 7 of this Agreement), alternatives for assessment and planning for new misdemeanant secure jail facilities, proposals to site or create jail facilities, options for non-secure alternative facilities or programs and issuance of long term debt for construction of such facilities, and contract language

associated with any re-opener of the provisions described in Section 7 of the King County Jail Contract;

(iii) Make recommendations to the Assembly on the appointment of a Fiscal Agent for the purposes of carrying out and recording financial transactions pursuant to RCW 39.34.030;

(iv) Evaluate JOG recommendations regarding the interpretation of the King County Jail Contract or Yakima Jail Contract and issues related to inmate transportation, alternative and community correction programs, coordination with the courts and law enforcement, mental health, drug and alcohol treatment, alternative facilities within or outside of King County or other related issues;

(v) After consultation with JOG, develop and recommend a budget, including annual assessments, and work program to the Assembly, and implement the budget and work program, subject to the Cities' obtaining legislative body approval of each City's individual annual assessment, the annual budget, and the work program in accordance with Section 8 of this Agreement;

(vi) Following budget and work program approval by the Assembly and City Members in accordance with Section 8 of this Agreement, and subject to the availability of funds, the JAG, acting through its chairperson, will have the following additional powers:

(1) Hire and supervise any staff, consultants or private vendors consistent with the annual budget, work program, and any human resource policies and procedures of the Fiscal Agent;

(2) Negotiate and enter into any contracts or agreements with third parties for goods and services consistent with the annual budget and work program;

(3) Approve or disapprove expenditures consistent with the annual budget and work program;

(4) Make purchases or contract for services consistent with the annual budget and work program; and

(5) If an annual budget becomes effective under Section 8.1, but insufficient Cities approve and pay assessments to fund the entire work program for that budget year, then JAG has the authority to assign priorities to various items in the work program and to determine which items or portions of items will be removed from the work program for that budget year.

(vii) Adopt procedures for the conduct of JAG's meetings;

(viii) Uniformly inform and consult with the Assembly and JOG for contract disputes, operational policy issues, hiring and supervision of staff, creation of the work program, creation of the budget, revisions to the cost allocation formula to establish the annual assessment set forth in Section 9 of this Agreement, disposition of the Jail Property proceeds and any decisions regarding assessment and planning for new misdemeanant secure facilities, misdemeanant non-secure alternative facilities or programs;

(ix) Mediate disputes or issues presented to JAG by a City or Cities regarding the interpretation of or otherwise arising out of this Agreement, the Yakima Jail Contract, or the King County Jail Contract. In the event that any City or Cities present a dispute to JAG and JAG is unable to resolve the dispute in a manner acceptable to the Cities involved, the Cities shall submit the dispute to mediation prior to initiating any action in a court; and

(x) Conduct any and all other business allowed by applicable law and necessary to carry out the purposes of this Agreement.

(c) Meetings. The JAG shall meet as often as it deems necessary, but not less than quarterly. A quorum shall consist of a simple majority of the JAG's members or alternates. Decisions will be made by consensus of all the JAG members in attendance at a meeting. The JAG may seek a straw vote for informational purposes only.

(d) Chairperson. The JAG members shall select a chairperson and vice-chairperson from among the JAG members to preside over JAG's meetings.

6.3 Jail Operation Group (JOG).

(a) Membership. Each City Member shall appoint one representative to be a member of the JOG. The initial JOG member for each City shall be designated by the City in the space provided below the City's signature on this Agreement.

(b) JOG Powers. The JOG shall advise the Assembly and JAG on operational issues regarding the King County Jail Contract or the Yakima Jail Contract, including without limitation, issues or disputes among the City Members related to contract interpretation, contract disputes, inmate transportation, alternative and community correction programs, coordination with the courts and law enforcement, mental health, drug and alcohol treatment, alternative facilities within or outside of King County, and any other related issues. The JOG shall consult with JAG regarding recommendations for the annual budget, assessments, and work program.

(c) Meetings. The JOG shall meet as often as it deems necessary, but not less than quarterly. A quorum at any meeting of the JOG shall consist of a simple majority of the JOG members. Decisions will be made by consensus of all the JOG members in attendance at a meeting. The JOG may seek a straw vote for informational purposes only.

(d) Chairperson. The JOG members shall select a chairperson and vice-chairperson from among the JOG members to preside over JOG's meetings.

## 7. JAIL PROPERTY

7.1 Land Transfer. Pursuant to the terms of the King County Jail Contract and the Land Transfer Agreement, King County will convey the Jail Property to the City of Bellevue prior to July 1, 2004. Bellevue will hold the Jail Property on behalf of all cities in King County as third party beneficiaries. Bellevue shall act as the fiscal agent of the cities for purposes of taking action with respect to the Jail Property. Any disposition of the Jail Property shall also be consistent with the terms and provisions of Section 12 of the King County Jail Contract, which provides in pertinent part as follows:

> "The Property will be used to contribute to the cost of building secure capacity, or contracting for secure capacity, and, at the sole discretion of the Contract Cities, building or contracting for alternative corrections facilities, sufficient to enable the Contract Cities to meet the final step (occurring on December 31, 2012) of the population reduction schedule as detailed in Sections 11.3 and 11.4 of this Agreement. The parties understand that the Property may be sold or traded and the proceeds and/or land acquired from such sale or trade used for the purposes detailed in the preceding sentence. The parties further agree that in the event the cities do not build secure capacity, or contract for secure capacity, and, at the sole discretion of the Contract Cities build or contract for alternative corrections facilities, sufficient to enable the Contract Cities to meet the final step (occurring on December 31, 2012) of the population reduction schedule as detailed in Sections 11.3 and 11.4 of this Agreement the City of Bellevue shall transfer title to the Property back to the County if such Property has not been sold; or if such Property has been sold, pay the County an amount equal to the net sale price of the Property, plus investment interest earned; or if the Property has been traded, pay the County the appraised value of the Property at the time of the trade, as determined by an MIA appraiser selected by mutual agreement of King County and the City of Bellevue, plus investment interest earned."

7.2 Expenses. The City of Bellevue is authorized to sell the Jail Property for no less than fair market value. Fair market value shall be determined by an MIA appraisal commissioned by the City. The City of Bellevue is authorized to deduct from the gross proceeds customary expenses necessary to dispose of the property and costs incurred to perform due diligence studies necessary to exercise the option to take possession of the property from the County including, but not limited to, tests inspections, survey, appraisal, expenses resulting from any legal challenge, maintenance activities during the time the City of Bellevue has possession of the property. The total deductions shall not exceed five percent (5%) unless approved by the Assembly.

If the Jail Property is sold and Cities fail to meet the terms set out in Section 12 of the King County Jail Contract referenced in Section 7.1 above regarding use of the proceeds, Cities are responsible for their proportional share of the amount required to reimburse

King County as referenced in that section. This responsibility will be met collectively by requiring the fiscal agent to invest the sale proceeds in investment instruments that will preserve the full value of the capital assets, assure liquidity for funding future misdemeanant jail facilities and achieve the best rate of investment return. Until these conditions can be met, the fiscal agent shall retain the sale proceeds in the State Local Government Investment Pool.

## 8. FINANCE AND BUDGET

8.1 Budget. The budget year for jail administration and operations shall be January 1 to December 31 of any year. On or before July 1st of each year, a recommended budget, assessments, and work program for the next budget year shall be prepared by JAG, reviewed and recommended by the Assembly, and transmitted to each City's legislative body for approval or disapproval. Approval of the budget by a City's legislative body shall obligate that City to pay the assessment budgeted for that City for the next budget year; if a City's legislative body disapproves the budget that City shall not be obligated to pay the assessment budgeted for that City for the next budget year. An annual budget, including assessments, and work program shall not become effective unless the annual budget is approved by the legislative bodies of Cities representing sixty percent (60%) of the total residential population of all City Members. If an annual budget becomes effective under this Section, but insufficient Cities approve and pay assessments to fund the entire work program for that budget year, then JAG has the authority to assign priorities to the various items in the work program and to determine which items or portions of items will be removed from the work program for that budget year.

For budget year 2004, the Cities shall make a good faith effort to accomplish the budget, assessment, and work program approval process by December 31, 2003. In the event that the Cities are unable to complete the process by that date, the Cities agree that the assessments for the year 2004 shall be as stated in Exhibit A to this Agreement, and the budget and work program approval for the year 2004 shall be completed by March 31, 2004 and shall be consistent with the assessments stated in Exhibit A.

8.2 Authority. The JAG, acting through its chairperson, and consistent with the budget, assessments, and work program approved by the City Members, is authorized to (1) apply for loans or grants in order to accomplish the purposes of this Agreement consistent with Chapter 39.34 RCW, (2) seek and negotiate partnerships with public and private corporations or entities as allowed by law, and (3) approve expenditures and direct the Fiscal Agent to make payments. The Fiscal Agent is empowered to receive all annual assessments received from the Cities and to make disbursements as approved by the JAG chairperson. If grants or other unbudgeted funds become available, budget amendments will be referred to the Assembly for its review and recommendations to City Members.

8.3 Fiscal Agent. The City of Tukwila shall act as the Assembly's initial Fiscal Agent pursuant to RCW 39.34.030 until the Assembly approves another Fiscal Agent.

8.4 Intergovernmental Cooperation. The Assembly and JAG will cooperate with state, county, and other local agencies to maximize use of any grant funds or other

resources and enhance the effectiveness of the programs and projects created or implemented pursuant to this Agreement.

## 9. ANNUAL ASSESSMENT

Funding for the activities under this Agreement shall be provided solely through the budget process described in Section 8 and collection of the annual assessment described in this Section 9. No separate dues or assessments shall be imposed or required of the Cities except upon unanimous vote of all of the Cities. The annual assessment shall be paid to the Fiscal Agent on a quarterly basis at the beginning of each quarter. Each City shall be assessed an annual assessment fee equal to Two Hundred and Fifty Dollars and No/100 ($250.00) or equal to its proportional share of the approved budget based upon the following cost allocation formula, whichever is greater:

(i) 50% of the annual fee shall be based upon the percentage calculated by dividing each City's residential population into the total residential population of all City Members, multiplied by one-half of the total amount of the annual budget; and

(ii) 50% of the annual fee shall be based upon the percentage calculated by dividing a City's EADP into the actual total annual jail bed usage by the Cities in the Yakima jail facilities, multiplied by one-half of the total amount of the annual budget.

The cost allocation formula is expressed as follows:

(City's res. population)
(Total of all Cities' res. population) **multiplied by** (½ of total annual budget)

**plus**

(City's EADP)
(Total Annual Jail Bed Usage of all Cities) **multiplied by** (½ of total annual budget)
in Yakima County jail facilities)

**equals**

**City's Total Annual Assessment**

## 10. DEFICITS IN USAGE OF YAKIMA JAIL BEDS

Each City has generated an EADP. Attached hereto as Exhibit B, and incorporated by this reference, is the EADP of each City. In the event the Cities collectively fail to meet their Minimum Bed Commitment for any year during the term of the Yakima Jail Contract, the EADPs set forth in Exhibit B shall be used by the Cities to calculate the proportionate share owed by any individual City to Yakima.

Each City will be responsible for its bed commitment to Yakima. Only those Cities that did not meet their EADPs and have unused bed commitment for the year will be responsible for paying Yakima for such unused bed commitment.

However, if some cities exceed their EADP, their overage will be distributed as a credit to the cities whose jail use was less than their EADPs. Each City's credit will be based upon its percentage share of the total EADP.

A City whose actual jail use equals or exceeds its EADP will pay Yakima an amount equal to its actual jail use. A City whose actual jail use is less than its EADP will pay Yakima an amount based on its EADP less the credit as described in this section.

For purposes of this section, "credit" shall mean the product resulting from multiplying the (Beds in excess of Cities' EADP) by the quotient obtained by dividing the (EADP of a City with Unused Bed Commitment) by the (Sum of EADPs of all Cities with Unused Bed Commitment.) The calculation of a City's credit is expressed in the formula below:

$$\text{City Credit} = \left(\begin{array}{c}\text{Sum of amount over the EADP} \\ \text{of All Cities Which Exceed Their EADPs}\end{array}\right) \times \frac{\text{(EADP of a City w/Unused Bed Commitment)}}{\text{(Sum of EADPs of Cities w/Unused Beds)}}$$

For a City whose actual jail use was less than its EADP, its "credit" will be subtracted from the number of unused city beds. The difference is the amount that shall be paid to Yakima as expressed in the formulas below:

City's unused beds = City's EADP – City's actual bed use

Amount owed to Yakima = City's unused beds – city credit

Exhibit C, attached hereto and incorporated by this reference, provides an example of a hypothetical application of this formula.

## 11. SURPLUS USAGE OF YAKIMA JAIL BEDS

The Cities acknowledge that the Yakima Jail Contract does not require each City to maintain a jail usage equal to that City's EADP. Overused Bed Commitment by one City may inure to the benefit of the other Cities. However, Overused Bed Commitment in excess of five percent (5%) may create a hardship for the other Cities. Therefore, prior to usage in excess of five percent (5%) of its EADP, a City must obtain consent from another City or Cities to use a portion of the other City's or Cities' EADP.

## 12. NEW MEMBERS

Any city or town may become a member to this Agreement so long as such city or town has entered into contracts for jail services with King County or Yakima County, executes an Addendum to this Agreement agreeing to comply with the terms and provisions of this Agreement, as now existing or hereafter amended, and obtains approval of the current budget by its legislative body. The Assembly shall determine what, if any, funding obligations such additional member city shall pay as a condition of becoming a member city to this Agreement.

## 13. MAILING ADDRESSES

All notices and correspondence to the respective parties to this Agreement shall be sent to the City Manager or Mayor for each City. All notices and correspondence to the Assembly shall be sent to the office of the Fiscal Agent.

## 14. INSURANCE

14.1 Evidence of Insurance Coverage. Each City agrees to provide the other Cities with evidence of insurance coverage, in the form of a certificate of insurance from a solvent insurance provider and/or a letter confirming coverage from a solvent insurance pool or self-insurance program which is sufficient to address the insurance and indemnification obligations set forth in this Agreement.

14.2 Minimum Liability Limits. Each City shall obtain and maintain throughout the term of this Agreement coverage in minimum liability limits of one million dollars ($1,000,000) per occurrence and two million dollars ($2,000,000) in the aggregate for its liability exposures, including comprehensive general liability, errors and omissions, auto liability and police professional liability. The insurance policy shall provide coverage on an occurrence basis; except that insurance on a "claims made" basis may be acceptable with prior approval from JAG. If coverage is approved and purchased on a "claims made" basis, the City Member providing such insurance warrants continuation of coverage through policy renewals or the purchase of a tail, and/or conversion from a "claims made" form to an "occurrence" coverage form.

## 15. HOLD HARMLESS/INDEMNIFICATION

Each City shall defend, indemnify and hold harmless all other Cities, their officers, agents and employees, from and against any and all claims, including third party claims, costs, judgments or damages, including attorney's fees, arising out of the negligent acts or omissions of the City, its officers, agents and employees, in connection with this Agreement.

The Cities hereby waive, as to each other only, their immunity from suit under industrial insurance, Title 51 RCW. This waiver of immunity was mutually negotiated by the Cities.

The provisions of this Section shall survive any termination or expiration of this Agreement.

## 16. GENERAL PROVISIONS

16.1 This Agreement contains all of the agreements of the Cities with respect to any matter covered or mentioned in this Agreement. No provision of this Agreement may be amended or modified except by written agreement authorized by the legislative bodies of all of the Cities and signed by all of the Cities.

16.2 Any provision that is declared invalid or illegal shall in no way affect or invalidate any other provision.

16.3 In the event any City defaults on the performance of any terms of this Agreement or any City places the enforcement of this Agreement in the hands of an attorney, or files a lawsuit, the prevailing City or Cities shall be entitled to an award of all its/their attorney fees, costs, and expenses.

16.4 Failure of any City to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection therewith, shall not constitute a waiver of such breach or default.

16.5 Any action, suit, or judicial proceeding for the enforcement of this Agreement shall be brought and tried in the Superior Court or the State of Washington in King County. Presenting disputes to the JAG and to a mediator consistent with this Interlocal Agreement shall be conditions precedent to the commencement of any judicial process to enforce the terms of this Agreement.

16.6 This Agreement may be executed in any number of counterparts.

16.7 The laws of the State of Washington shall govern this Agreement.

16.8 This Agreement shall be recorded with the King County Department of Records.

THIS AGREEMENT has been executed by the undersigned Cities and shall be dated effective November 1, 2003.

| | |
|---|---|
| CITY OF ALGONA, WA<br><br>By:_____<br>Glenn Wilson, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>George Kelley, Algona City Attorney |
| CITY OF AUBURN, WA<br><br>By:_____<br>Peter B. Lewis, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Daniel B. Heid, Auburn City Attorney |
| TOWN OF BEAUX ARTS VILLAGE, WA<br><br>By:_____<br>Charles R. Lowry, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Wayne Stewart, Town Attorney |

Attachment A

| | |
|---|---|
| CITY OF BELLEVUE, WA<br><br>By:_____<br>Steve Sarkozy, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Richard L. Andrews, Bellevue City Attorney |
| CITY OF BLACK DIAMOND, WA<br><br>By:_____<br>Howard Botts, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Loren D. Combs, City Attorney |
| CITY OF BOTHELL, WA<br><br>By:_____<br>Jim Thompson, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Michael E. Weight, Bothell City Attorney |
| CITY OF BURIEN, WA<br><br>By:_____<br>Gary P. Long, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Lisa Marshall, Burien City Attorney |
| CITY OF CARNATION, WA<br><br>By:_____<br>Woody Edvalson, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Phil A. Olbrechts, Carnation City Attorney |
| CITY OF CLYDE HILL, WA<br><br>By:_____<br>George S. Martin, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Clyde Hill City Attorney |

Attachment A

| | |
|---|---|
| CITY OF COVINGTON, WA<br><br>By:_____<br>Andrew D. Dempsey, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Duncan C. Wilson, Covington City Attorney |
| CITY OF DES MOINES, WA<br><br>By_____<br>Tony Piasecki, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Des Moines City Attorney |
| CITY OF DUVALL, WA<br><br>By:_____<br>Becky Nixon, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Bruce Disend, Duvall City Attorney |
| CITY OF ENUMCLAW, WA<br><br>By:_____<br>John Wise, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Michael J. Reynolds, Enumclaw City Attorney |
| CITY OF FEDERAL WAY, WA<br><br>By:_____<br>David H. Moseley, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>By:_____<br>Patricia A. Richardson<br>Federal Way City Attorney |
| CITY OF HUNTS POINT<br><br>By:_____<br>Fred McConkey, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>By:_____<br>Hunts Point City Attorney |

Attachment A

| | |
|---|---|
| CITY OF ISSAQUAH, WA<br><br>By:_____<br>Ava Frisinger, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>By:_____<br>Wayne D. Tanaka<br>Issaquah City Attorney |
| CITY OF KENMORE, WA<br><br>By:_____<br>Stephen L. Anderson, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Michael R. Kenyon, Kenmore City Attorney |
| CITY OF KENT, WA<br><br>By:_____<br>Jim White, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Tom, Brubaker, Kent City Attorney |
| CITY OF KIRKLAND, WA<br><br>By:_____<br>David H. Ramsay, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Gail Gorud, Kirkland City Attorney |
| CITY OF LAKE FOREST PARK, WA<br><br>By:_____<br>David R. Hutchinson, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Michael P. Ruark, Lake Forest Park<br>City Attorney |
| CITY OF MAPLE VALLEY, WA<br><br>By:_____<br>John F. Starbard, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Lisa Marshall, Maple Valley City Attorney |

Attachment A

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|---|---|
| CITY OF MEDINA, WA<br><br>By:_____<br>Douglas J. Schulze, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Kirk R. Wines, Medina City Attorney |
| CITY OF MERCER ISLAND, WA<br><br>By:_____<br>Richard M. Conrad, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Londi K. Lindell, Mercer Island City Attorney |
| CITY OF MILTON<br><br>By:_____<br>Katrina Asay, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>By:_____<br>Milton City Attorney |
| CITY OF NEWCASTLE, WA<br><br>By:_____<br>Andrew J. Takata, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Dawn Findlay, Newcastle City Attorney |
| CITY OF NORMANDY PARK, WA<br><br>By:_____<br>Merlin MacReynold, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Susan Rae Sampson, Normandy Park City Attorney |
| CITY OF NORTH BEND, WA<br><br>By:_____<br>Joan Simpson, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Michael R. Kenyon, North Bend City Attorney |

Attachment A

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|---|---|
| CITY OF PACIFIC, WA<br><br>By:_____<br>Howard Erickson, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Bruce Disend, Pacific City Attorney |
| CITY OF REDMOND, WA<br><br>By:_____<br>Rosemarie Ives, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>James E. Haney, Redmond City Attorney |
| CITY OF RENTON, WA<br><br>By:_____<br>Jesse Tanner, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Lawrence J. Warren, Renton City Attorney |
| CITY OF SAMMAMISH, WA<br><br>By_____<br>Ben Yazici, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Bruce Disend, Sammamish City Attorney |
| CITY OF SEATAC, WA<br><br>By:_____<br>Bruce A. Rayburn, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Robert L. McAdams, SeaTac City Attorney |
| CITY OF SEATTLE, WA<br><br>By:_____<br>Gregory J. Nickels, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Thomas A. Carr, Seattle City Attorney |

Attachment A

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|---|---|
| CITY OF SHORELINE, WA<br><br>By:_____<br>Steven C. Burkett, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Ian Sievers, Shoreline City Attorney |
| CITY OF SKYKOMISH, WA<br><br>By:_____<br>Skip Mackner, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Jeffrey Ganson, Skykomish City Attorney |
| CITY OF SNOQUALMIE, WA<br><br>By:_____<br>Randy Fuzzy Fletcher, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Pat Anderson, Snoqualmie City Attorney |
| CITY OF TUKWILA, WA<br><br>By:_____<br>Steve Mullet, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Robert F. Noe, City Attorney |
| CITY OF WOODINVILLE, WA<br><br>By:_____<br>Pete Rose, City Manager<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Jeffrey L. Taraday, Woodinville City Attorney |
| TOWN OF YARROW POINT, WA<br><br>By:_____<br>Jeanne R. Berry, Mayor<br><br>Initial Assembly Member:_____<br><br>Initial JOG Member:_____ | Approved as to Form:<br><br>_____<br>Wayne Stewart, Yarrow Point Town Attorney |

Attachment A

**EXHIBIT A**

**2004 ANNUAL COST PER CITY FOR THE JAIL ADMINISTRATIVE GROUP (JAG)**

| | Yakima Estimated Bed Commitment | 2002 Population | Average of city pop. & jail beds; $250 minimum | |
|---|---|---|---|---|
| Total | 440.1 | 1,327,706 | | $88,000 |
| Auburn | 88.5 | 43,970 | 11.9% | $10,056 |
| Bellevue | 27.0 | 117,000 | 7.6% | $6,462 |
| Bothell | 2.0 | 16,264 | 0.9% | $728 |
| Burien | 4.0 | 31,810 | 1.7% | $1,432 |
| Covington | 2.4 | 14,395 | 0.8% | $705 |
| Des Moines | 17.0 | 29,510 | 3.1% | $2,622 |
| Federal Way | 29.0 | 83,850 | 6.6% | $5,571 |
| Issaquah | 2.0 | 13,790 | 0.8% | $647 |
| Kenmore | 3.0 | 19,180 | 1.1% | $921 |
| Kirkland | 12.5 | 45,790 | 3.2% | $2,717 |
| Lake Forest Park | 2.5 | 12,860 | 0.8% | $665 |
| Maple Valley | | 15,040 | 0.6% | $493 |
| Mercer Island | 4.0 | 21,955 | 1.3% | $1,109 |
| Newcastle | | 8,205 | 0.3% | $269 |
| North Bend | 2.0 | 4,735 | 0.4% | $350 |
| Redmond | 20.0 | 46,040 | 4.1% | $3,456 |
| Renton | 27.0 | 53,840 | 5.2% | $4,393 |
| Sammamish | 1.5 | 34,660 | 1.5% | $1,282 |
| SeaTac | 4.1 | 25,320 | 1.5% | $1,229 |
| Seattle | 155.0 | 570,802 | 40.0% | $33,793 |
| Shoreline | 18.0 | 53,250 | 4.1% | $3,497 |
| Tukwila | 11.0 | 17,270 | 1.9% | $1,637 |
| Woodinville | 1.5 | 9,830 | 0.6% | $468 |
| Algona | 3.0 | 2,525 | 0.4% | $250 |
| Beaux Arts Village | | 295 | | $250 |
| Black Diamond | | 4,015 | | $250 |
| Carnation | 0.0 | 1,905 | | $250 |
| Clyde Hill | 0.0 | 2,895 | | $250 |
| Duvall | 1.0 | 5,190 | | $250 |
| Hunt's Point | | 455 | | $250 |
| Medina | 0.7 | 3,010 | | $250 |
| Milton | | 815 | | $250 |
| Normandy Park | 0.4 | 6,395 | | $250 |
| Pacific | | 5,405 | | $250 |
| Skykomish | | 215 | | $250 |
| Snoqualmie | 1.0 | 4,210 | | $250 |
| Yarrow Point | | 1,010 | | $250 |

Estimated Annual Cost (salary/benefits) for JAG staff position = $88,000

Attachment A

**EXHIBIT B**
**TO INTERLOCAL AGREEMENT BETWEEN**
**THE CITIES CONTRACTING WITH YAKIMA**

| City or Town | 2003 EADP |
|---|---|
| Algona | 3.0 |
| Auburn | 88.5 |
| Beaux Arts Village | 0.0 |
| Bellevue | 27.0 |
| Black Diamond | 0.0 |
| Bothell | 2.0 |
| Burien | 4.0 |
| Carnation | 0.0 |
| Clyde Hill | 0.0 |
| Covington | 2.4 |
| Des Moines | 17.0 |
| Duvall | 1.0 |
| Federal Way | 29.0 |
| Issaquah | 2.0 |
| Kenmore | 3.0 |
| Kirkland | 12.5 |
| Lake Forest Park | 2.5 |
| Maple Valley | 0.0 |
| Medina | 0.7 |
| Mercer Island | 4.0 |
| Newcastle | 0.0 |
| Normandy Park | 0.4 |
| North Bend | 2.0 |
| Pacific | 0.0 |
| Redmond | 20.0 |
| Renton | 27.0 |
| Sammamish | 1.5 |
| SeaTac | 4.1 |
| Seattle | 155.0 |
| Shoreline | 18.0 |
| Skykomish | 0.0 |
| Snoqualmie | 1.0 |
| Tukwila | 11.0 |
| Woodinville | 1.5 |
| Yarrow Point | 0.0 |
| **TOTAL** | 440.1 |

Attachment A

# EXHIBIT C
# TO INTERLOCAL AGREEMENT FOR JAIL ADMINISTRATION

**Hypothetical Example - formulas for distributing unused bed capacity at Yakima**

Scenario: 3 cities contract with Yakima for a minimum of 130 beds. The cities are under their collective commitment by 20 beds; 2 cities are under and 1 city is over its bed commitment.

| Contract Cities | Total Bed Commitment (EADP) | Actual Bed Use | Unused Beds |
|---|---|---|---|
| City A | 80 | 70 | (10) |
| City B | 40 | 25 | (15) |
| City C | 10 | 15 | 5 |
| Total | 130 | 110 | (20) |

**Amount Owed to Yakima Under Formula Stated in Section 10 of this Agreement**

Each city pays for its unused beds but then receives a credit based on its % share of the total bed commitment. For example, City C exceeded its bed commitment by 5 beds. City A's share of this 5 bed overage (aka the "credit") is calculated by taking City A's % share of the total bed commitment (67%) times the overage of 5 beds = a credit of 3.3 beds. City C owes Yakima for 76.7 beds (EADP of 80 beds less the credit of 3.3 beds).

| Cities with Unused Bed Commitment | Total Bed Commitment (EADP) | % Share (EADP) | Actual Bed Use | | Unused Beds | | Credit | | Amount Owed to Yakima |
|---|---|---|---|---|---|---|---|---|---|
| City A | 80 | 67% | 70 | + | 10 | - | 3.3 | = | 76.7 |
| City B | 40 | 33% | 25 | + | 15 | - | 1.7 | = | 38.3 |
| Subtotal | 120 | 100% | 95 | + | 25 | - | 5.0 | = | 115.0 |
| City C | 10 | | 15 | + | 0 | - | 0 | = | 15 |
| Total | 130 | | 110 | + | 25 | - | 5 | = | 130 |

Attachment B

ARCHITECTURE • PLANNING

RICCIGREENEASSOCIATES

# JAG STUDY OF LOCAL JAIL POPULATION, CAPACITY, AND SERVICES

## KING COUNTY CITIES, WASHINGTON

**Executive Summary**

December 22, 2006

158 WEST 27TH STREET NEW YORK, NEW YORK 10001
T 212.563.9154 F 212.279.1037
WWW.RICCIGREENE.COM

# EXECUTIVE SUMMARY

## Introduction

Historically, King County municipalities have contracted with King and Yakima Counties to provide the majority of jail beds required for their misdemeanant populations. Both King and Yakima Counties have put the cities on notice that they will not continue these contracts beyond 2012 and 2010, respectively. The cities collectively agree that a plan is needed to meet their misdemeanant bedspace requirements in the near future and beyond.

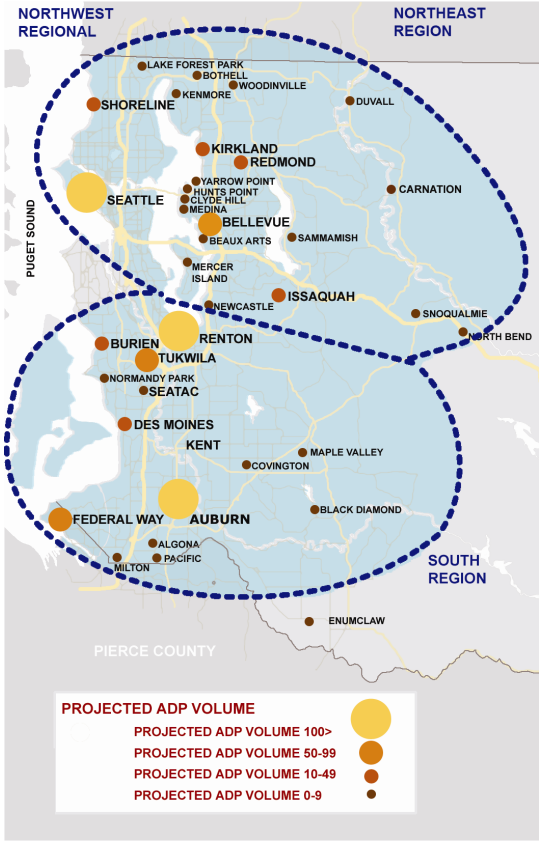
The Jail Administration Group (JAG) was formed in response and in 2005 a long-range jail planning process was initiated. The JAG hired Ricci Greene Associates (RGA) to analyze local jail population needs, capacity options, and services for its member cities. The overall goal of the study was to provide the JAG with a roadmap for best meeting misdemeanant city jail bedspace requirements and services once the existing contracts expire.

At the same time, the cities of Auburn and Seattle commissioned RGA to conduct independent but related studies of their systems. The main objective of these studies was to develop misdemeanant bedspace projections, related facility requirements, and cost estimates to allow the cities to assess the impact of operating their own jails independent of the JAG. Though separately funded, these studies were conducted simultaneously with the JAG study due to the inter-relationship between them.

A **needs assessment** was conducted to establish future misdemeanant bedspace capacity requirements. The study included an analysis of misdemeanant population characteristics and growth trends; and jail bedspace projections were generated by also assessing system practices impacting jail use, including alternatives to incarceration. The analysis revealed that the JAG cities will collectively need a total of 1450 misdemeanant jail beds over the next twenty years.

# EXECUTIVE SUMMARY

## Decision Flow Diagrams




The map displayed on the left organizes the County into North and South regions. These **geographical service zones** establish the framework for addressing jail bedspace/service requirements for proximate cities and for the system as a whole.

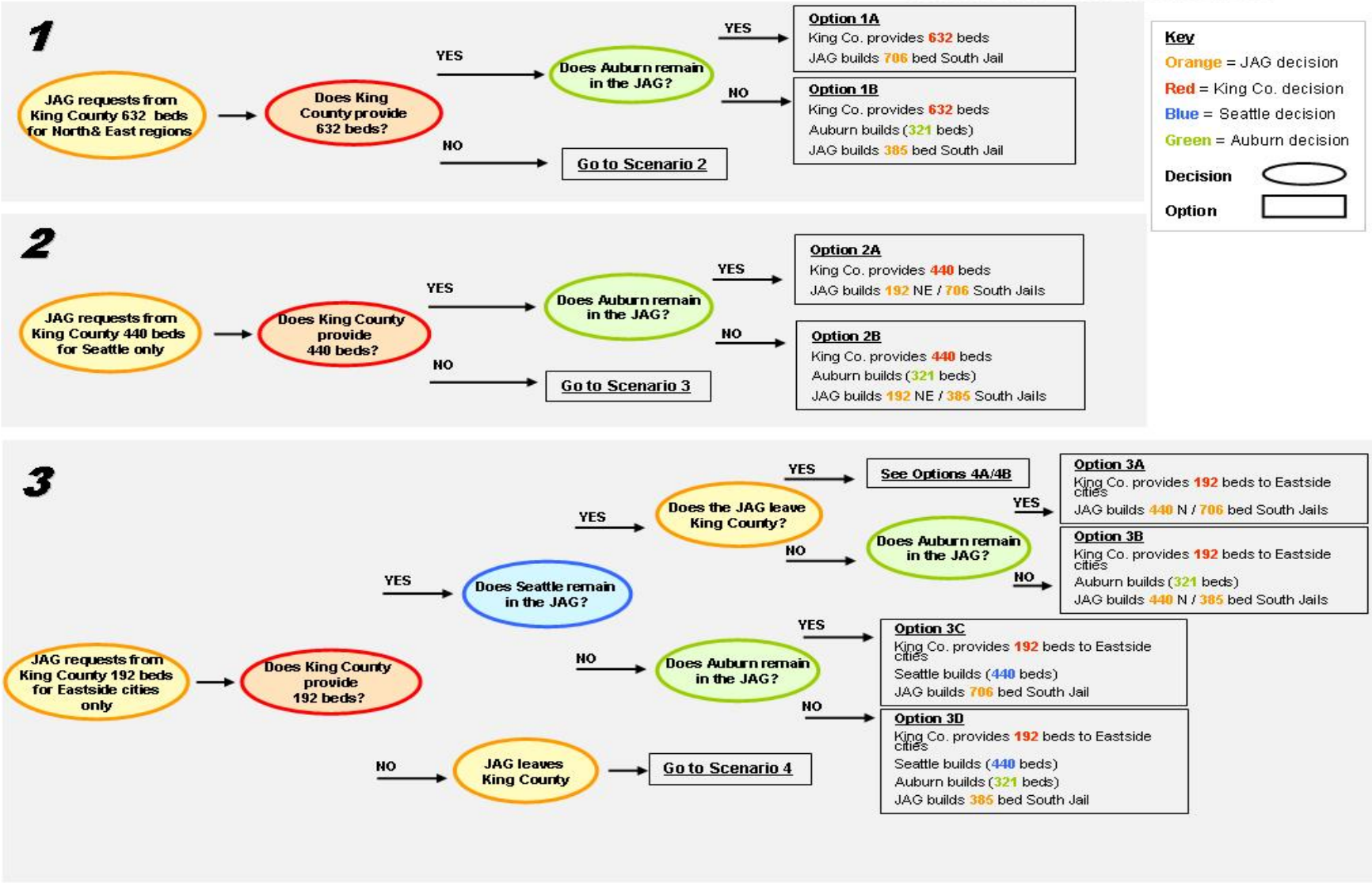
Several **strategic options** for meeting future bedspace requirements were generated through workshops with the JAG and city consortium (JOG - Jail Operating Group), based on identified goals, planning assumptions, and criteria. The options seek to meet needs through a variety of new or existing facility resources – including use of existing city jails, new construction, optimal utilization of King County facilities, or a combination of all these resources. The development of multiple options recognizes that there are many factors – some outside of the JAG's control – that will influence the number and locations of any new facilities. Examples include the future availability of King County beds, if any, and whether or not Seattle and/or Auburn leave the consortium and build their own facilities.

The options are illustrated in the following six **decision-tree flow diagrams.** Each diagram "tests" the impact of key variables (such as the number of King County beds requested by the JAG, and/or the continued participation or departure of Seattle and/or Auburn) by plotting a series of sequential decisions that could be made by the JAG based on the "what if" scenarios presented therein.

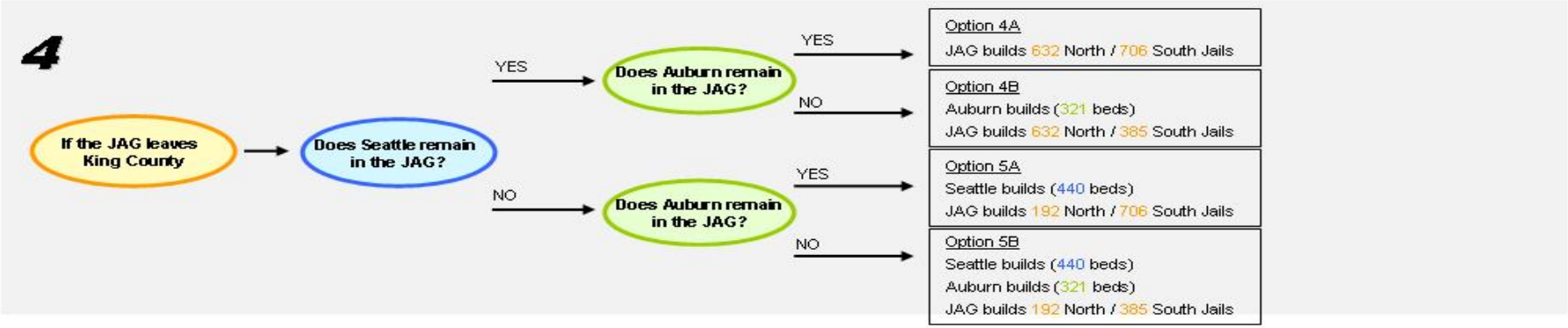
The decision flow diagrams are a tool for broad policy making. There are potential variations to the ones provided, and the decisions of other cities besides Seattle and Auburn could also affect the options, at least in terms of the total bedspace provided. In this regard, the document also becomes useful for continued planning, giving the JAG the capability to modify or create new options as policies and priorities continue to evolve within the JAG constituency.

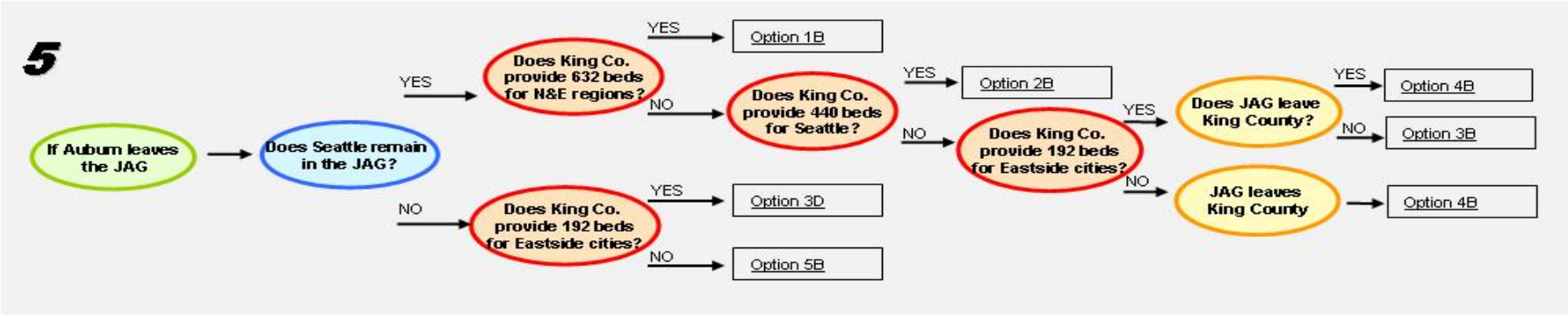
# EXECUTIVE SUMMARY

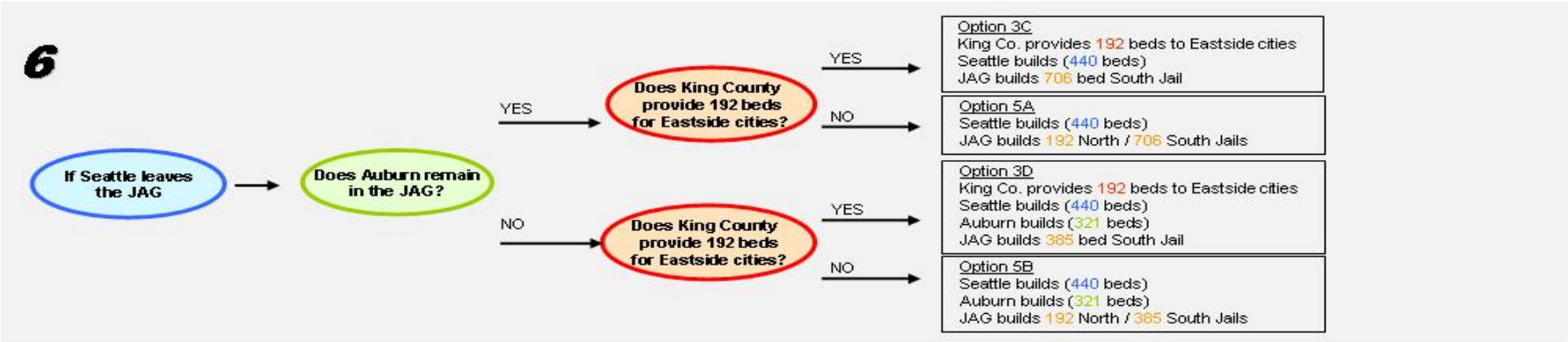
## DECISION FLOW SCENARIOS



# EXECUTIVE SUMMARY

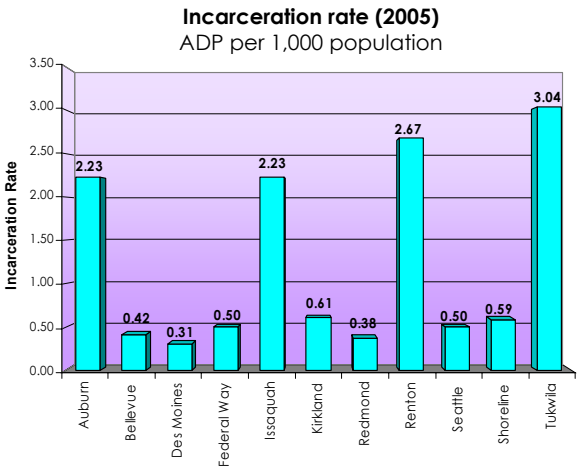


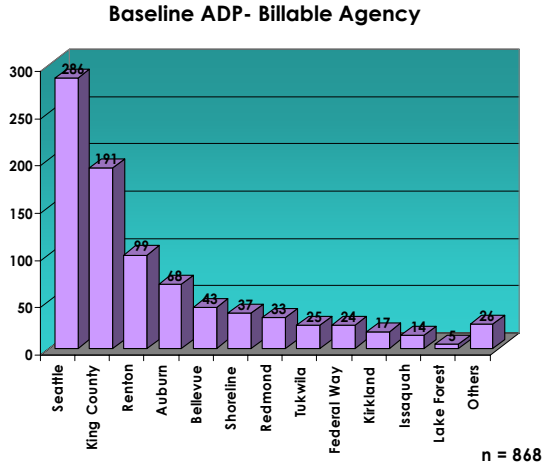



# EXECUTIVE SUMMARY

## Analysis and Key Findings




### JAIL POPULATION ANALYSES

The number and type of beds required for the city misdemeanant population included a review of criminal justice system indicators and an analysis of inmate population characteristics. System factors impacting bedspace were ascertained through a series of workshops, focus groups, meetings, and interviews with key criminal justice system stakeholders.

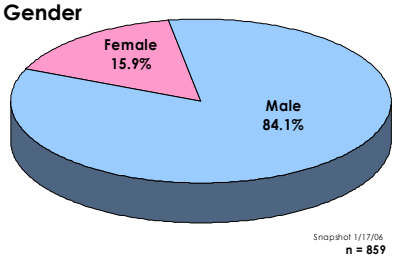
An **incarceration rate** for 2005 was established for each of the reporting cities. With the exception of Tukwila, three of the four highest incarceration rates belong to Auburn, Issaquah, and Renton - cities with jails. One explanation of this was the general consensus that "if you have it, they will come", implying that defendants are more likely to be incarcerated in a city where a jail is readily available. Seattle's low incarceration rate may lend further support to this theory. The established use of alternatives in Seattle was also identified as a contributing factor. The different incarceration rates for larger and smaller cities may also be explained by a varying "tolerance level" to low level crime and public nuisance offenses in larger vs. smaller jurisdictions.

**Inmate population profiles** were developed for a total of 868 city misdemeanants incarcerated in KCCF, RJC, Auburn, Issaquah, Renton, and Yakima County facilities on the day of the study (January 15, 2006). It should be noted that the analysis revealed a significant portion of inmates housed in King County facilities but not billed back to an originating jurisdiction. These "unbilled" inmates were not recognized in each city's own counts. For planning purposes, a decision was made to account for 50% of the unbilled population, attributed to the cities where this applied. This increased the 2005 ADP to 958 misdemeanants.

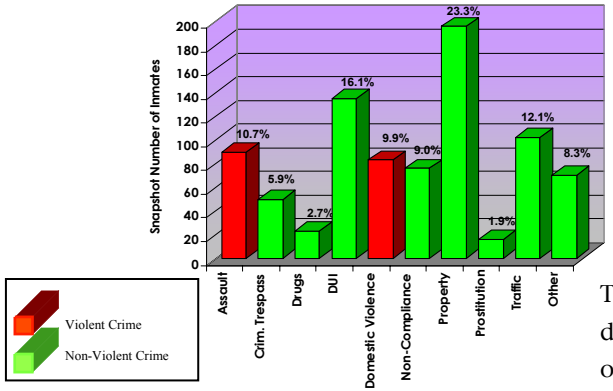
# EXECUTIVE SUMMARY

## Analysis and Key Findings

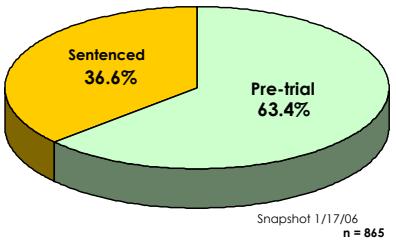
**Gender**




**Charge Type and Violent vs. Non-Violent Offenses**




**Charge Status**




The inmate profile analysis provides a descriptive account of the nature of the misdemeanant population comprising the local jail system. Overall, the King County city jail misdemeanant population exhibits the following key characteristics:

- 84% of the admissions are male
- The average age is 36; the median age is 42
- Over 45% of the cases originate in Seattle
- 40% are housed in King County facilities (KCCF, RJC, Work Release)
- 23% are housed in the Yakima County Jail
- 63% are of pre-trial status; 37% are sentenced
- The overwhelming majority of offenders (81%) are non-violent
- For 83% of the population, the reported offense is the only charge pending (no outstanding charges in another city)

The percentage of female inmates at 16% is consistent with the national average of 15-20%; and the majority distribution of pre-trial to sentenced offenders is similar to county jails nationally. Of interest is the median age of the population at 42 years old, compared to the 25-29 year national median. One possible explanation is the specific nature of the population itself – city misdemeanants on low level offenses vs. a felony population which typically fits into a younger "at-risk" age cohort.

In aggregate, these finding suggest that the local jails are largely populated by minor offenders who may be good candidates for alternatives to incarceration or minimum security housing.

## Analysis and Key Findings (cont'd)

### OVERVIEW OF SYSTEM PRACTICES

An **overview of current system practices** was conducted through a series of workshops, interviews, meetings, and focus groups. The following challenges in administering a County-wide jail system for the JAG cities' incarcerated misdemeanant population were revealed:

- The myriad of factors impacting the present system –- from inconsistent booking policies, to variable per diem rates, to court transport and the use of the Yakima County Jail –- sap local law enforcement agencies (especially those with minimal manpower). This results in workload and case processing inefficiencies when inmates in transit are not available or easily located for court; and creates safety and security concerns resulting from the unnecessary and constant movement of inmates from one location to another.

- The four existing city jails (Auburn, Renton, Issaquah, and Kirkland) do not have adequate capacity or appropriate physical plant to collectively accommodate the JAG cities' bedspace requirements. This results in a heavy dependence on King and Yakima Counties, and a patchwork system of billing for per diem bedspace services within the cities and between the cities and the counties.

- Because inmates are often housed in far proximity to their home courts, local law enforcement must spend a tremendous amount of time and manpower collecting inmates from the various facilities and delivering them to the courts for hearings.

- The ability of existing city jails to operate as viable correctional facilities in their communities is compromised by the inordinate amount of time spent accepting and monitoring transient inmates who pass through their facilities (transportation hubs) daily as they are shuttled from point A to point B, taxing already crowded and outmoded facilities.

# EXECUTIVE SUMMARY

## Analysis and Key Findings (cont'd)

### EXISTING FACILITIES ANALYSIS

An **analysis of existing jail facilities** was conducted based on a "walk-through" visit of five jail facilities currently serving King County cities, and each was assessed in terms of its potential for meeting future jail system capacity needs. The findings of these site evaluations are summarized as follows to reflect the utility of each facility as a resource for the JAG cities jail system.

King County Correctional Facility (KCCF)

Opened in 1986 and with a current capacity of 1,382 beds, is currently the primary resource for special needs populations, and is adequate to house general population, although it provides a very "hard" environment – not necessarily the most suitable for misdemeanant offenders. KCCF has direct connections to the County and City of Seattle courts, which is ideal for Seattle inmates.

King County Regional Justice Center (RJC)

Opened in 1997, RJC, with a current capacity of 893 single-bunked and 1,388 double-bunked beds, is the only direct supervision facility. It is modern and is very adequate functionally, and is connected to District and Superior Courts. Located in the city of Kent, it has a relatively central location to the southern county cities.

Auburn Jail

Auburn Jail was opened in 1977 in the basement of the City Hall building. Originally designed for 13 beds, its current capacity is stated at 52. The facility is very undersized, lacking adequate dayspace and program space. Its layout is functionally marginal, with poor circulation. Expansion is not feasible and renovation not advisable. Facility replacement is warranted.

# EXECUTIVE SUMMARY

## Analysis and Key Findings (cont'd)

Renton Jail

This facility opened in 1999. The jail has a current capacity of 50 beds and is in very good condition. However, the building layout is only fair functionally, as it was retrofitted into an existing mid-1980's office building/parking deck. Expansion is possible, but replacement should be considered.

Issaquah Jail

This is a relatively modern facility, opened in 2000, and located in the basement of City Hall. It has a capacity of 62 beds. Its layout is functionally adequate. This facility could continue to serve the JAG in some capacity.

Kirkland Jail

This small facility (12-bed capacity) opened in 1982, and is only for males. The condition, functional adequacy or expansion capability has not been evaluated, as on-site evaluation was not conducted.

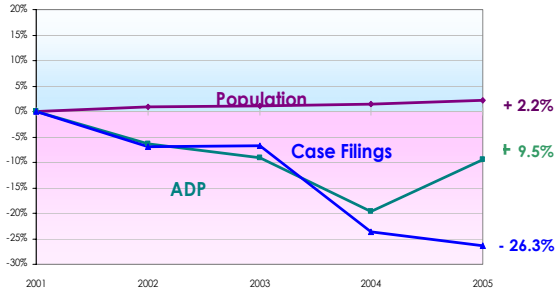
# EXECUTIVE SUMMARY

## Analysis and Key Findings (cont'd)

### JAIL POPULATION AND BEDSPACE PROJECTIONS

City misdemeanant Average Daily Population (ADP) forecasts were generated over a twenty-year period as the basis for establishing overall future bedspace requirements. The analysis included examination of jail census activity as well as other potential indicators such as County population growth trends, historical misdemeanant case filings, and potential impact of new or anticipated changes in criminal justice system practices.

**ADP, Misdemeanor Filings, County Population**
*Annual Percent Change (Relative to 2001)*




King County's general population grew significantly in the 1980's and 1990's, but more recent population estimates assume a decrease in the growth rate since year 2000. Misdemeanor case filings have been declining since 2003 and have decreased more than 26% in the five-year study period. Average Daily Jail Population (ADP) as reported for 2001 – 2005 declined overall until a recent upturn since year 2004. Many cities indicated that recent ADP trends are showing a continued increase.

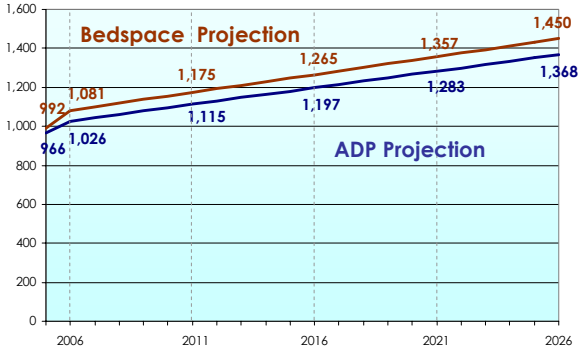
Comparing these three variables revealed no predictive correlation between system trends and ADP activity – suggesting that factors such as legislative changes/recent trends in DWLS charges and other system practices are also impacting ADP growth. Accordingly, several "best fit" scenarios for ADP projections were discussed in workshop forum with the JOG/JAG, and a collective judgment of an overall growth assumption of 25% over 20 years emerged.

# EXECUTIVE SUMMARY

## Analysis and Key Findings (cont'd)

A more detailed study of **alternatives to incarceration** was conducted, including a review of current programs supplemented by workshops and focus groups with program staff. The analysis showed that within the county there were several providers with expertise in serving the low-risk criminal justice population effectively through day reporting, pre-trial services, work release, and electric monitoring programs. The consultant team suggested a more collaborative effort between the different local criminal justice agencies to invest in expanding and enhancing programs. The inclusion of a treatment component for mental health or chemically dependent populations was recommended as well in some of the alternative programs to help break the cycle of recidivism associated with the existing jail population.

**Jail Bedspace Projections**




The impact of the enhanced initiatives was "tested" for its impact on the baseline bedspace projections by identifying the potential pool of jailed offenders who meet the proposed eligibility criteria. It was determined that the increased use of alternatives to incarceration would result in an overall reduction of 10.6% from the ADP projection.

The ADP projections were then converted into **jail bedspace requirements** by applying a 15% "utilization factor" to account for cell maintenance, classification and population "peaking" that is experienced in jails. This is basic jail facility planning practice. Bedspace forecasts are displayed in five-year increments through year 2026.

For planning purposes, the consensus was to use the 20-year projection and plan the local jail system for a total of 1,450 beds.

# EXECUTIVE SUMMARY

## Development of Options

A series of **system/facility options** were developed to inform decisions about the general amount of space and location of facilities required to meet the Cities' future jail needs. The options were based on a set of planning assumptions established with the JAG/JOG and responsive to the issues and findings generated throughout the planning process:

- JAG cities comprise a collective system, requiring "jail system" planning rather than city-by-city response.
- The total projected bedspace demand for the 37 JAG cities has been established at 1,450 beds.
- JAG cities will no longer utilize Yakima County Jail.
- Renton (50 beds) and Issaquah (62 beds) existing facilities remain open in all options.
- Auburn existing facility will not remain in use in the long run. Auburn will decide either to build its own new jail or to be part of a southern region consortium.
- All scenarios should assume that a "public authority" is created to build/operate all new facilities for easier planning and implementation and more consistency in costs, contracts and services.
- Where a contract with King County for beds is still an option, King County is treated as a single entity, with no distinction made between KCCF and RJC. JAG interest in King County beds is primarily for accommodating the needs of Seattle and the North county cities.
- Contracting with King County for beds is not a feasible option if King County cannot provide at least enough beds to cover the needs of the Northeast County cities (approx. 192 beds).
- Kirkland needs are included in all options. Kirkland may build its own facility, but adjustments can be easily made if and when Kirkland decides whether to participate in the JAG.

## Development of Options (cont'd)

- In all options where a regional jail is created, regional transport systems should be considered to and from the Court. Local law enforcement agencies will still provide transportation to the booking facility and arraignment hearing.
- All facilities provide booking 24/7.
- JAG facilities will accommodate and provide services for medical/mental health populations.
- One or two courtrooms should be provided in each regional facility.
- Housing Units should not exceed 64 beds. This assumption is reflected in the development of staffing and construction planning and associated costs.

Capacity options were identified based on the best distribution of local jail beds within King County for accommodating future jail and service needs, and geographical service zones were established accordingly. In some options, the North zone is further broken down into Seattle and Northeast (which includes Shoreline for planning purposes). Accordingly, zones are flexible, and based on the option selected it may make sense to revise the boundaries to more evenly distribute beds and shorten travel distances. It should be noted as well that specific cities where proposed facilities might be built have not been identified at this stage. Final location of such facilities will necessitate further analysis and policy discussions between the JAG cities.

The strategic options seek to meet needs through a variety of new or existing facility resources - including expansion/reconfiguration of existing city jails, new construction, optimal utilization of King County facilities, or a combination of all these resources.

## Development of Options (cont'd)

**Cost/benefit estimates** were generated for each option, providing sufficient information for decision-makers to better understand the general facility capital and operational costs associated with each option. It should be noted that the Seattle region market is now about 20 – 25% higher than it was when cost estimates were generated during the options development phase of the project (Summer 2006), due primarily to a lack of public bidding competition. If this trend holds, escalation used for these estimates may need to be increased substantially. The JAG should continue to monitor local construction costs before committing to any anticipated construction budget.

The construction, staffing, operational and maintenance costs associated with each option were compared and both capital and operational costs were run through a 30-year life cycle cost analysis to generate a cost per bed per day.

Although the options offer varying costs and benefits, deciding on an option will be primarily the result of the series of decisions made by the JAG, King County, and the cities of Seattle and Auburn (the latter cities on whether or not they continue to participate in the JAG). Therefore, the options are presented as an end result of six different decision flow paths (presented earlier), each with several variations. These decision paths culminate in a total of twelve possible options, depicted in the **options matrix** on the following page. The matrix provides a summary description of the characteristics of each option, number of JAG new facilities and beds, geographic zones served by new and/or existing jail facilities and order-of-magnitude costs (construction, staffing and operations) for new JAG facilities proposed.

Although the costs provided assume that the JAG will house some of the medical and mental health inmates, even with the King County options, projected staffing and operational costs for medical/mental health populations were not analyzed in detail for this study, and require further analysis in subsequent stages of project development.

There are no facility programs, designs or actual staffing plans at this stage of project development. Therefore, the costs are speculative, i.e. "order-of-magnitude". Comparison of per diem costs, therefore, should not be the primary determining factor in decision-making. Overall benefit, feasibility and other qualitative factors are just as important.

Attachment B

# Summary of Options

| | # King County BEDS | JAG # New JAILS | JAG # New BEDS | Annual JAG Costs (excludes King Co. bed cost) Construction | Staffing&Oper. | TOTALS Annual | TOTALS Per Diem |
|---|---|---|---|---|---|---|---|
| **Option 1A** | | | | | | | |
| King County provides beds | | | | | | | |
| JAG builds South Regional Jail | 632 | 1 | 706 | $5,295,000 | $24,710,000 | **$30,005,000** | **$117** |
| **Option 1B** | | | | | | | |
| King County provides beds | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds South Regional Jail | 632 | 1 | 385 | $2,887,500 | $13,475,000 | **$16,362,500** | **$117** |
| **Option 2A** | | | | | | | |
| King County provides beds | | | | | | | |
| JAG builds North Regional Jail east of the lake | | | 192 | $1,600,000 | $7,680,000 | $9,280,000 | $133 |
| JAG builds South Regional Jail | 440 | 2 | 706 | $5,295,000 | $24,710,000 | $30,005,000 | $117 |
| | | | | | | **$39,285,000** | **$120** |
| **Option 2B** | | | | | | | |
| King County provides beds | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds North Regional Jail east of the lake | | | 192 | $1,600,000 | $7,680,000 | $9,280,000 | $133 |
| JAG builds South Regional Jail | 440 | 2 | 385 | $2,887,500 | $13,475,000 | $16,362,500 | $117 |
| | | | | | | **$25,642,500** | **$122** |
| **Option 3A** | | | | | | | |
| King County provides beds | | | | | | | |
| JAG builds North Regional Jail in Seattle | | | 440 | $3,666,667 | $15,400,000 | $19,066,667 | $119 |
| JAG builds South Regional Jail | 192 | 2 | 706 | $5,295,000 | $24,710,000 | $30,005,000 | $117 |
| | | | | | | **$49,071,667** | **$118** |
| **Option 3B** | | | | | | | |
| King County provides beds | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds North Regional Jail in Seattle | | | 440 | $3,666,667 | $15,400,000 | $19,066,667 | $119 |
| JAG builds South Regional Jail | 192 | 2 | 385 | $2,887,500 | $13,475,000 | $16,362,500 | $117 |
| | | | | | | **$35,429,167** | **$118** |
| **Option 3C** | | | | | | | |
| King County provides beds | | | | | | | |
| Seattle builds (440 beds) | | | | | | | |
| JAG builds South Regional Jail | 192 | 1 | 706 | $5,295,000 | $24,710,000 | **$30,005,000** | **$117** |
| **Option 3D** | | | | | | | |
| King County provides beds | | | | | | | |
| Seattle builds (440 beds) | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds South Regional Jail | 192 | 1 | 385 | $2,887,500 | $13,475,000 | **$16,362,500** | **$117** |
| **Option 4A** | | | | | | | |
| JAG builds North Regional Jail in Seattle | | | 632 | $5,266,667 | $22,120,000 | $27,386,667 | $119 |
| JAG builds South Regional Jail | 0 | 2 | 706 | $5,295,000 | $24,710,000 | $30,005,000 | $117 |
| | | | | | | **$57,391,667** | **$118** |
| **Option 4B** | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds North Regional Jail in Seattle | | | 632 | $5,266,667 | $22,120,000 | $27,386,667 | $119 |
| JAG builds South Regional Jail | 0 | 2 | 385 | $2,887,500 | $13,475,000 | $16,362,500 | $117 |
| | | | | | | **$43,749,167** | **$118** |
| **Option 5A** | | | | | | | |
| Seattle builds (440 beds) | | | | | | | |
| JAG builds North Regional Jail east of the lake | | | 192 | $1,600,000 | $7,680,000 | $9,280,000 | $133 |
| JAG builds South Regional Jail | 0 | 2 | 706 | $5,295,000 | $24,710,000 | $30,005,000 | $117 |
| | | | | | | **$39,285,000** | **$120** |
| **Option 5B** | | | | | | | |
| Seattle builds (440 beds) | | | | | | | |
| Auburn builds (321 beds) | | | | | | | |
| JAG builds North Regional Jail east of the lake | | | 192 | $1,600,000 | $7,680,000 | $9,280,000 | $133 |
| JAG builds South Regional Jail | 0 | 2 | 385 | $2,887,500 | $13,475,000 | $16,362,500 | $117 |
| | | | | | | **$25,642,500** | **$122** |

# 2. SYSTEM OVERVIEW ANALYSIS AND FINDINGS

With the exception of Tukwila, three of the four highest incarceration rates belonged to Auburn, Issaquah, and Renton - cities with jails. One explanation of this was the general consensus that "if you have it, they will come", implying that defendants are more likely to be incarcerated in a city where a jail is readily available. Seattle's low incarceration rate may lend further support to this theory. However, the established use of alternatives in Seattle was also identified as a contributing factor to its comparatively low incarceration rate. The disparity between incarceration rates of the larger and smaller cities may also be explained by a differing "tolerance level" to low level crime and public nuisance offenses in larger vs. smaller jurisdictions.

## System Factors Impacting Bedspace Utilization

### Methodology

Other system factors and actions affecting the location and housing of offenders were also identified and discussed through a series of interviews with County representatives and other key stakeholders, JAG/JOG workshops and focus groups. This review yielded qualitative information regarding inmate transport, booking practices, intercity coordination, current use of alternatives to incarceration, and the general configuration of the jail system as a whole. The highlights of the qualitative factors identified as impacting bedspace are summarized in the following pages.

### Analysis and Findings

*Inmate transport*

Transport of city misdemeanant inmates within the local and County jails system translates into significant man hours for JAG cities and inefficiencies for the consortium as a whole. In an attempt to quantify the impact and cost of current transport practices, financial and workload data were requested from the JAG cities in the form of a detailed questionnaire. Responses were few and the data that was provided was not usable for transport cost evaluation. Due to the unfeasibility of conducting an accurate quantitative analysis based on the reported data, it was agreed that the analysis of transport would be qualitative.

# 2. SYSTEM OVERVIEW ANALYSIS AND FINDINGS

Several issues shape the breadth and depth of the inmate transport situation, including movement from arresting law enforcement agencies to jails, between jail facilities, and to and from court. These issues were reviewed and discussed in meeting venues with JOG/JAG members (including a general roundtable discussion of system issues), and at a smaller focus groups with law enforcement representatives.

Transportation practices in King County showed to be complex due to the various contractual relationships that exist between the cities themselves and with King and Yakima Counties. This process revealed a fragmented system highlighting several inter-related weaknesses and gaps inherent in the current method of operation. Some of these factors are within the purview of the JAG's ability to reshape them; others are not. Inmate transport transcends most if not all of the issues identified by and explored with JAG/JOG members during the planning process. Key findings are described below.

*Contracts and Per Diem Rates*

The current misdemeanant jail system in King County is complicated by a multiplicity of contracts and arrangements that exist among the cities and between the cities and King and Yakima Counties. King County currently has a contract with 36 of the 37 JAG cities within the County for misdemeanant jail services, a contract that established a timeline and population caps to remove the cities' misdemeanant population from county facilities by 2012. A consortium of 35 cities contract with Yakima, located in Eastern Washington, for beds needed in excess of the King County caps until 2010. Four of the JAG cities operate their own municipal jails. Most of the cities without jails may also contract with Renton, Auburn, Issaquah and/or Kirkland for bed space.

To a large extent, the King County city jails system is shaped and influenced by the fiscal ramifications of a contractual system and a "billable agency" hierarchy. When someone is booked and the County determines that there are multiple warrants, the paying city is the one that has the highest bail amount.

After the first billable agency dispenses with the prisoner (e.g. Bellevue arraigns and releases the prisoner), the prisoner is then the charge of the next highest bail, and they may not know it or take responsibility for the prisoner

for 1 to 3 days. That second jurisdiction with the warrant is usually called right away and asked to come get their prisoner. However, if there are outstanding warrants from more than one jurisdiction, although by "policy" the next highest bail governs, in practice, geography and cooperation may determine who gets the prisoner next. For inmates with concurrent sentences, King County bills the jurisdiction with the longest sentence, or if that doesn't work, the jurisdiction with the first booking. At other jails, the costs are usually split 50/50.

While King County's $97 per diem is relatively higher than that of the individual cities, these are the only facilities with the capacity to house special inmates. The County is presently in the process of studying true costs for services and for housing a variety of inmate classifications; a modified rate schedule for different populations (e.g. special need inmates) is anticipated. The downtown location of KCCF and its proximity to the courts makes this the preferred facility for the city of Seattle.

Yakima County contracts with several cities at a relatively competitive per diem rate of $63. While some transport services are also included, the remote location of the facility, coupled with recent management concerns has led the JAG to reconsider the long-term commitment to this facility.

The practice of "shopping around" for the best per diem results in a fragmented system where cities sometimes relocate their own inmates to facilities with a lower per diem rate and then rent out their own jail beds to other cities at a higher one. This, and the disparity in per diem between county and some city facilities, both result in increased transport activity when inmates must be picked up from one facility and taken to another in an effort to minimize the costs associated with incarceration.

### *Use of Yakima County*

The reliance on Yakima County to provide much of the jail bedspace for King County's incarcerated misdemeanants results in a continuous cycle of picking up and dropping off inmates to and from the cities jail facilities, and transport to the Yakima County jail for housing and/or back for local court hearings. Yakima is responsible by contract to provide transportation for the inmates it houses. However individuals are constantly shuffled back and forth to the city jails that serve as "transportation hubs" along the way due in large measure to

the geographical distance of the Yakima facility located two to three hours east of most King County cities. While some cities attempt to utilize Yakima for populations who have completed their court cases and are serving county sentences, the lack of bedspace within the county requires that many pre-trial inmates are housed in remote geographical proximity to the courts. In these instances, Yakima County transports inmates with court hearings to the jails where they are then picked up by local law enforcement for transport to the court. The process repeats itself to return the inmate to Yakima.

This situation relegates the local jails to serve as "hubs" for accommodating the significant volume of transient inmates who pass through rather than operating as viable correctional facilities. This disrupts daily operations and crowding facilities that are already inadequate and undersized. Considerable time is spent dealing with transportation at each jail, with some estimates as high as one FTE per jail.

There are a few other issues regarding the housing of city misdemeanants in the Yakima County Jail. JAG cities contracting with Yakima pay a per diem rate for a negotiated minimum number of beds. This means that cities pay for the contracted bed regardless of use. The financial implication of this practice is significant – Seattle alone has reported paying for close to 100 empty beds daily for large periods of time. A related impact of such contractual terms is the potential influence on the decision to place an inmate on (and pay for) an alternatives to incarceration program when there is a paid empty jail bed. While there are no visible statistics, many participants noted that paying for unused beds might very well have such repercussions. Compounded over time, these are resources that can be better spent developing an in-house system for addressing the JAG inmate population bedspace requirements.

Finally, documented safety, security, and management concerns at the Yakima County Jail have renewed and strengthened concerns about continued reliance on the facility. As of this writing, one city (Renton) has severed its contract with Yakima County.

Attachment C

# DRAFT WORK PROGRAM / Jail Task Force

| | 5.07 | 6.07 | 7.07 | 8.07 | 9.07 | 10.07 | 11.07 | 12.07 |
|---|---|---|---|---|---|---|---|---|
| **Set scope of planning effort** | | | | | | | | |
| TF purpose / objectives / scope | | | | | | | | |
| Ricci Greene findings | | | | | | | | |
| Identify cities participating | | | | | | | | |
| Decide size / timing of bed gap | | | | | | | | |
| **Identify providers** | | | | | | | | |
| Contract options | | | | | | | | |
| King County future | | | | | | | | |
| **Select favored options** | | | | | | | | |
| Review RGA options | | | | | | | | |
| Select & apply criteria | | | | | | | | |
| Narrow to 2-3 | | | | | | | | |
| Prepare presentation for cities | | | | | | | | |
| **Refine options** | | | | | | | | |
| Present to city councils | | | | | | | | |
| Adjust / create hybrid? | | | | | | | | |
| Select favored option | | | | | | | | |
| Scope feasibility study | | | | | | | | |
| **Design governance** | | | | | | | | |
| Examine models / draft structure | | | | | | | | |
| Prepare recommendation to cities | | | | | | | | |
| Present to city councils | | | | | | | | |
| **Prepare report & present** | | | | | | | | |
| Draft report: favored option & goverance | | | | | | | | |
| Deliver to Assembly | | | | | | | | |

# Analysis of Jail Options: City of Kirkland, Washington

CRS Incorporated
Gettysburg, Pennsylvania
May 2007

## EXECUTIVE SUMMARY

The City of Kirkland currently operates a 12-bed jail facility[1] that is equipped to hold misdemeanant detainees for up to 30 days. On an average day, approximately seven inmates are housed in the jail, but many more are held temporarily awaiting transfer to other jails or to court. All female inmates are transferred to other facilities, as are the many inmates who cannot be housed in the current 12-bed jail facility either because of capacity or classification issues.[2] Kirkland has contracts with other jurisdictions, including King County, Yakima County, Issaquah, Enumclaw, and several other local jails to board excess inmates.

Kirkland is one of 37 municipalities that have worked together to develop contracts and to explore long-term options in King County. These efforts have become more urgent due to several developments:

- In 2002 King County advised the contracting cities that misdemeanant jail facilities will no longer be available, and entered into an interlocal agreement with contracting cities to phase out their use of King County jail facilities by December 31, 2012.

- The City, along with other cities in King County, also signed an interlocal agreement with Yakima County to contract for 12.5 beds per day through December 31, 2009.

- The City of Kirkland is considering annexation of an area designated as its Potential Annexation Area ("PAA") that will potentially add another 33,000 residents to the existing 47,180 and increase the size of Kirkland from 11 to 18 square miles.

- In order to provide adequate space for new employees who would be hired as a result of annexation and to address the current space shortage, the City is also considering purchasing or constructing a public safety building that would incorporate a misdemeanant jail.

- The City is also considering participation in a regional communications center (NORCOM), requiring the assessment of the operational implications of the regional model if Kirkland consolidates its communications functions in a different facility.

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[1] The average daily population (ADP) of the 12-bed jail is approximately 7. It is not realistic to expect a higher utilization rate because of the high level of turnover of inmates and the need to ensure space is available for all newly-arrested detainees.

[2] Some inmates are suitable for housing in the 12-bed jail but are transferred because space is not available. Other inmates are transferred because their security classification and/or special needs make them unsuitable for the 12-bed facility.

In this fast-changing context, with all its uncertainties, Kirkland is attempting to chart a course for the future of its detention and corrections operations and facilities.

The City of Kirkland is facing a difficult jail decision that requires consideration of many factors. Five options have been analyzed:

1. Reduce operations to 4-hour lockup. Book arrestees and arrange for their transfer to other jails within four hours of admission, reducing jail staffing requirements, while increasing transport staffing and board costs. This short-term detention function is efficiently incorporated into the other four options.

2. Continue 12-bed jail operation. This option is considered the "baseline" for the other options, especially for staffing levels.

3. House all minimum security inmates. In addition to a short-term lockup, housing minimum security inmates offers a staff-efficient approach because this inmate population is able to be managed with lower ratios of staffing and with less expensive facilities. Male and female inmates who are not classified as minimum security would continue to be transported and housed at other jails.

4. Meet all Kirkland needs in a full-service jail. This option eliminates the need for boarding inmates at other jails, except for those charged with felonies, who are housed by King County. Staffing levels for this option are higher than for options 2 and 3.

5. Operate a full-service jail with extra capacity for other municipalities. Adding another housing unit (32 beds) to option 4 produces an economy of scale that reduces the net costs per day for Kirkland inmates and allows for future Kirkland inmate population growth.

This report estimates the costs and addresses other implications of each option. A 20-year life cycle cost analysis was conducted, providing an opportunity to identify debt service costs, and to reflect the impact of our assumptions about inmate boarding costs.

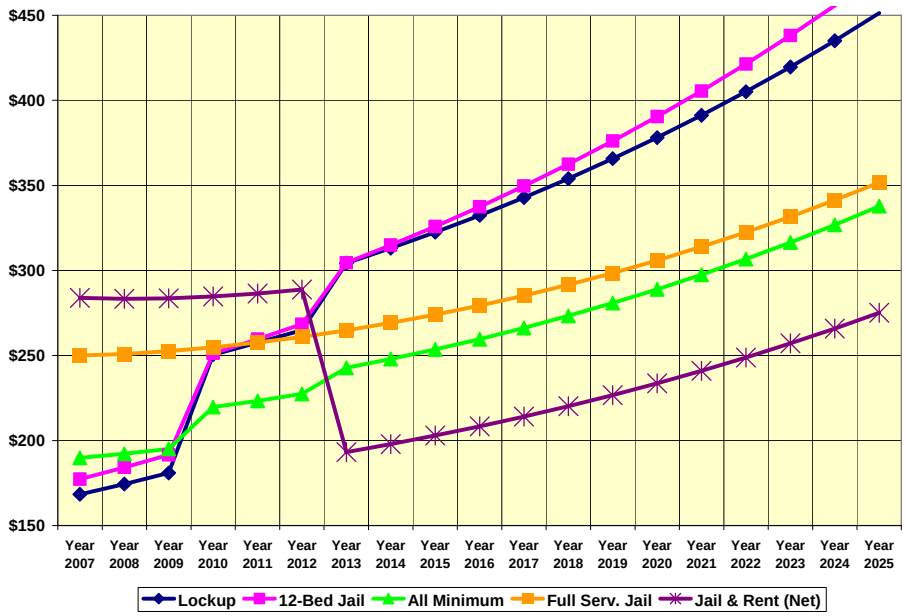
Each alternative was analyzed against the following criteria:

- Costs
  - Cost per Bed Day
  - Average Annual Costs
  - Total 20-Year Costs
- Expansion considerations- how well does the option provide for future expansion needs?
- Siting of jail facilities in Kirkland- the degree of difficulty increases with scale of jail
- Control- the ability of the City to ensure control over--
  - Costs
  - Quality
  - Programs and Services
  - Availability of Beds

- Local economy- where City dollars are spent
- Law enforcement considerations- accessibility of suspects, witnesses
- Transportation/Safety issues- higher levels of transport not only increase costs but also pose safety and security risks

Figure 1 depicts the projected cost per bed day for each option, for each of the twenty years.

**Figure 1: Cost Per Bed Day, A- No Annexation**




Two cost factors prove pivotal for the cost analysis: staffing and board rates. Staffing costs for the existing jail increased markedly in 2007 with the addition of 5 more full-time correctional officers. Yet this much higher level of jail staffing is still below the level recommended by the consultants in October 2006 (current authorized staff is 10.0 FTE's and a supervisor, while our earlier report recommended 13.5 FTE's and a supervisor).[3] The City enjoyed very low jail operations costs until 2007, but also assumed substantial risk. The expanded jail staffing substantially reduces risk and provides better protection for jail staff, inmates and the community.

Staffing costs for every option are formidable, even if a jail is not operated. The volume of Kirkland jail admissions (nearly 2,000 annually) will require nearly continuous transportation to another jail if Option 1 (4-hour lockup) is adopted. Further, the 4-hour holding cells would have to be staffed whenever one or more inmates are detained. It is important to note that if Kirkland is able to participate in a regional jail, a local lockup would still be required as a staging area for arrestees, along with substantial transportation effort and expense.[4] The current 12-bed jail, Option 2 in this report, emerges as the most costly solution, representing the worst of both

[3] *City of Kirkland Jail Operations Review*, CRS Inc. October 2006. Included in this report as Appendix E.
[4] It is possible that a regional transportation system could somewhat reduce Kirkland's transportation costs.

staffing and boarding costs. This option requires as many employees as a larger facility (Option 3) but also incurs substantial boarding costs.

Estimated board rates are increased markedly when current contracts with other counties expire at the end of years 2009 and 2012. The estimated daily board costs for years 2013 forward are based on the average daily cost incurred in Option 5, which is the least costly option ($193.22/day in 2013). We believe that these board rates are realistic, in part because they consider administrative and operating costs that are underestimated in other studies. If the City is able to find significantly lower cost sources for boarding inmates after 2012, the cost profiles for options 1, 2 and 3 could change, as well as the overall ranking of costs for all options. However, we believe that it is unlikely for any public entity[5] to offer daily board rates that are significantly lower than the estimates used in this analysis.

A summary of advantages and disadvantages of each option is presented below.

**Figure 2: Summary of Advantages and Disadvantages**

| OPTION | Advantages | Disadvantages |
|---|---|---|
| **1. Lockup** | * Low capital costs<br>* Small facility to relocate if jail is moved | * Relies on other jurisdictions for almost all inmate beds<br>* Offers virtually no control of bedspace supply, quality, programs and costs<br>* Exports majority of jail dollars to other jurisdictions<br>* Presents highest level of transport costs and security challenges |
| **2. 12-Bed Jail** | * Low or no capital costs<br>* Small facility to relocate if jail is moved | * Highest costs per bed day, and average annual cost<br>* Low control of availability of beds, quality, programs and costs<br>* High level of inmate transportation<br>* Exports many local dollars |
| **3. All Minimum** | * Offers second-lowest daily and annual costs, and lowest total 20-year costs<br>* Reduces reliance on other jurisdictions<br>* Increases control over bed availability, cost, quality and programs by supplying 2/3 of the needed beds locally | * Retains some reliance on other jurisdictions<br>* Requires substantial level of inmate transport, but less than Options 1 and 2<br>* Requires contracting out for most costly inmates (e.g. psych., medical, and higher security) |

[5] Under Washington law, jail facilities may not be operated by the private sector.

| | | |
|---|---|---|
| | * Smaller facility with less serious offenders easier to locate<br>* Moderate capital costs | |
| **4. Full Jail** | * Offers best control of costs (does not rely on others for beds or revenues)<br>* Offers full control of quality, programs, and availability<br>* If properly sited and designed, offers future expansion<br>* Increases efficiency for Police Department<br>* Eliminates transport to other jails (except felons to King)<br>* Keeps all dollars in Kirkland | * 3rd highest daily costs, 3rd highest annual and total costs<br>* Requires substantial capital costs<br>* Poses location challenges |
| **5. Jail & Rent** | * Lowest daily, annual and total costs-- if revenues meet targets<br>* Offers high control of costs (but relies on others for revenues)<br>* Offers full control of quality, programs, and availability<br>* Provides larger scale for programs<br>* Extra beds built for rental may be converted for local use when needed<br>* Keeps all inmates readily available to police<br>* Eliminates transport to other jails (except felons to King)<br>* Keeps all dollars in Kirkland and imports dollars from other jurisdictions | * Requires highest capital costs<br>* Poses location challenges due to larger scale<br>* Brings inmates from other jurisdictions into the City, transport risks higher<br>* Market risk exists if full cost recovery does not yield a competitive rate |

When control and dependence on others are factors, Options 4 and 5 are most desirable. Conversely, when the complexity of an option is considered (as with siting issues, capital costs), Options 1 and 2 are rated higher. This underscores the need for City officials and other stakeholders to determine their priorities in order to make an informed jail decision. If bottom-line costs are the most important, for example, Option 5 emerges as the most desirable. But if ease of siting and avoidance of capital costs are most important, Option 5 falls to last place.

When current board contracts expire, the City's costs will increase markedly. There are no inexpensive options.

No single option satisfies all of the criteria fully. To make a decision, the City must articulate its priorities and policies to identify the best plan to meet long-term jail needs.

## I. Introduction

On August 28, 2006, CRS Incorporated[6] entered into a professional services agreement with the City of Kirkland to examine current jail operations and to analyze options for the future. Our initial efforts focused on an operational review of current jail operations, producing a report in October 2006 that recommended substantial staffing increases and addressed other aspects of the jail operations. The City Council authorized five additional jail officers shortly after the report was submitted.

## II. Background

A regional study commissioned by 37 municipalities in King County (JAG Report) was scheduled to conclude in October. Delays in that project resulted in the release of the first draft report on October 31, 2006, and the completion of the final report in late January 2007. Many aspects of the regional study were similar to the work we were implementing for Kirkland, and we were anxious to have the final JAG report to facilitate our efforts to provide comparable analyses.

The City of Kirkland currently operates a 12-bed jail facility[7] that is equipped to hold misdemeanant detainees for up to 30 days. On an average day, approximately seven inmates are housed in the jail, but many more are held temporarily awaiting transfer to other jails or to court. All female inmates are transferred to other facilities, as are the many inmates who cannot be housed in the current 12-bed jail facility either because of capacity or classification issues.[8] Kirkland has contracts with other jurisdictions, including King County, Yakima County, Issaquah, Renton and Enumclaw, to board excess inmates.

Kirkland is one of 37 King County municipalities that have worked together to develop contracts and to explore long-term options. These efforts have become more urgent in recent months due to several developments:

- In 2002 King County advised the contracting cities that misdemeanant jail facilities will no longer be available, and entered into an interlocal agreement with contracting cities to phase out of the King County jail facilities by December 31, 2012.

- The City, along with other cities in King County, also signed an interlocal agreement with Yakima County to contract for 12.5 beds per day through December 31, 2009.

- The City of Kirkland is considering annexation of an area designated as its Potential Annexation Area ("PAA") that will potentially add another 33,000 residents to the existing 47,180 and increase the size of Kirkland from 11 to 18 square miles.

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[6] CRS Incorporated is a non-profit organization created in 1972, located in Gettysburg, Pennsylvania. www.correction.org

[7] The average daily population (ADP) of the 12-bed jail is approximately 7. It is not realistic to expect a higher utilization rate because of the high level of turnover of inmates and the need to ensure space is available for all newly arrested detainees.

[8] Some inmates are suitable for housing in the 12-bed jail but are transferred because space is not available. Other inmates are transferred because their security classification and/or special needs make them unsuitable for the 12-bed facility.

- In order to provide adequate space for new employees who would be hired as a result of annexation and to meet the current space shortage, the City is also considering purchasing or constructing a public safety building that would incorporate a misdemeanant jail.

- The City is also considering participation in a regional communications center (NORCOM), requiring the assessment of the operational implications of the regional model if Kirkland consolidates its communications functions in a different facility.

In this fast-changing context, with all its uncertainties, Kirkland is attempting to chart a course for the future of its detention and corrections operations and facilities.

## III. Methodology

The City of Kirkland is facing a difficult jail decision that requires consideration of many factors. Five options have been analyzed:

1. Reduce operations to 4-hour lockup. Book arrestees and arrange for their transfer to other jails within four hours of admission, reducing jail staffing requirements, while increasing transport staffing and board costs. This short-term detention function is efficiently incorporated into the other four options.

2. Continue 12-bed jail operation. This option is considered the "baseline" for the other options, especially for staffing levels.

3. House all minimum security inmates. In addition to a short-term lockup, housing minimum security inmates offers a staff-efficient approach because this inmate population is able to be managed with lower ratios of staffing and with less expensive facilities. Male and female inmates who are not classified as minimum security would continue to be transported and housed at other jails.

4. Meet all Kirkland needs in a full-service jail. This option eliminates the need for boarding inmates at other jails, except for those charged with felonies, who are housed by King County. Staffing levels for this option are higher than for options 2 and 3.

5. Operate a full-service jail with extra capacity for other municipalities. Adding another housing unit (32 beds) to option 4 produces an economy of scale that reduces the net costs per day for Kirkland inmates and allows for future Kirkland inmate growth. Our analysis of this option calculated board revenues and subtracted them from total costs to produce a net cost to the City.

This report estimates the costs and addresses other implications of each option. A 20-year life cycle cost analysis was conducted, providing an opportunity to reflect debt service costs, and to reflect assumptions about inmate boarding costs.

Each alternative was analyzed against the following criteria:

- Costs
  - Cost per Bed Day
  - Average Annual Costs
  - Total 20-Year Costs
- Expansion considerations- how well does the option provide for future expansion needs?
- Siting of jail facilities in Kirkland- degree of difficulty increases with scale of jail
- Control- the ability of the City to ensure control over--
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  - Availability of Beds
- Local economy- where City dollars are spent
- Law enforcement considerations- accessibility of suspects, witnesses
- Transportation/Safety issues- higher levels of transport not only increase costs but also pose safety and security risks

For each of the preceding options, we have estimated costs for:

A. City of Kirkland inmates without annexation.
B. City of Kirkland inmates *plus* inmates associated with annexation.

Figure 3 on the following page describes the key characteristics of each option, without annexation (A). Figure 4 provides the same information for each option with annexation (B).

**Figure 3: Key Characteristics of Each Option, Without Annexation (A)**

| **A. No Annexation** | **1. Lockup** | **2. 12-Bed Jail** | **3. All Minimums** | **4. Full Jail** | **5. Jail & Rental** |
|---|---|---|---|---|---|
| **Percent of Kirkland detention days housed in Kirkland** | **4%** (416 in 2007) | **23.6%** (2,457 in 2007) | **65%** (6,768 in 2007) | **100%** (10,513 in 2007) | **100%** (10,513 in 2007) |
| **Number of Kirkland *Jail* employees (full-time equivalents-FTE) in 2025** | 6.5 | 12.0 | 12.0 | 17.5 | 21.1 |
| **Number of Kirkland *Transport* Employees (FTE) in 2025** | 6.5 | 5.3 | 3.5 | 2.5 | 2.5 |
| **TOTAL KIRKLAND EMPLOYEES in 2025** | **13.0** | **17.3** | **15.5** | **20.0** | **23.6** |
| **Average Daily Inmates Housed In Kirkland in 2025** | None | 6.5 inmates | 31.0 inmates | 45.9 inmates | 77.9 inmates |
| **Construction costs for renovation (millions)** | None | None | $5.07 | $8.45 | $12.96 |
| **Construction costs for new construction (millions)** | None | None | $7.90 | $13.18 | $20.20 |

Options 4 and 5 are designed to meet all of the City's detention needs, while Option 3 (Minimum Security) would house an estimated 65% of the inmates.

**Figure 4: Key Characteristics of Each Option, With Annexation (B)**

| **B. With Annexation** | **1. Lockup** | **2. 12-Bed Jail** | **3. All Minimums** | **4. Full Jail** | **5. Jail + Rental** |
|---|---|---|---|---|---|
| **Percent of Kirkland detention days housed in Kirkland** | **4%** (631 in 2007) | **15.8%** (3,721 in 2007) | **65%** (10,249 in 2007) | **100%** (15,769 in 2007) | **100%** (15,769 in 2007) |
| **Number of Kirkland Jail employees (full-time equivalents-FTE) in 2025** | 6.5 | 12.0 | 12.0 | 17.5 | 21.1 |
| **Number of Kirkland *Transport* Employees (FTE) in 2025** | 7.7 | 8.1 | 5.3 | 3.7 | 3.7 |
| **TOTAL KIRKLAND EMPLOYEES in 2025** | **14.2** | **20.1** | **17.3** | **21.2** | **24.8** |
| **Average Daily Inmates Housed in Kirkland Jail in 2025** | None Lockup Only | 6.5 inmates | 46.4 inmates | 68.8 inmates | 100.8 inmates |
| **Construction costs for renovation (millions)** | None | None | $9.01 | $12.96 | $17.47 |
| **Construction costs for new construction (millions)** | None | None | $14.05 | $20.20 | $27.23 |

All of the cost estimates in this report are based on renovation of an existing building, rather than new construction. The scope and scale of facilities associated with each option are described in Appendix A, along with the annual costs that should be added to the renovation costs to adjust upward to represent new construction.

Figures 3 and 4 identify the number of FTE jail employees and transport employees associated with each option, for the Year 2025. All employee estimates include a full-time administrator. Medical employees are not included, as they are addressed in the per-inmate-day medical costs for each year. The overall levels of jail staffing are low by national standards, but are consistent with regional standards and practices.[9]

Jail staffing levels for Options 4A and 4B are the same. The additional average daily inmate population in the Year 2025 resulting from annexation (22.9 inmates) is not large enough to require a higher level of jail staffing patterns. The same is true for Options 5A and 5B. Jail staffing needs do not increase directly with the number of inmates, but rather respond to the

[9] The new Issaquah jail has a capacity of 70 inmates and operates with 12 FTE employees, including a full-time administrator and transport/court supervision employees. The jail in Renton, with constrained staffing efficiency caused by the limitations imposed by renovations, operates with 11 FTE employees including an administrator. Our jail staffing levels are actually higher than both of these local facilities.

number of *housing units* that must be staffed. The impact of annexation on Options 4 and 5 do not trigger the need for additional housing units.

Annexation increases the scale of all options substantially. Appendix B describes the projected number of inmate detention days with, and without, annexation for the twenty-year period.

Estimated board rates are increased substantially when current contracts with other counties expire at the end of years 2009 and 2012. The estimated daily board costs for years 2013 forward are based on the average daily cost incurred in Option 5, which is the least costly option ($193.22/day in 2013). Figure 5 describes the daily board rates for years 2007 through 2015.

**Figure 5: Estimated Board Costs, 2007 - 2015**

| Facility | Year 2007 | Year 2008 | Year 2009 | Year 2010 | Year 2011 | Year 2012 | Year 2013 | Year 2014 | Year 2015 |
|---|---|---|---|---|---|---|---|---|---|
| **Yakima** | $71.47 | $75.05 | $78.80 | **$181.13** | **$184.85** | **$188.87** | **$193.22** | **$197.90** | **$202.92** |
| **Others** | $67.28 | $69.63 | $72.07 | $74.59 | $77.20 | $79.90 | **$193.22** | **$197.90** | **$202.92** |

We believe that these board rates are realistic, in part because they consider administrative and operating costs that are underestimated in other studies. If the City is able to find significantly lower-cost sources for boarding inmates after 2012, the cost profiles for options 1, 2 and 3 could change markedly, as well as the overall ranking of costs for all options. We believe that it is unlikely for any public entity[10] to offer daily board rates significantly lower than our estimates.

The methodology included the following procedures and assumptions:

- Inflation was added at the rates of 6% for staffing costs and 3.5% for all other costs
- Construction costs were based on 20-year serial bonds at the rate of 4.18%[11]
- Board rates were based on current contracts and rates until 2013, and were then based on the average daily cost for Option 5 (Jail plus Rental) for each subsequent year
- Transportation costs associated with inter-city movement of inmates to other jails were calculated, identifying staffing effort separately from vehicle costs, and increasing these cost elements by 6% and 3.5% annually, respectively
- Court transportation and supervision costs were applied to all Kirkland inmates, no matter where they were housed, identifying staffing effort separately from vehicle costs, and increasing these cost elements by 6% and 3.5% annually, respectively
- Facility operating costs, department overhead, and other indirect costs were factored in for each option

Appendix C presents a detailed description of the methods used to calculate costs. Appendix D provides detailed findings for each option for individual years in five-year increments.

[10] Under Washington law, jail facilities may not be operated by the private sector.

[11] Our estimates are based on construction having been completed in the first year of the analysis, rather than in future years. This was done to simplify the findings and to make them more comparable to the JAG report, but could be altered in subsequent reports if needed.

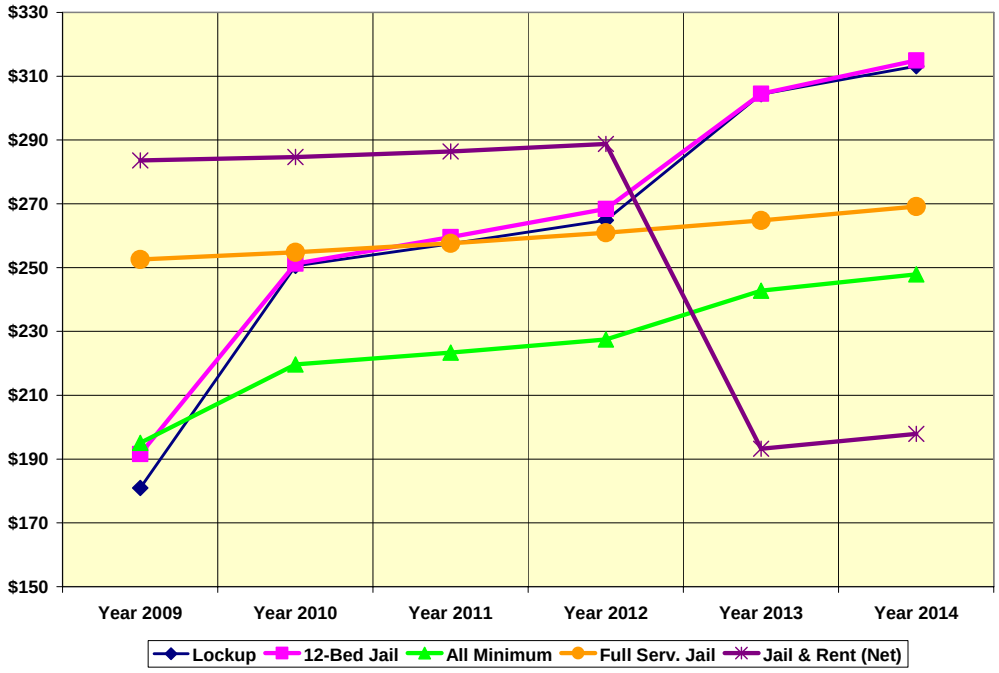
## IV. Summary of Cost Projections

This report focuses on the costs associated with each option, over a twenty year period. There are several ways to examine the costs, including:

- Cost per bed day
- Total annual costs
- Total 20-year costs

Each of these perspectives provides different insights into the cost implications of each option. Figure 1 provided a view of daily costs for each of the options for the 20-year life cycle cost period. It identified substantial change in years 2010 and 2013, caused by higher estimated board costs when current contracts expire. Figure 6 depicts the projected cost per bed day for each option, as a close-up on the years during which board rates are expected to change.

**Figure 6: Close-Up of Cost Per Bed Day, A-No Annexation**




Year 2010 shows the first change in board rates, when the Yakima contract is replaced with higher estimated board costs. Options 1 and 2, which rely heavily on boarding out, rise sharply in 2010. Year 2013 completes the transition period, reflecting the higher costs for all board days, and yet another sharp rise in costs for Options 1 and 2. Conversely, Option 5 decreases in 2013 as the result of much higher board-in revenues, resulting from the increased daily board rates.

Two cost factors prove pivotal for the cost analysis: staffing and board rates. Staffing costs for the existing jail increased markedly with the addition of 5 full-time correctional officers. Yet this much higher level of jail staffing is still below the level we recommended in October 2006.[12] The City enjoyed very low jail operations costs until this year, but also assumed substantial risk.

[12] *City of Kirkland Jail Operations Review*, CRS Inc. October 2006. Included in this report as Appendix E.

The expanded jail staffing reduces risk substantially, and provides better protection for jail staff, inmates and the community.

Staffing costs for every option are formidable, even if a jail is not operated. The volume of Kirkland jail admissions (nearly 2,000 annually) will require nearly continuous transportation to another jail, if Option 1 (4-hour lockup) is adopted. Further, the 4-hour holding cells would have to be staffed whenever one or more inmates are detained. It is important to note that if Kirkland is able to participate in a regional jail, the local lockup would still be required as a staging area of arrestees, along with substantial transportation effort and expense.[13] The current 12-bed jail, Option 2 in this report, emerges as the most costly solution, representing the worst of both staffing and boarding costs. This option requires as many staff as a larger facility (Option 3) but also incurs substantial boarding costs.

Most striking is the change of Option 5 (Jail and Rental Beds) from most expensive in 2012 to least expensive in 2013. This is explained by the impact of higher board rates as *costs* for Options 1 through 3, and as *revenues* for Option 5. At the same time, Option 1- Lockup, goes from least expensive in 2012 to fourth most costly in 2013, fueled by the jump in board fees.

Figure 6 suggests the extraordinary impact that board fees have on the relative costs of each option. If board fees are not structured to reflect full cost recovery (and remain artificially low) after 2012, the board-dependent options would continue to prove less costly.

In our analysis, the cost per day for boarding increases to $193.22 in 2013, reflecting the actual average cost per bed day associated with Option 5 in that year. While this rate might seem unusually high, it is actually comparable to costs cited in other studies and sources:

- The King County rate, if increased by 6% per year from its current rate, would be $187 in 2013
- Daily costs reported in the JAG study ($117 to $133) would escalate to $188 in 2013 using the same rate of inflation
- A legislative study[14] of regional solutions to inmates with mental health problems found the daily costs to be $121 to $152 depending on the size of the regional facility (representing a range of $181 to $216 in 2013)

We believe that the daily costs presented in this study present the most realistic estimates to date because they include substantial consideration of administrative and operating costs that are underestimated in other studies. Our work was informed by a fiscal analysis conducted by the City of Kirkland, and includes various direct and indirect costs factors.

Examining <u>total annual costs</u> reveals a slightly different perspective. Figure 7 describes the average annual costs for each option for a 20-year period.

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[13] It is possible that a regional transportation system could reduce Kirkland's transportation costs.

[14] Analysis of Establishing a Regional Jail Facility for Offenders with Mental Health or Co-Occurring Mental and Chemical Dependency Disorders. State of Washington, Joint Legislative Audit and Review Committee (JLARC). February 16, 2006

**Figure 7: Average Annual Costs** (A- Without Annexation)

| Option | Average Annual | Rank (1=lowest cost) |
|---|---|---|
| Lockup | $4,719,344 | **4** |
| 12-Bed Jail | $4,860,427 | **5** |
| All Minimum | $3,773,377 | **2** |
| Full Jail | $4,128,131 | **3** |
| Jail & Rent (Net) | $3,482,889 | **1** |

Finally, total costs for twenty years offer yet another perspective, and a breakdown of cost elements provides insights into the cost profile for each option. Figure 8 shows the impact of staffing costs on each option, and the impact of board costs on options 1 through 3.

**Figure 8: Total 20-Year Costs, A- No Annexation**

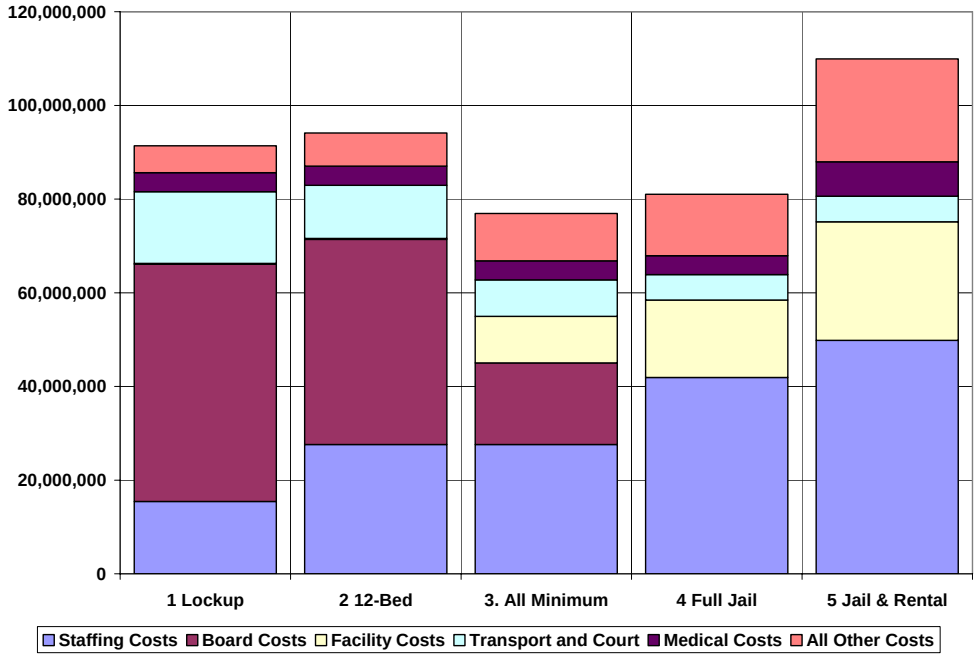
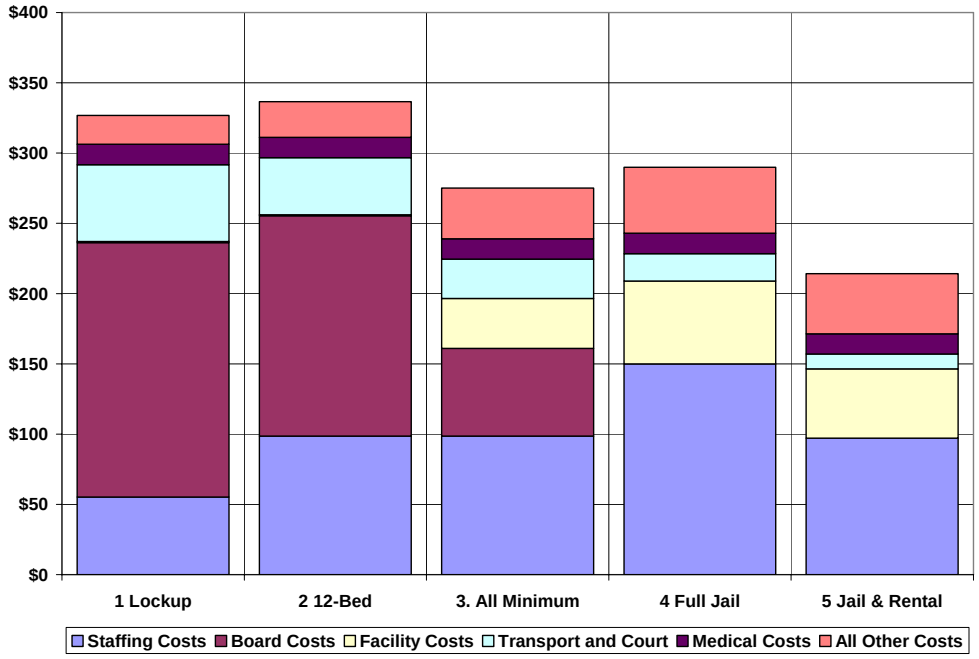



Figure 8 demonstrates that Option 5 is the most expensive in terms of *total* costs. This underscores the somewhat speculative nature of Option 5, which is premised on generating substantial offsetting revenue by boarding inmates for other jurisdictions.

If revenues do not meet expectations, the City could be saddled with higher costs. Board revenues could fall short for several reasons, including an overall decline in crime and incarceration rates, or more likely due to competition from another provider that would offer beds for less, driving down daily revenues per bed.

**Figure 9: 20-Year Average Daily Cost, A- No Annexation**




*From the perspective of costs*, all options become substantially more expensive than current jail operations after 2012, when board rates are expected to increase markedly.

If board rates were to remain at the current low levels, adjusted for annual inflation, Option 1 is the least costly for the twenty-year period because it relies heavily on boarding out inmates at rates that are artificially low (i.e. because they are not recovering all costs). Option 3 becomes the second less costly solution under that scenario because it boards approximately one-third of the City's inmates in other jails, and houses the remaining inmates in a low-security setting that is staff-efficient and less expensive to construct.

Under the assumptions used for this analysis, Option 5 offers the lowest daily, annual and total costs (net after revenues). This results from the economy of scale that is produced by adding a housing unit to board inmates from other jurisdictions. *If* the board rate charged to others is equal to the average daily per bed cost for the facility, the City enjoys a substantial savings compared to operating a jail that meets only its own needs (as in Option 4). However, if other providers emerge and offer lower board rates, the savings are eroded and at some point may even disappear.

<u>Annexation</u> does not change the rankings shown in Figure 9. The larger inmate population to be accommodated if annexation is accomplished has the following impact on actual costs, compared to no annexation:

- Cost per bed day is consistently lower due to economies of scale
- Average annual costs are higher due to the greater number of inmates
- Total 20-year costs are higher due to the greater number of inmates

## V. Analysis

This report presents cost estimates in an effort to inform City officials as they determine how to respond to the growing inmate population. Costs have been estimated and presented in the previous section, but costs are not the only considerations.

Figure 10 presents our assessment of the extent to which each option satisfies a broad range of factors, including:

- Costs
  - Cost per Bed Day
  - Average Annual Costs
  - Total 20-Year Costs
- Expansion considerations- how well does the option provide for future expansion needs?
- Siting of jail facilities in Kirkland- degree of difficulty increases with scale of jail
- Control- the ability of the City to ensure control over--
  - Costs
  - Quality
  - Programs and Services
  - Availability of Beds
- Local economy- where City dollars are spent
- Law enforcement considerations- accessibility of suspects, witnesses
- Transportation/Safety issues- higher levels of transport not only increase costs but also pose safety and security risks

**Figure 10: Summary of Advantages and Disadvantages**

| OPTION | Advantages | Disadvantages |
|---|---|---|
| **1. Lockup** | * Low capital costs<br>* Small facility to relocate if jail is moved | * Relies on other jurisdictions for almost all inmate beds<br>* Offers virtually no control of bedspace supply, quality, programs and costs<br>* Exports majority of jail dollars to other jurisdictions<br>* Presents highest level of transport costs and security challenges |
| **2. 12-Bed Jail** | * Low or no capital costs<br>* Small facility to relocate if jail is moved | * Highest costs per bed day, and average annual cost<br>* Low control of availability of beds, quality, programs and costs<br>* High level of inmate transportation<br>* Exports many local dollars |

| | | |
|---|---|---|
| **3. All Minimum** | * Offers second-lowest daily and annual costs, and lowest total 20-year costs<br>* Reduces reliance on other jurisdictions<br>* Increases control over bed availability, cost, quality and programs by supplying 2/3 of the needed beds locally<br>* Smaller facility with less serious offenders easier to locate<br>* Moderate capital costs | * Retains some reliance on other jurisdictions<br>* Requires substantial level of inmate transport, but less than Options 1 and 2<br>* Requires contracting out for most costly inmates (e.g. psych., medical, and higher security) |
| **4. Full Jail** | * Offers best control of costs (does not rely on others for beds or revenues)<br>* Offers full control of quality, programs, and availability<br>* If properly sited and designed, offers future expansion<br>* Keeps all inmates readily available to police<br>* Eliminates transport to other jails (except felons to King)<br>* Keeps all dollars in Kirkland | * 3rd highest daily costs, 3rd highest annual and total costs<br>* Requires substantial capital costs<br>* Poses location challenges |
| **5. Jail & Rent** | * Lowest daily, annual and total costs-- if revenues meet targets<br>* Offers high control of costs (but relies on others for revenues)<br>* Offers full control of quality, programs, and availability<br>* Provides larger scale for programs<br>* Extra beds built for rental may be converted for local use when needed<br>* Increases efficiency for Police Department<br>* Eliminates transport to other jails (except felons to King)<br>* Keeps all dollars in Kirkland and imports dollars from other jurisdictions | * Requires highest capital costs<br>* Poses location challenges due to larger scale<br>* Brings inmates from other jurisdictions into the City, transport risks higher<br>* Market risk exists if full cost recovery does not yield a competitive rate |

When control and dependence on others are factors, Options 4 and 5 are most desirable. Conversely, when the complexity of an option is considered (as with siting issues, capital costs), Options 1 and 2 are rated higher. This underscores the need for City officials and other stakeholders to determine their priorities in order to make an informed jail decision. If bottom-

line costs are the most important, for example, Option 5 emerges as the most desirable. But if ease of siting and avoidance of capital costs are most important, Option 5 falls to last place.

Program considerations address the types of programs that would be offered to City inmates. When other jurisdictions house Kirkland inmates, the City has no control over what, if any, programs and services are provided. Options 3, 4 and 5 provide the opportunity for Kirkland to develop effective programs to address various inmate needs, increasing the possibility that some inmates might not return to confinement or escalate their criminal behavior. While this might sound more like prison-level activity, many small jails throughout the United States provide effective and cost-efficient programs and services, in partnership with existing local resources, and through the efforts of volunteers.

Also, the characteristics of Kirkland's inmates are ideal for the development of effective and productive work activities, both within the jail and in the community. Productive inmates are easier to manage, and the public embraces the premise that inmates should be occupied while confined. If Kirkland inmates are engaged in work activities in other jurisdictions (Options 1 and 2), the value of their labor accrues to the host.

Law enforcement considerations involve the ability of Kirkland Police to easily access arrestees during the first hours and days of their arrest, the ability to continue to have access to defendants during their pretrial confinement, and the ability to follow-up on various aspects of investigations. Options 4 and 5, which keep all Kirkland inmates in a local jail, address these concerns most effectively.

One option that has not been included in this analysis is the participation of Kirkland in a regional jail facility that is jointly owned and operated by the partner jurisdictions. Several of the scenarios in the JAG study include such a regional approach. Regional partnerships, while challenging to develop, are proving effective in various locations in the United States. A regional solution offers the prospect of lower daily costs for all partners, but this must be carefully evaluated to ensure that cost projections are complete and accurate. If Kirkland were to be a partner in such a facility, a lockup or a small jail would still be required for local short-term detention and inmate processing (similar to Option 1).

We believe that such hybrid options-- a combination of local operations and large-scale boarding at another site-- may end up being more costly than operating a full service jail in Kirkland (Option 4), and would definitely be more costly than operating a full service jail with extra beds for rental (Option 5). Our conclusion is based on the cost of accommodating short-term detention and transportation for Kirkland inmates, while also paying the costs of a full-service facility at another location.

The preceding analysis does not substantially change when <u>annexation</u> is added to the formula. The increased scale associated with annexation generally:

- lowers daily costs per bed
- increases annual costs
- increases capital costs
- increases the difficulty of finding an acceptable site

## VI. Summary

The City is facing a difficult jail decision that requires consideration of many factors. No future option offers the low level of costs currently enjoyed by the City as board rates are released in 2013 to reflect actual costs and high demand, and as the City upgrades current jail operations by increasing staffing levels.

This report estimates the costs and addresses other implications of each option. When control and dependence on others are factors, Options 4 and 5 are most desirable. Conversely, when the complexity of an option is considered (as with siting issues, capital costs), Options 1 and 2 are rated higher.

This underscores the need for City officials and other stakeholders to determine their priorities in order to make an informed jail decision. If bottom-line costs are the most important, for example, Option 5 emerges as the most desirable. But if ease of siting and avoidance of capital costs are most important, Option 5 falls to last place.

When current board contracts expire, the City's costs will increase markedly. There are no inexpensive options.

No single option satisfies all of the criteria fully. To make a decision, the City must articulate its priorities and policies to identify the best plan to meet long-term jail needs.

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## APPENDICES

**APPENDIX A: Description of Facilities Associated with Options 3, 4 and 5 and Construction Cost Adjustments**

**APPENDIX B: Projected Inmate Population**

**APPENDIX C: Description of Spreadsheet Elements and Calculations**

**APPENDIX D: Cost Breakdowns for 5-Year Increments, 5 Options**

**APPENDIX E: City of Kirkland Jail Operations Review, October 2006**

# APPENDIX A: Description of Facilities Associated with Options 3, 4 and 5 and Construction Cost Adjustments

| Option | | Beds | SF/Bed | Tot SF | $/SF | Total $ |
|---|---|---|---|---|---|---|
| 3A | Ren | 36 | 450 | 16200 | 313 | $5,070,600 |
| | New | 36 | 450 | 16200 | 488 | $7,905,600 |
| 3B | Ren | 64 | 450 | 28800 | 313 | $9,014,400 |
| | New | 64 | 450 | 28800 | 488 | $14,054,400 |
| 4A | Ren | 60 | 450 | 27000 | 313 | $8,451,000 |
| | New | 60 | 450 | 27000 | 488 | $13,176,000 |
| 4B | Ren | 92 | 450 | 41400 | 313 | $12,958,200 |
| | New | 92 | 450 | 41400 | 488 | $20,203,200 |
| 5A | Ren | 92 | 450 | 41400 | 313 | $12,958,200 |
| | New | 92 | 450 | 41400 | 488 | $20,203,200 |
| 5B | Ren | 124 | 450 | 55800 | 313 | $17,465,400 |
| | New | 124 | 450 | 55800 | 488 | $27,230,400 |

## Costs Per Year to Add to Renovation Costs to Yield New Construction Costs

| | **Year 1** | **Year 2** | **Year 3** | **Year 4** | **Year 5** | **Year 6** | **Year 7** | **Year 8** | **Year 9** | **Year 10** |
|---|---|---|---|---|---|---|---|---|---|---|
| 4A | $255,150 | $249,480 | $243,810 | $238,140 | $232,470 | $226,800 | $221,130 | $215,460 | $209,790 | $204,120 |
| 4B | $453,600 | $443,520 | $433,440 | $423,360 | $413,280 | $403,200 | $393,120 | $383,040 | $372,960 | $362,880 |
| 5A | $425,250 | $415,800 | $406,350 | $396,900 | $387,450 | $378,000 | $368,550 | $359,100 | $349,650 | $340,200 |
| 5B | $652,050 | $637,560 | $623,070 | $608,580 | $594,090 | $579,600 | $565,110 | $550,620 | $536,130 | $521,640 |
| 6A | $652,050 | $637,560 | $623,070 | $608,580 | $594,090 | $579,600 | $565,110 | $550,620 | $536,130 | $521,640 |
| 6B | $878,850 | $859,320 | $839,790 | $820,260 | $800,730 | $781,200 | $761,670 | $742,140 | $722,610 | $703,080 |
| | **Cont.** | | | | | | | | | |
| | **Year 11** | **Year 12** | **Year 13** | **Year 14** | **Year 15** | **Year 16** | **Year 17** | **Year 18** | **Year 19** | **Year 20** |
| 4A | $198,450 | $192,780 | $187,110 | $181,440 | $175,770 | $170,100 | $164,430 | $158,760 | $153,090 | $147,420 |
| 4B | $352,800 | $342,720 | $332,640 | $322,560 | $312,480 | $302,400 | $292,320 | $282,240 | $272,160 | $262,080 |
| 5A | $330,750 | $321,300 | $311,850 | $302,400 | $292,950 | $283,500 | $274,050 | $264,600 | $255,150 | $245,700 |
| 5B | $507,150 | $492,660 | $478,170 | $463,680 | $449,190 | $434,700 | $420,210 | $405,720 | $391,230 | $376,740 |
| 6A | $507,150 | $492,660 | $478,170 | $463,680 | $449,190 | $434,700 | $420,210 | $405,720 | $391,230 | $376,740 |
| 6B | $683,550 | $664,020 | $644,490 | $624,960 | $605,430 | $585,900 | $566,370 | $546,840 | $527,310 | $507,780 |

# APPENDIX B: Projected Inmate Population

| | Aver Daily Pop (ADP) | ADP with Annex-ation | Felony ADP 3.65% | Felony ADP w/ Annex | Non Felony ADP | Non Felony ADP w/ Annex |
|---|---|---|---|---|---|---|
| Year 2007 | 29.9 | 44.8 | 1.1 | 1.6 | 28.8 | 43.2 |
| Year 2008 | 30.9 | 46.4 | 1.1 | 1.7 | 29.8 | 44.7 |
| Year 2009 | 31.9 | 47.9 | 1.2 | 1.7 | 30.8 | 46.2 |
| Year 2010 | 32.9 | 49.4 | 1.2 | 1.8 | 31.7 | 47.6 |
| Year 2011 | 33.9 | 50.9 | 1.2 | 1.9 | 32.7 | 49.0 |
| Year 2012 | 34.9 | 52.3 | 1.3 | 1.9 | 33.6 | 50.4 |
| Year 2013 | 35.9 | 53.8 | 1.3 | 2.0 | 34.6 | 51.8 |
| Year 2014 | 36.9 | 55.3 | 1.3 | 2.0 | 35.5 | 53.3 |
| Year 2015 | 37.8 | 56.8 | 1.4 | 2.1 | 36.5 | 54.7 |
| Year 2016 | 38.8 | 58.2 | 1.4 | 2.1 | 37.4 | 56.1 |
| Year 2017 | 39.8 | 59.7 | 1.5 | 2.2 | 38.3 | 57.5 |
| Year 2018 | 40.8 | 61.2 | 1.5 | 2.2 | 39.3 | 58.9 |
| Year 2019 | 41.8 | 62.6 | 1.5 | 2.3 | 40.2 | 60.3 |
| Year 2020 | 42.7 | 64.1 | 1.6 | 2.3 | 41.2 | 61.8 |
| Year 2021 | 43.7 | 65.6 | 1.6 | 2.4 | 42.1 | 63.2 |
| Year 2022 | 44.7 | 67.0 | 1.6 | 2.4 | 43.1 | 64.6 |
| Year 2023 | 45.7 | 68.5 | 1.7 | 2.5 | 44.0 | 66.0 |
| Year 2024 | 46.7 | 70.0 | 1.7 | 2.6 | 44.9 | 67.4 |
| Year 2025 | 47.6 | 71.4 | 1.7 | 2.6 | 45.9 | 68.8 |
| Year 2026 | 48.7 | 73.0 | 1.8 | 2.7 | 46.9 | 70.4 |
| Year 2027 | 49.7 | 74.5 | 1.8 | 2.7 | 47.9 | 71.8 |
| Year 2028 | 50.7 | 76.0 | 1.8 | 2.8 | 48.8 | 73.2 |
| Year 2029 | 51.7 | 77.5 | 1.9 | 2.8 | 49.8 | 74.7 |
| Year 2030 | 52.6 | 79.0 | 1.9 | 2.9 | 50.7 | 76.1 |
| Year 2031 | 53.6 | 80.5 | 2.0 | 2.9 | 51.7 | 77.5 |
| Year 2032 | 54.6 | 81.9 | 2.0 | 3.0 | 52.6 | 79.0 |
| Year 2033 | 55.6 | 83.4 | 2.0 | 3.0 | 53.6 | 80.4 |
| Year 2034 | 56.6 | 84.9 | 2.1 | 3.1 | 54.5 | 81.8 |
| Year 2035 | 57.6 | 86.4 | 2.1 | 3.2 | 55.5 | 83.2 |

# APPENDIX C: Description of Spreadsheet Elements and Calculations

The calculations that are summarized in this report were prepared as a series of spreadsheets. These are summarized in Appendix D. Cost estimates were derived from three sets of calculations:

- Base Projections (the number of inmates/detention days expected and the division of those days into appropriate categories)
- Rates (the costs per unit-- such as cost per detention day-- associated with various categories of cost)
- Costs (actual annual costs for each category, often derived by multiplying a base projection by a rate)

The following tables describe the methodology in detail.

| BASE PROJECTIONS | | |
|---|---|---|
| **CATEGORY** | **Calculation/Formula** | **Notes** |
| | | |
| **A. Total Detention Days** | Based on projections, with and without annexation | SEE Appendix B for yearly projected inmate populations, with and without annexation |
| **B. Net Kirkland Days after KCJ** | 96.35% of Total Detention Days (Row A) | Subtracts felony inmates who will be housed at King Count y Jail |
| **C. Kirkland In-House Days** | * 4% of B for Option 1<br>* 23.6% of B for Option 2<br>* 65% of B for Option 3<br>* 100% of B for Options 4 and 5 | Each option has a different proportion of detention days held in Kirkland. |
| **D. Total Board Out Detention Days** | Row B minus Row C | |
| **E. Board Out Yakima** | 69% of D | Assigns the number of beds contracted with Yakima vs. other jails-- Yakima ends at the end of 2009. |
| **F. Board Out Other** | 31% of D | Beds housed in other jails. Increases substantially in 2013 when current contracts expire. |

| RATES | | |
|---|---|---|
| **CATEGORY** | **Calculation/Formula** | **Notes** |
| | | |
| **1. Yakima Board Rate** | increases 5%/yr/year<br>Starts at $68.07 in 2006 | 5% increase based on current contract. Ends in 2010. |
| **2. Other Board Rate** | increases 3.5%/year<br>Starts at $65 in 2006 | Based on average of current charges until 2012, then based on Option 5 average daily bed costs thereafter. |
| **3. Medical Costs Rate** | increase 3.5%/year<br>Starts at $10/det day | Cost per day per inmates, applied to all inmates regardless of where housed (when inmates are boarded, medical costs are extra). |
| **4. Maintenance, Food, Etc., Costs** | increase 3.5%/year<br>Starts at $15/det day | Cost for facility utilities, clothing/laundry, food and other consumables relating to inmates. Applied to inmates housed in Kirkland only. |
| **5A. Transport for Board Out, *Staffing* Costs** | -Increases 6.0%/year<br>-C.O. FTE $59,975 in 2006<br>-Allocation of FTE based on analysis of trip data | Only transport associated with moving inmates to/from board-out facilities.<br>No such costs for options 4 and 5.<br>FTEs are specified in report (Figures 3, 4). |
| **5B. Transport for Board Out, *Vehicle* Costs** | -Increases 3.5%/year | Based on $42,600/year for all transports, to be allocated to 5B and 6B |
| **6A. Transport and Court *Staffing* Costs** | -Increases 6.0% / year<br>-C.O. FTE $59,975 IN 2006<br>-Allocation of FTE based on analysis of trip data | Includes court transport and supervision, and all other inmate transport (doctor, warrants, etc.) excluding to/from board-out facilities. FTEs specified in Figures 3, 4). |
| **6B. Transport and Court *Vehicle* Costs** | -Increases 3.5% / year | Based on $42,600/year for all transports, allocated between 5B and 6B. |
| **7. King County felony board rate** | increases 3.5%/year | 10% of actual King County costs to house pretrial felony inmates, per current agreement with the County. |
| **8. Facilities Charges** | -Increases 3.5%/year | $5.70/sq foot, varies with each option. Includes utilities and sinking fund for maintenance and repairs. |
| **9. Other Direct Costs** | - Increases 3.5%/year | Uniforms, clothing, other services and charges, etc. from “All Other Costs” divided by det days for base year to produce cost/det day/year |
| **10A. Dept. Overhead, All Bother Costs** | - Increases 3.5% / year | Pro-rated costs associated with Police Department shared costs. Initial rate based on number of Jail FTE. |

| ANNUAL COSTS | | |
|---|---|---|
| **CATEGORY** | **Calculation/Formula** | **Notes** |
| | | |
| **1. Yakima Board Costs** | E times 1 | Drops out in 2010, contract with Yakima expires at the end of 2009 |
| **2. Other Board Costs** | F times 2 | Revised to reflect actual costs per day of Option 5 in 2010 for the Yakima share of beds, in 2013 for the remaining board-out beds. |
| **3. Medical Costs** | A times 3 | Applied to all inmates, regardless of where housed. Provides for medical services and personnel. |
| **4. Inmate Food etc.** | C times 4 | Applies to inmates housed in Kirkland only (including inmates boarded-in for Option 5). |
| **5A. Trans Bd Out STAFF** | 5A times D | Applied to all inmates boarded at other facilities. |
| **5B. Trans Bd Out VEHICLE** | 5B times D | Applied to all inmates boarded at other facilities. |
| **6A. Court and Trans STAFF** | 6A times A | Applied to all inmates, regardless of where house. |
| **6B. Court and Trans VEHICLE** | 6B times A | Applied to all inmates, regardless of where house. |
| **7. King Co. Felony Board Cost** | A minus B times | |
| **8. Facility Charges** | Square footage for each option is entered and multiplied by annual cost per square foot (plus inflation). | |
| **9. Other Direct Costs** | A times 9 | Applied to all inmates. |
| **10. Dept Overhead, All Other** | A times 10 | Applied to all inmates. |
| **11. Debt Service** | See Table in Appendix A | Principal and interest (4.18%) for 20-year serial bonds. Does not apply to Options 1 and 2. |
| **12. Jail Staffing** | Increase 6.0% annually. | Varied staffing costs based on option and year. Figures 3 and 4 described FTEs for each option. *For jail operations, not transport and court supervision.* |
| **13. Indirect Costs** | 0.0662 of all direct costs, excluding Board and Debt Service | Applies to the sum of 4, 5A, 5B, 6A, 6B, 8, 9, 10, 12 |

# APPENDIX D: Breakdowns for 5-Year Increments, 5 Options

| Option 1 4-Hour Lockup<br>A. No Annexation | Year 2010 | Year 2015 | Year 2020 | Year 2025 |
|---|---|---|---|---|
| A. Total Detention Days | 12,018 | 13,810 | 15,597 | 17,385 |
| B. Net Kirkland Days after KCJ | 11,580 | 13,305 | 15,028 | 16,750 |
| C. Kirkland In-House Days | 463 | 532 | 601 | 670 |
| D. Total Board Out Det Days | 11,116 | 12,773 | 14,427 | 16,080 |
| E. Board Out Yakima | 7,670 | 8,814 | 9,955 | 11,095 |
| F. Board Out Other | 3,446 | 3,960 | 4,472 | 4,985 |
| 1. Yakima Board Rate | $181.13 | $202.92 | $233.62 | $275.12 |
| 2. Other Board Rate | $74.59 | $202.92 | $233.62 | $275.12 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $1,389,350 | $1,788,431 | $2,325,568 | $3,052,611 |
| 2. Other Board Costs | $257,039 | $803,498 | $1,044,821 | $1,371,463 |
| 3. Medical Costs | $137,911 | $188,209 | $252,472 | $334,226 |
| 4. Inmate Food etc. | $7,973 | $10,880 | $14,595 | $19,322 |
| 5A. Trans Bd Out STAFF | $302,868 | $405,306 | $542,391 | $725,841 |
| 5B. Trans Bd Out VEHICLE | $35,080 | $47,874 | $64,220 | $85,015 |
| 6A. Court and Trans STAFF | $129,878 | $199,712 | $301,859 | $450,255 |
| 6B. Court and Trans VEHICLE | $27,996 | $38,207 | $51,252 | $67,848 |
| 7. King Co. Felony Board Cost | $6,292 | $8,587 | $11,519 | $15,249 |
| 8. Facility Charges | $7,849 | $9,322 | $11,072 | $13,150 |
| 9. Other Direct Costs | $51,441 | $70,202 | $94,172 | $124,666 |
| 10. Dept Overhead, All Other | $51,579 | $70,390 | $94,425 | $125,001 |
| 11. Debt Service | $0 | $0 | $0 | $0 |
| 12. Jail Staffing | $530,067 | $709,350 | $949,270 | $1,270,337 |
| 13. Indirect Costs | $75,781 | $103,354 | $140,560 | $190,751 |
| | | | | |
| **ANNUAL TOTAL** | **$3,011,104** | **$4,453,323** | **$5,898,195** | **$7,845,736** |
| **AVERAGE COST/DAY** | **$250.55** | **$322.48** | **$378.16** | **$451.29** |

| **Option 1 4-Hour Lockup**<br>**B. With Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 18,027 | 20,714 | 23,396 | 26,077 |
| B. Net Kirkland Days after KCJ | 17,369 | 19,958 | 22,542 | 25,126 |
| C. Kirkland In-House Days | 695 | 798 | 902 | 1,005 |
| D. Total Board Out Det Days | 16,675 | 19,160 | 21,640 | 24,121 |
| E. Board Out Yakima | 11,505 | 13,220 | 14,932 | 16,643 |
| F. Board Out Other | 5,169 | 5,940 | 6,708 | 7,477 |
| 1. Yakima Board Rate | $171.36 | $187.42 | $211.50 | $245.00 |
| 2. Other Board Rate | $74.59 | $187.42 | $211.50 | $245.00 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $1,971,523 | $2,477,709 | $3,158,136 | $4,077,660 |
| 2. Other Board Costs | $385,558 | $1,113,174 | $1,418,873 | $1,831,992 |
| 3. Medical Costs | $206,867 | $282,314 | $378,708 | $501,339 |
| 4. Inmate Food etc. | $11,959 | $16,321 | $21,893 | $28,982 |
| 5A. Trans Bd Out STAFF | $302,868 | $405,306 | $542,391 | $725,841 |
| 5B. Trans Bd Out VEHICLE | $52,620 | $71,811 | $96,330 | $127,523 |
| 6A. Court and Trans STAFF | $194,817 | $299,568 | $452,789 | $675,383 |
| 6B. Court and Trans VEHICLE | $41,994 | $57,310 | $76,878 | $101,772 |
| 7. King Co. Felony Board Cost | $9,438 | $12,881 | $17,279 | $22,874 |
| 8. Facility Charges | $7,849 | $9,322 | $11,072 | $13,150 |
| 9. Other Direct Costs | $77,161 | $105,303 | $141,258 | $187,000 |
| 10. Dept Overhead, All Other | $77,368 | $105,585 | $141,637 | $187,501 |
| 11. Debt Service | $0 | $0 | $0 | $0 |
| 12. Jail Staffing | $530,067 | $709,350 | $949,270 | $1,270,337 |
| 13. Indirect Costs | $85,842 | $117,828 | $161,099 | $219,618 |
| | | | | |
| **ANNUAL TOTAL** | **$3,955,932** | **$5,783,781** | **$7,567,612** | **$9,970,972** |
| **AVERAGE COST/DAY** | **$219.44** | **$279.22** | **$323.46** | **$382.36** |

| **Option 2 12-Bed Jail**<br>**A. No Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 12,018 | 13,810 | 15,597 | 17,385 |
| B. Net Kirkland Days after KCJ | 11,580 | 13,305 | 15,028 | 16,750 |
| C. Kirkland In-House Days | 2,389 | 2,389 | 2,389 | 2,389 |
| D. Total Board Out Det Days | 9,190 | 10,916 | 12,639 | 14,361 |
| E. Board Out Yakima | 6,341 | 7,532 | 8,721 | 9,909 |
| F. Board Out Other | 2,849 | 3,384 | 3,918 | 4,452 |
| 1. Yakima Board Rate | $181.13 | $202.92 | $233.62 | $275.12 |
| 2. Other Board Rate | $74.59 | $202.92 | $233.62 | $275.12 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $1,148,601 | $1,528,394 | $2,037,296 | $2,726,206 |
| 2. Other Board Costs | $212,499 | $686,670 | $915,307 | $1,224,817 |
| 3. Medical Costs | $137,911 | $188,209 | $252,472 | $334,226 |
| 4. Inmate Food etc. | $41,129 | $48,848 | $58,017 | $68,905 |
| 5A. Trans Bd Out STAFF | $134,934 | $214,485 | $332,322 | $505,330 |
| 5B. Trans Bd Out VEHICLE | $29,001 | $40,913 | $56,259 | $75,925 |
| 6A. Court and Trans STAFF | $129,878 | $199,712 | $301,859 | $450,255 |
| 6B. Court and Trans VEHICLE | $27,996 | $38,207 | $51,252 | $67,848 |
| 7. King Co. Felony Board Cost | $6,292 | $8,587 | $11,519 | $15,249 |
| 8. Facility Charges | $7,849 | $9,322 | $11,072 | $13,150 |
| 9. Other Direct Costs | $51,441 | $70,202 | $94,172 | $124,666 |
| 10. Dept Overhead, All Other | $51,579 | $70,390 | $94,425 | $125,001 |
| 11. Debt Service | $0 | $0 | $0 | $0 |
| 12. Jail Staffing | $946,511 | $1,266,645 | $1,695,056 | $2,268,368 |
| 13. Indirect Costs | $94,025 | $129,668 | $178,371 | $244,903 |
| | | | | |
| **ANNUAL TOTAL** | **$3,019,647** | **$4,500,253** | **$6,089,399** | **$8,244,849** |
| **AVERAGE COST/DAY** | **$251.26** | **$325.88** | **$390.41** | **$474.25** |

APPENDIX D: Breakdowns for 5-Year Increments, 5 Options 

| **Option 2 12- Bed Jail<br>B. With Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 18,027 | 20,714 | 23,396 | 26,077 |
| B. Net Kirkland Days after KCJ | 17,369 | 19,958 | 22,542 | 25,126 |
| C. Kirkland In-House Days | 2,389 | 2,389 | 2,389 | 2,389 |
| D. Total Board Out Det Days | 14,980 | 17,569 | 20,153 | 22,736 |
| E. Board Out Yakima | 10,336 | 12,122 | 13,905 | 15,688 |
| F. Board Out Other | 4,644 | 5,446 | 6,247 | 7,048 |
| 1. Yakima Board Rate | $171.36 | $187.42 | $211.50 | $245.00 |
| 2. Other Board Rate | $74.59 | $187.42 | $211.50 | $245.00 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food  Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $1,771,153 | $2,271,950 | $2,941,016 | $3,843,621 |
| 2. Other Board Costs | $346,373 | $1,020,731 | $1,321,326 | $1,726,844 |
| 3. Medical Costs | $206,867 | $282,314 | $378,708 | $501,339 |
| 4. Inmate Food etc. | $41,129 | $48,848 | $58,017 | $68,905 |
| 5A. Trans Bd Out STAFF | $219,943 | $345,202 | $529,897 | $800,034 |
| 5B. Trans Bd Out VEHICLE | $47,272 | $65,847 | $89,707 | $120,203 |
| 6A. Court and Trans STAFF | $194,817 | $299,568 | $452,789 | $675,383 |
| 6B. Court and Trans VEHICLE | $41,994 | $57,310 | $76,878 | $101,772 |
| 7. King Co. Felony Board Cost | $9,438 | $12,881 | $17,279 | $22,874 |
| 8. Facility Charges | $7,849 | $9,322 | $11,072 | $13,150 |
| 9. Other Direct Costs | $77,161 | $105,303 | $141,258 | $187,000 |
| 10. Dept Overhead, All Other | $77,368 | $105,585 | $141,637 | $187,501 |
| 11. Debt Service | $0 | $0 | $0 | $0 |
| 12. Jail Staffing | $946,511 | $1,266,645 | $1,695,056 | $2,268,368 |
| 13. Indirect Costs | $109,498 | $152,500 | $211,596 | $292,757 |
| | | | | |
| **ANNUAL TOTAL** | **$4,097,373** | **$6,044,008** | **$8,066,234** | **$10,809,751** |
| **AVERAGE COST/DAY** | **$227.29** | **$291.78** | **$344.77** | **$414.53** |

APPENDIX D: Breakdowns for 5-Year Increments, 5 Options 

| **Option 3 Minimum Security**<br>**A. No Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 12,018 | 13,810 | 15,597 | 17,385 |
| B. Net Kirkland Days after KCJ | 11,580 | 13,305 | 15,028 | 16,750 |
| C. Kirkland In-House Days | 7,812 | 8,976 | 10,138 | 11,300 |
| D. Total Board Out Det Days | 3,768 | 4,329 | 4,890 | 5,450 |
| E. Board Out Yakima | 2,600 | 2,987 | 3,374 | 3,761 |
| F. Board Out Other | 1,168 | 1,342 | 1,516 | 1,690 |
| 1. Yakima Board Rate | $181.13 | $202.92 | $233.62 | $275.12 |
| 2. Other Board Rate | $74.59 | $202.92 | $233.62 | $275.12 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food  Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $470,897 | $606,159 | $788,213 | $1,034,632 |
| 2. Other Board Costs | $87,119 | $272,332 | $354,125 | $464,835 |
| 3. Medical Costs | $137,911 | $188,209 | $252,472 | $334,226 |
| 4. Inmate Food etc. | $134,464 | $183,504 | $246,160 | $325,870 |
| 5A. Trans Bd Out STAFF | $55,320 | $85,064 | $128,572 | $191,780 |
| 5B. Trans Bd Out VEHICLE | $11,890 | $16,226 | $21,766 | $28,814 |
| 6A. Court and Trans STAFF | $129,878 | $199,712 | $301,859 | $450,255 |
| 6B. Court and Trans VEHICLE | $27,996 | $38,207 | $51,252 | $67,848 |
| 7. King Co. Felony Board Cost | $6,292 | $8,587 | $11,519 | $15,249 |
| 8. Facility Charges | $105,962 | $125,850 | $149,470 | $177,524 |
| 9. Other Direct Costs | $51,441 | $70,202 | $94,172 | $124,666 |
| 10. Dept Overhead, All Other | $51,579 | $70,390 | $94,425 | $125,001 |
| 11. Debt Service | $423,091 | $370,103 | $317,115 | $264,128 |
| 12. Jail Staffing | $946,511 | $1,266,645 | $1,695,056 | $2,268,368 |
| 13. Indirect Costs | $100,296 | $136,094 | $184,217 | $248,920 |
| | | | | |
| **ANNUAL TOTAL** | **$2,740,646** | **$3,637,286** | **$4,690,395** | **$6,122,116** |
| **AVERAGE COST/DAY** | **$228.04** | **$263.39** | **$300.72** | **$352.15** |

APPENDIX D: Breakdowns for 5-Year Increments, 5 Options 6

| **Option 3 Minimum Security B. With Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 18,027 | 20,714 | 23,396 | 26,077 |
| B. Net Kirkland Days after KCJ | 17,369 | 19,958 | 22,542 | 25,126 |
| C. Kirkland In-House Days | 11,718 | 13,464 | 15,207 | 16,950 |
| D. Total Board Out Det Days | 5,652 | 6,494 | 7,335 | 8,175 |
| E. Board Out Yakima | 3,900 | 4,481 | 5,061 | 5,641 |
| F. Board Out Other | 1,752 | 2,013 | 2,274 | 2,534 |
| 1. Yakima Board Rate | $171.36 | $187.42 | $211.50 | $245.00 |
| 2. Other Board Rate | $74.59 | $187.42 | $211.50 | $245.00 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $668,215 | $839,779 | $1,070,398 | $1,382,056 |
| 2. Other Board Costs | $130,678 | $377,292 | $480,904 | $620,924 |
| 3. Medical Costs | $206,867 | $282,314 | $378,708 | $501,339 |
| 4. Inmate Food etc. | $201,695 | $275,256 | $369,241 | $488,806 |
| 5A. Trans Bd Out STAFF | $82,980 | $127,597 | $192,859 | $287,669 |
| 5B. Trans Bd Out VEHICLE | $17,835 | $24,339 | $32,649 | $43,222 |
| 6A. Court and Trans STAFF | $194,817 | $299,568 | $452,789 | $675,383 |
| 6B. Court and Trans VEHICLE | $41,994 | $57,310 | $76,878 | $101,772 |
| 7. King Co. Felony Board Cost | $9,438 | $12,881 | $17,279 | $22,874 |
| 8. Facility Charges | $188,377 | $223,733 | $265,725 | $315,598 |
| 9. Other Direct Costs | $77,161 | $105,303 | $141,258 | $187,000 |
| 10. Dept Overhead, All Other | $77,368 | $105,585 | $141,637 | $187,501 |
| 11. Debt Service | $752,162 | $657,961 | $563,761 | $469,560 |
| 12. Jail Staffing | $946,511 | $1,266,645 | $1,695,056 | $2,268,368 |
| 13. Indirect Costs | $121,062 | $164,529 | $222,968 | $301,562 |
| | | | | |
| **ANNUAL TOTAL** | **$3,717,162** | **$4,820,092** | **$6,102,109** | **$7,853,632** |
| **AVERAGE COST/DAY** | **$206.20** | **$232.69** | **$260.82** | **$301.17** |

| **Option 4 Full Service Jail**<br>**A. No Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 12,018 | 13,810 | 15,597 | 17,385 |
| B. Net Kirkland Days after KCJ | 11,580 | 13,305 | 15,028 | 16,750 |
| C. Kirkland In-House Days | 11,580 | 13,305 | 15,028 | 16,750 |
| D. Total Board Out Det Days | 0 | 0 | 0 | 0 |
| E. Board Out Yakima | 0 | 0 | 0 | 0 |
| F. Board Out Other | 0 | 0 | 0 | 0 |
| 1. Yakima Board Rate | $181.13 | $202.92 | $233.62 | $275.12 |
| 2. Other Board Rate | $74.59 | $202.92 | $233.62 | $275.12 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $0 | $0 | $0 | $0 |
| 2. Other Board Costs | $0 | $0 | $0 | $0 |
| 3. Medical Costs | $137,911 | $188,209 | $252,472 | $334,226 |
| 4. Inmate Food etc. | $199,317 | $272,010 | $364,885 | $483,040 |
| 5A. Trans Bd Out STAFF | $0 | $0 | $0 | $0 |
| 5B. Trans Bd Out VEHICLE | $0 | $0 | $0 | $0 |
| 6A. Court and Trans STAFF | $129,878 | $199,712 | $301,859 | $450,255 |
| 6B. Court and Trans VEHICLE | $27,996 | $38,207 | $51,252 | $67,848 |
| 7. King Co. Felony Board Cost | $6,292 | $8,587 | $11,519 | $15,249 |
| 8. Facility Charges | $176,604 | $209,750 | $249,117 | $295,873 |
| 9. Other Direct Costs | $51,441 | $70,202 | $94,172 | $124,666 |
| 10. Dept Overhead, All Other | $51,579 | $70,390 | $94,425 | $125,001 |
| 11. Debt Service | $705,151 | $616,838 | $528,526 | $440,213 |
| 12. Jail Staffing | $1,438,671 | $1,925,267 | $2,576,441 | $3,447,860 |
| 13. Indirect Costs | $137,397 | $184,403 | $247,068 | $330,639 |
| | | | | |
| **ANNUAL TOTAL** | **$3,062,238** | **$3,783,575** | **$4,771,737** | **$6,114,870** |
| **AVERAGE COST/DAY** | **$254.80** | **$273.98** | **$305.93** | **$351.73** |

| **Option 4 Full Service Jail B. With Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 18,027 | 20,714 | 23,396 | 26,077 |
| B. Net Kirkland Days after KCJ | 17,369 | 19,958 | 22,542 | 25,126 |
| C. Kirkland In-House Days | 17,369 | 19,958 | 22,542 | 25,126 |
| D. Total Board Out Det Days | 0 | 0 | 0 | 0 |
| E. Board Out Yakima | 0 | 0 | 0 | 0 |
| F. Board Out Other | 0 | 0 | 0 | 0 |
| 1. Yakima Board Rate | $171.36 | $187.42 | $211.50 | $245.00 |
| 2. Other Board Rate | $74.59 | $187.42 | $211.50 | $245.00 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $0 | $0 | $0 | $0 |
| 2. Other Board Costs | $0 | $0 | $0 | $0 |
| 3. Medical Costs | $206,867 | $282,314 | $378,708 | $501,339 |
| 4. Inmate Food etc. | $298,975 | $408,014 | $547,328 | $724,560 |
| 5A. Trans Bd Out STAFF | $0 | $0 | $0 | $0 |
| 5B. Trans Bd Out VEHICLE | $0 | $0 | $0 | $0 |
| 6A. Court and Trans STAFF | $194,817 | $299,568 | $452,789 | $675,383 |
| 6B. Court and Trans VEHICLE | $41,994 | $57,310 | $76,878 | $101,772 |
| 7. King Co. Felony Board Cost | $9,438 | $12,881 | $17,279 | $22,874 |
| 8. Facility Charges | $270,792 | $321,617 | $381,980 | $453,672 |
| 9. Other Direct Costs | $77,161 | $105,303 | $141,258 | $187,000 |
| 10. Dept Overhead, All Other | $77,368 | $105,585 | $141,637 | $187,501 |
| 11. Debt Service | $1,081,232 | $945,819 | $810,406 | $674,993 |
| 12. Jail Staffing | $1,438,671 | $1,925,267 | $2,576,441 | $3,447,860 |
| 13. Indirect Costs | $158,865 | $213,340 | $285,872 | $382,487 |
| | | | | |
| **ANNUAL TOTAL** | **$3,856,183** | **$4,677,019** | **$5,810,576** | **$7,359,440** |
| **AVERAGE COST/DAY** | **$213.91** | **$225.79** | **$248.36** | **$282.21** |

| **Option 5 Full Jail Plus Rental A. No Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 12,018 | 13,810 | 15,597 | 17,385 |
| B. Net Kirkland Days after KCJ | 11,580 | 13,305 | 15,028 | 16,750 |
| C. Kirkland In-House Days | 11,580 | 13,305 | 15,028 | 16,750 |
| D. Total Board Out Det Days | 0 | 0 | 0 | 0 |
| E. Board Out Yakima | 0 | 0 | 0 | 0 |
| F. Board Out Other | 0 | 0 | 0 | 0 |
| 1. Yakima Board Rate | $181.13 | $202.92 | $233.62 | $275.12 |
| 2. Other Board Rate | $74.59 | $202.92 | $233.62 | $275.12 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $0 | $0 | $0 | $0 |
| 2. Other Board Costs | $0 | $0 | $0 | $0 |
| 3. Medical Costs | $271,942 | $347,396 | $441,536 | $558,774 |
| 4. Inmate Food etc. | $407,913 | $521,094 | $662,304 | $838,161 |
| 5A. Trans Bd Out STAFF | $0 | $0 | $0 | $0 |
| 5B. Trans Bd Out VEHICLE | $0 | $0 | $0 | $0 |
| 6A. Court and Trans STAFF | $129,878 | $199,712 | $301,859 | $450,255 |
| 6B. Court and Trans VEHICLE | $27,996 | $38,207 | $51,252 | $67,848 |
| 7. King Co. Felony Board Cost | $6,292 | $8,587 | $11,519 | $15,249 |
| 8. Facility Charges | $270,792 | $321,617 | $381,980 | $453,672 |
| 9. Other Direct Costs | $101,434 | $129,579 | $164,693 | $208,423 |
| 10. Dept Overhead, All Other | $101,706 | $129,926 | $165,134 | $208,982 |
| 11. Debt Service | $1,081,232 | $945,819 | $810,406 | $674,993 |
| 12. Jail Staffing | $1,711,253 | $2,290,042 | $3,064,593 | $4,101,117 |
| 13. Indirect Costs | $182,114 | $240,318 | $317,218 | $418,944 |
| | | | | |
| **ANNUAL TOTAL** | **$4,292,554** | **$5,172,296** | **$6,372,493** | **$7,996,418** |
| **AVERAGE COST/DAY** | **$357.17** | **$374.55** | **$408.56** | **$459.96** |
| **REVENUE for 32 Bed Pod** | **$871,199** | **$2,370,089** | **$2,728,672** | **$3,213,428** |
| **NET COST** | **$3,421,355** | **$2,802,206** | **$3,643,821** | **$4,782,990** |
| **BOARD Charge Calculation** | **$181.13** | **$202.92** | **$233.62** | **$275.12** |
| **NET COST/DAY for all Ddays** | **284.68** | **202.92** | **233.62** | **275.12** |

APPENDIX D: Breakdowns for 5-Year Increments, 5 Options 

| **Option 5 Full Jail Plus Rental B. With Annexation** | **Year 2010** | **Year 2015** | **Year 2020** | **Year 2025** |
|---|---|---|---|---|
| A. Total Detention Days | 18,027 | 20,714 | 23,396 | 26,077 |
| B. Net Kirkland Days after KCJ | 17,369 | 19,958 | 22,542 | 25,126 |
| C. Kirkland In-House Days | 17,369 | 19,958 | 22,542 | 25,126 |
| D. Total Board Out Det Days | 0 | 0 | 0 | 0 |
| E. Board Out Yakima | 0 | 0 | 0 | 0 |
| F. Board Out Other | 0 | 0 | 0 | 0 |
| 1. Yakima Board Rate | $171.36 | $187.42 | $211.50 | $245.00 |
| 2. Other Board Rate | $74.59 | $187.42 | $211.50 | $245.00 |
| 3. Medical Costs Rate | $11.48 | $13.63 | $16.19 | $19.23 |
| 4. Inmate Food Etc Rate | $17.21 | $20.44 | $24.28 | $28.84 |
| 5A. Trans Board Out Staff Cost | $14.68 | $19.65 | $26.29 | $35.19 |
| 5B Trans Board Out Vehicle | $3.16 | $3.75 | $4.45 | $5.29 |
| 6A. Trans & Court Staff Cost | $10.81 | $14.46 | $19.35 | $25.90 |
| 6B Trans & Court Vehicle | $2.33 | $2.77 | $3.29 | $3.90 |
| 7. King Co Felony Board Rate | $14.34 | $17.04 | $20.23 | $24.03 |
| 8. Facility Charges | $6.54 | $7.77 | $9.23 | $10.96 |
| 9. Other Direct Costs | $4.28 | $5.08 | $6.04 | $7.17 |
| 10. Dept Overhead, All Other | $4.29 | $5.10 | $6.05 | $7.19 |
| | | | | |
| 1. Yakima Board Costs | $0 | $0 | $0 | $0 |
| 2. Other Board Costs | $0 | $0 | $0 | $0 |
| 3. Medical Costs | $340,898 | $441,501 | $567,772 | $725,887 |
| 4. Inmate Food etc. | $511,347 | $662,251 | $851,658 | $1,088,831 |
| 5A. Trans Bd Out STAFF | $0 | $0 | $0 | $0 |
| 5B. Trans Bd Out VEHICLE | $0 | $0 | $0 | $0 |
| 6A. Court and Trans STAFF | $194,817 | $299,568 | $452,789 | $675,383 |
| 6B. Court and Trans VEHICLE | $41,994 | $57,310 | $76,878 | $101,772 |
| 7. King Co. Felony Board Cost | $9,438 | $12,881 | $17,279 | $22,874 |
| 8. Facility Charges | $364,981 | $433,483 | $514,842 | $611,471 |
| 9. Other Direct Costs | $127,155 | $164,680 | $211,779 | $270,756 |
| 10. Dept Overhead, All Other | $127,496 | $165,121 | $212,347 | $271,482 |
| 11. Debt Service | $1,457,313 | $1,274,800 | $1,092,286 | $909,773 |
| 12. Jail Staffing | $1,711,253 | $2,290,042 | $3,064,593 | $4,101,117 |
| 13. Indirect Costs | $203,833 | $269,597 | $356,479 | $471,398 |
| | | | | |
| **ANNUAL TOTAL** | **$5,090,524** | **$6,071,233** | **$7,418,701** | **$9,250,743** |
| **AVERAGE COST/DAY** | **$282.38** | **$293.09** | **$317.09** | **$354.74** |
| **REVENUE for 32 Bed Pod** | **$871,199** | **$2,189,030** | **$2,470,369** | **$2,861,652** |
| **NET COST** | **$4,219,325** | **$3,882,203** | **$4,948,332** | **$6,389,090** |
| **BOARD Charge Calculation** | **$171.36** | **$187.42** | **$211.50** | **$245.00** |
| **NET COST/DAY for all Ddays** | **234.05** | **187.42** | **211.50** | **245.00** |

# APPENDIX E: City of Kirkland Jail Operations Review

CRS Incorporated, Gettysburg, Pennsylvania
Rod Miller, President

October 16, 2006

## I. Introduction

On August 28, 2006, CRS Incorporated[1] entered into a professional services agreement with the City of Kirkland to examine current jail operations and to analyze options for the future. The Scope of Work in our contract instructs us (in part) to: a*nalyze current jail operating costs and revenues and develop recommendations regarding appropriate staffing levels and configurations for jail and transport services for the existing jail facility.*

Although several weeks remain to complete the overall project, this draft report addresses immediate concerns about jail operations to assist with the City's budget process.

## II. Kirkland City Jail Facility and Operations

### A. Facility

The City of Kirkland operates a small jail in the lower level of the city building. The jail is operated as a division of the Police Department. There are four cells with a total capacity of 12 inmates. Two cells are considered double occupancy and two are used to house up to four inmates. There are also short-term holding spaces within the jail facility that may be used during the booking and release process.

The design of the jail poses serious operational challenges:

- The layout frustrates the provision of direct supervision of inmates.
- The low number of cells inhibits separation of inmates.
- The small booking area creates problems with admitting and releasing more than one inmate at a time.
- Short-term detainees are sometimes housed with longer-term inmates.

### B. Inmates

Two distinct types of inmates are housed in the Kirkland City Jail:

1. Short-term detainees who have been arrested and brought to the jail for initial processing and detention; and

[1] CRS Incorporated is a non-profit organization created in 1972. Our work has taken us to over 1,000 detention and corrections facilities. For more information about our experience visit out web site at www.correction.org

2. Misdemeanor offenders who are longer-term inmates charged with, and in many instances convicted of, misdemeanor offenses.

The short-term detainees (up to 72-hours) pose the highest level of risk to themselves, other inmates, and jail staff. These detainees are often under the influence of drugs and/or alcohol. Sometimes they are unknown to staff and are not positively identified. They have been charged with the full range of criminal offenses-- including violent felonies. In addition to the less serious misdemeanor and traffic charges that bring many arrestees to the jail, *all* persons charged with serious offenses spend time in the jail before being transported to King County. Further, local policies encourage keeping many of the persons charged with felony offenses at the Kirkland City Jail to facilitate police investigations. Appendix B provides a preliminary description of inmate length of stay characteristics, suggesting that 84.42% of the inmates are released within three days.

Misdemeanor offenders present a lower risk but are housed for longer periods, triggering the demand for additional services. For example, short-term detainees do not require visitation opportunities, while the longer-term offenders have a right to receive visits. The City voluntarily attempts to limit the length of confinement for such offenders to 30 days. It is important to note that many of the offenders who are sentenced for misdemeanor charges were initially charged with serious felony offenses. The plea-bargaining process which disposes of the majority of criminal cases, often involves the reduction of charges in exchange for a plea. Appendix B shows that inmates who spend more than 30 days in confinement account for 76.08 of the beds used, even these longer-term inmates represent a very small (6.1%) proportion of admissions.

### C. Jail Bedspace Needs

The demand for jail beds has changed since the jail was constructed:

- The number of persons presented for detention has increased (admissions increased by 24%, from 1,829 in 2003 to 2,274 in 2005).
- The number of "bed-days" required to house the City's inmates has grown (beds used in other jails increased by 7.9% between 2003 and 2005).
- Recent court decisions create the need for more separation of many short-term detainees[2] because they are not able to be searched under emerging caselaw.
- King County is decreasing the availability of jail space for the City's misdemeanor offenders, and will eliminate this option by 2010, leaving Kirkland and other cities to find alternative resources.
- As the result of King County's policy, Kirkland's inmates are housed in several jails in the region, creating additional jail activity when inmates are brought back for court appearances.

[2] Federal courts have held that many arrestees may not be searched without reasonable suspicion, requiring these arrestees to be held separately from other inmates in the population in order to reduce the introduction of contraband.

We will examine trends and future needs in more detail in our next report, and we will provide a more detailed description of the characteristics of the inmate population. For the purposes of this report, it is important to understand that the demand for jail beds is increasing.

### D. Occupancy

The jail's occupancy fluctuates, at times dramatically, based on the arrest and detention practices of law enforcement officers and the movement of inmates between other cities and counties at which City inmates are housed under contract. Jail counts also fluctuate due to the need for inmates to appear for various judicial proceedings; the jail serves as a temporary holding facility for the inmates who are brought back to Kirkland for court appearances.

The City has virtually no control over the number of inmates presented for detention, and the times at which they are brought to the jail. Inmates arrive at the jail at all hours of the day and on all days of the week. There are frequently times that more than one inmate is brought to the jail by a police officer.

Because the jail must serve as a short-term detention facility, it is not advisable to fill all available beds with longer-term misdemeanor offenders. Some beds must remain available to accommodate the frequent peak demands for short-term detention. If the jail housed only misdemeanor offenders, it would be possible to use a higher proportion of the beds on a regular basis. Also, if short-term detention could be accomplished in more appropriate spaces, more jail beds could be used for the sentenced offenders. Our next report will examine the feasibility of renovating the current jail to increase its safety, efficiency and capacity.

### E. Admissions and Releases

In 2006, monthly admissions to the jail have ranged from 161 (March) to 221 (June and July). On an average day, between 5 and 8 inmates are booked into the jail and a comparable number of inmates are released from confinement or transferred to another facility. However, there have been days in the past year when the number of admissions and releases have exceeded 30. Each admission, release and transfer requires the time of a jail officer or police officer; sometimes more than one officer is needed for these tasks.

### F. Operations

The Kirkland Police Department attempts to operate the jail in a professional manner. To the extent that staff resources are provided, the Department is successful. But when jail staffing is not sufficient, operations fall below minimum requirements established by the courts and various standards. An initial review of the organization and administration of the jail reveals the existence of necessary policies, procedures and training. The five jail officers appear competent, qualified and effective. By creating a separate employee classification for jail officers, the City correctly recognized that the knowledge, skills and

abilities required for jail operations are not the same as those required for police or administrative duties. In addition to the five jail officer positions in the budget, a sixth position (Sergeant) is provided for jail administration. Current jail operations have a strong foundation, but safety and effectiveness are severely diminished by the level of staff resources that the City allocates to the jail.

G. Staffing

The Jail Division of the police department is staffed by five full-time jail officers and one full-time sergeant who functions as a jail administrator. The sergeant works four, 10-hour days (Monday through Thursday.) The officers are assigned to the following shifts:

Officer 1: Monday - Friday, 0600 - 1400
Officer 2: Monday - Friday, 0800 - 1600
Officer 3: Friday - Monday, 0700 - 1700
Officer 4: Tuesday - Saturday, 2200 - 0600
Officer 5: Tuesday - Saturday, 1400 - 2200

Figure 1 shows how jail officers are deployed in a typical week.

**Figure 1: Number of Jail Staff Deployed**

| Time | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
|---|---|---|---|---|---|---|---|
| **2400-0100** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0100-0200** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0200-0300** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0300-0400** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0400-0500** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0500-0600** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **0600-0700** | 1 | 1 | 1 | 1 | 1 | 0 | 0 |
| **0700-0800** | 2 | 1 | 1 | 1 | 2 | 1 | 1 |
| **0800-0900** | 3 | 2 | 2 | 2 | 3 | 1 | 1 |
| **0900-1000** | 4 | 3 | 3 | 3 | 3 | 1 | 1 |
| **1000-1100** | 4 | 3 | 3 | 3 | 3 | 1 | 1 |
| **1100-1200** | 4 | 3 | 3 | 3 | 3 | 1 | 1 |
| **1200-1300** | 4 | 3 | 3 | 3 | 3 | 1 | 1 |
| **1300-1400** | 4 | 3 | 3 | 3 | 3 | 1 | 1 |
| **1400-1500** | 3 | 3 | 3 | 3 | 3 | 2 | 1 |
| **1500-1600** | 3 | 3 | 3 | 3 | 3 | 2 | 1 |
| **1600-1700** | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| **1700-1800** | 1 | 2 | 2 | 2 | 1 | 1 | 0 |
| **1800-1900** | 1 | 2 | 2 | 2 | 1 | 1 | 0 |
| **1900-2000** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **2000-2100** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **2100-2200** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **2200-2300** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| **2300-2400** | 0 | 1 | 1 | 1 | 1 | 1 | 0 |

The red areas in Figure 1 highlight the times that *no* jail officers are scheduled to work. Gray areas show the times at which only one officer is scheduled to work in the jail.

The schedule provides heavier coverage during weekdays, when court and transport tasks are most demanding. The absence of jail officers is multiplied because jail officers are not relieved when they are absent. Therefore, when officers do not report for their scheduled shifts due to sickness, vacation, training, and other activities for which they are paid, their post is vacant. Because a jail officer is not replaced by another officer when he/she is not available to work an assigned shift, these absences reduce the actual deployment of jail staff by approximately twenty percent-- in other words, a staff member does not report for one out of every five scheduled shifts. In most jails, essential staff posts are always relieved to ensure that continuous coverage is provided.

When there are no jail officers on duty, police officers are expected to come to the jail at least every *two hours*[3] to make inmate checks, and sometimes make the checks more frequently. Police officers are also required to book inmates during the times that jail officers are not present. Because police officers book inmates infrequently, it takes a police officer longer to admit an inmate that it takes a jail officer.

The current schedule provides as many as four staff during some of the business hours on Monday through Friday, but also leaves many hours of the week uncovered by <u>any</u> jail officers approximately 20 percent of the time.[4] The majority of the weekly hours are covered by only one officer.

The present level of jail staffing is further diminished when the extra-jail activities, such as court transport, supervision of inmates in court, transports to and from other jails at which Kirkland inmates are held, trips to take inmates to medical care providers, and warrant meetings are considered. The extent to which jail officers are called away from the facility was not recorded until September 2006.

We have analyzed data collected by jail officers beginning in late August 2006. Officers recorded every instance in which they were away from the jail during their scheduled shifts. During the 47-day period for which officers recorded their activities, 366 hours were logged away from the jail. This included:

- 158 hours transporting inmates to court and supervising them in court
- 156 hours transporting inmates to and from other jails
- 10 hours taking inmates to receive medical care
- 42 hours for other activities

Figure 2 describes the average number of hours that jail officers were involved with specific activities according to the day of the week.

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[3] The frequency of these checks by police officers is being increased to hourly as of the date of this report.
[4] Our analysis of current staffing levels *includes* the sergeant, even though his duties are administrative. The lack of jail staff compels the sergeant to function as a jail officer frequently.

**Figure 2: Jail Officer Activities Away from the Jail, 8/28 - 10/14/2006**

| Day of the Week | Total Average Hours Away From Jail | *Subtotal* Average Hours for Court | *Subtotal* Average Hours for Jail Transports |
|---|---|---|---|
| **Monday** | 16.5 | 10.9 | 4.7 |
| **Tuesday** | 14.0 | 6.3 | 6.8 |
| **Wednesday** | 8.5 | 3.2 | 4.5 |
| **Thursday** | 14.6 | 6.6 | 6.4 |
| **Friday** | 12.3 | 5.3 | 3.1 |
| **Saturday** | 3.1 | 0 | 1.4 |
| **Sunday** | 3.5 | 0 | 3.0 |

Jail staffing is already very low, as depicted in Figure 1. The activities that take jail officers away from the jail, as shown in Figure 2, create even more times during which there are no jail officers at the facility. Coupled with the policy of not relieving jail officers when they are away for vacations, sick days, and other reasons, jail officer coverage is even lower.

## III. Jail Deficiencies

In our professional opinion[5], current jail operations fail to meet basic requirements during many hours of the week due to staffing practices, and as the result of policies that direct the activities of police during the hours that the jail is not staffed by a jail officer.

Measuring the sufficiency of jail operations and facilities requires a yardstick, and standards provide a starting point. Appendix A explores standards associated with jails at the local and national level. At this time there are no mandatory standards that apply to the Kirkland City Jail. The Kirkland Municipal Code adopts the "Custodial Standards for Holding Facilities" from the Washington Association of Cities (WAC) and the Washington Association of Sheriffs and Police Chiefs (WASPC). Although these standards do not identify the additional requirements associated with holding inmates for more than 72 hours, they provide an adequate starting point for this analysis.

The WAC/WASPC standards require, in part:

- At least one staff member to be awake, alert and directly responsible for jail supervision and surveillance at all times that an inmate is housed.
- Continual sight and/or sound surveillance of all prisoners.
- Ability of staff to respond to any inmate within three minutes.

[5] Rod Miller, the principal author of this report, has served as an expert witness in federal court on detention issues in several jurisdictions. He is also the author of numerous nationally-recognized texts on jail operations. He frequently provides training on behalf of the National Institute of Corrections, U.S. Department of Justice.

- Personal observation of each inmate by a staff member at least every 60 minutes, and more frequently as indicated by unusual inmate behavior or concerns for inmate security and health.

These standards also identify the need to have sufficient staff to respond to any emergency in the facility in no more than three minutes, and describe gender considerations that must be addressed through the deployment of staff.

Based on these minimum standards, we suggest that the following three *conditions* must be met at all times:

1. Observation and Supervision. A qualified person, authorized to use force if needed, must be present in the jail facility at all times.
2. Timely Backup. A qualified person, authorized to use force, must be available to provide assistance within three minutes, at all times.
3. Inmate Health and Welfare Checks. Every inmate must be personally observed by a qualified person, at least every 60 minutes, and more frequently when safety, security or health concerns have been identified for an inmate.

Figure 3 summarizes our initial assessment of the extent to which current operations comply with the three basic requirements.

**Figure 3: Current Compliance with Basic Requirements**

| **Requirement** | **Description of Compliance** | **Percent of Hours Compliance Is Achieved** |
|---|---|---|
| 1. Observation and Supervision. Qualified person present in the jail facility at all times. | One or more jail officers are scheduled to work 84% of the hours in the week, but actual coverage is even lower. We estimate that no jail officer is present in the jail at least 20% of the hours weekly. | **80%** |
| 2. Timely Backup. Qualified person available to provide assistance within three minutes, at all times. | When two or more officers are actually present in the jail, backup is sufficient. At other times, timely backup is not ensured. | **24%**[6] |
| 3. Inmate Health and Welfare Checks. Personally observe at least every 60 minutes, and more frequently when safety, security or health concerns have been identified. | Overall, hourly or more frequent checks are conducted 72% of the time. See Appendix C for more detail. | **72%**[7] |

[6] Two or more jail officers are scheduled to work 52 hours of the 168-hour week, but one or more officer is often away from the jail during these times. We estimate that a second officer is actually available approximately 40 hours weekly (24% of the time).
[7] When jail officers are on duty the hourly checks are conducted 79% of the time.[7] Current policy requires two-hour checks by police officers when a jail officer is not present; this is accomplished 87% of the time.

We find it troubling that current operations fail to comply with the most basic requirements during many hours of each week.

## IV. Addressing Jail Problems

Long-term options available to the City will be explored in depth in the next phase of this project. These will range from expanding jail operations and facilities, to closing all jail facilities and transporting all inmates to other facilities. None of the options will be inexpensive, including (or perhaps especially) closing the jail and relying on other jurisdictions to meet the City's needs. The City's responsibilities are increasing, not just because of a growing inmate population, but also as the result of the County's decision to discontinue providing key services.

Current jail staffing practices expose the City to serious liability. It is our professional opinion that current operations pose a serious risk of harm to inmates and staff during many hours of the week. The City should not wait to begin to address these immediate concerns.

### A. Range of Options

Several types of solutions offer a potential response to current jail deficiencies. These include:

- Changing current policies and procedures
- Expanding the use of technology and/or improving the current use of technology
- Altering the facility
- Changing the utilization of current staff (jail officers, police officers, communications personnel, and other non-sworn personnel)
- Increasing staffing levels for jail officers

Costs. The cost-implications of each type of solution vary. Some of the options involve little or no cost. Some would not incur additional cost but would change the use of existing assets (such as reassigning police officers to bolster jail coverage.) The use of technology and altering the facility involve costs that are primarily one-time expenditures. Increasing staff incurs recurring costs.

Effectiveness. The sufficiency and effective of each type of solution also varies. For example, using police staff to provide more services to the jail is less effective than assigning jail staff who are trained for such duties and who implement them more efficiently and consistently. The use of technology often fails to fully address deficiencies. For example, improving the visual and audio monitoring of the jail by communications staff may help to *identify* problems, but does not improve the ability to *respond.*

Time. Some options may respond more quickly to address deficiencies. For example, changes in policies and the reallocation of existing staff resources may be accomplished quickly. Adding new staff positions requires budget allocations, and substantial time to recruit, screen, select and train new employees. Any significant alteration to the facility also requires substantial time to secure funding, develop a design and specifications, retain a contractor and make the changes.

B. Make a Plan and Move Forward

It is imperative for the City to adopt a plan that begins to address deficiencies immediately, and a plan that expeditiously moves toward more complete solutions. Although there are several possible responses to the deficiencies, we offer the following options that we believe are feasible and potentially appropriate. We present the options that we believe are most effective first, following by actions that move in the right direction but with less effect.

**A. Observation and Supervision.**

**Qualified person present in the jail facility at all times.**

1. Increase jail officer staffing to provide 24-hour presence of one officer in the jail.

2. Assign police officers to work in the jail whenever jail officers are not present.

3. Improve existing audio/visual monitoring of the jail by communications staff (change policies and improve placement of existing equipment).

4. Explore jail renovations that would improve safety, security and observation.

**B. Timely Backup.**

**Qualified person available to provide assistance within three minutes, at all times.**

1. Increase jail officer staffing to provide a second jail officer at all times.

2. Create post in the law enforcement facility to be staffed by a law enforcement officer whenever a second jail officer is not present in the jail.

3. Create an “on call” function within the police facility to identify a sworn official who is on-call to respond to the jail as needed.

4. Designate a patrol officer to be immediately “on call” to respond to the jail whenever a second jail officer is not present in the jail.

5. Improve the ability of jail officers to signal duress using technology, such as "staff down" alarms.

**C. Inmate Health and Welfare Checks.**

**Personally observe each inmate at least every 60 minutes, and more frequently when safety, security or health concerns have been identified for an inmate.**

1. This would be fully addressed if option A1 is implemented.

2. Change policy to require at least hourly checks of jail by police officers whenever a jail officer is not present in the jail.

**D. Provide Staff to Implement Transport, Court and Other Tasks Away from the Jail.**

If the preceding conditions are to be achieved, the City must make arrangements to implement the many tasks that currently take jail officers away from their duties in the jail.

1. Further increase staffing levels for jail officers, to levels that address tasks that occur away from the jail. Jail officers are the most appropriate types of employees to implement tasks that require supervision of inmates.

2. Use existing police officers to implement tasks that occur away from the jail.

3. Use non-sworn personnel to implement tasks that do not involve supervision of inmates (e.g. picking up prescriptions, vehicle maintenance)

4. Work with the courts and other entities to improve the scheduling efficiency of court activities.

5. Work with other cities to increase the efficiency of transports between jails.

The staffing implications associated with adding jail officers have been examined using available data and information. The need for transport and court escort personnel is necessarily tentative because we have only one month of data with which to work. Figure 4 shows the net increase in jail officer staffing levels if this approach were eventually used to address all of the deficiencies.

**Figure 4: Jail Officer Staffing Levels**

| **Deficiency** | **Staffing Implications (Jail Officers)** | **Full Time Equivalent (FTE)[8] Needs** |
|---|---|---|
| A. Observation and Supervision | A combination of full-time staff positions and overtime (or part-time) hours would need to provide for 8,760 hours of coverage per year (24/hours per day, 365 days) | 5.5 FTE |
| B. Timely Backup | A combination of full-time staff positions and overtime (or part-time) hours would need to provide for another 8,760 hours of coverage per year (24/hours per day, 365 days) | 5.5 FTE |
| C. Inmate Cell Checks | Included in A above. | 0 FTE |
| D. Transport, Court and Similar Tasks | Using an estimate of 11 hours per day[9], 4,015 hours of staffing would be required annually. | 2.5 FTE |
| | **Subtotal.....** | 13.5 FTE |
| | Existing jail officer positions | (5.0 FTE) |
| | **Net Increase .....** | 8.5 FTE jail officers |

The preceding estimates do not include the existing Sergeant position, which should not be considered when calculating jail coverage activities.

We acknowledge that adding a second jail officer to ensure backup is a costly response to an intermittent needs. The need for backup is unscheduled and unpredictable and the consequences of failing to provide it are measured in serious injury and loss of life. We are confident that the second jail officer would be able to assume additional duties that would assist other police department functions. Several activities have been tentatively identified that would fall into this category, including: taking bail, entering stolen and lost article information, filing booking packets into case jackets, consolidating and updating names and vehicle jackets in the database, updating business and emergency contact

[8] FTE needs are based on a Net Annual Work Hours (NAWH) figure of 1,592 for a jail officer. Put another way, after vacation, holidays, sick time and other elements are deducted from an officer's work schedule, there are 1,592 hours left to actually schedule an officer in the facility each year.
[9] Figure 2 provides a starting point for estimating the hours involved with activities away from the jail. As more data are collected and analyzed, this estimate will be refined.

information, processing blood-alcohol content (BAC) tests, enhancing building security, and entering dispositions from the courts.

## V. Summary

This preliminary report reviews current jail operations, identifies deficiencies, and describes potential solutions. A more complete analysis will be provided in our final report, including a review of long-term options and costs.

This report describes serious deficiencies that pose unacceptable risks to jail inmates and staff. The City has already taken a first step toward addressing these problems by commissioning this study. Now it is time to map an immediate strategy to move toward effective solutions.

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## Appendices

**A. Standards**

**B. Inmate Length of Stay Characteristics**

**C. Analysis of Inmate Checks**

## APPENDIX A: STANDARDS

Standards at the state and national level establish expectations for the operation of jail facilities. In the past ten years many states have discontinued their attempts to regulate local lockups; some states have even abandoned their jail standards and inspection activities. The State of Washington no longer has mandatory standards that are applied to local lockups or jails. However, the former standards still provide an important reference to determine the sufficiency of current operations and facilities. Even though these standards are no longer mandatory under state law, they may be used as benchmarks by the courts to evaluate jails.

Lockups present a distinct challenge when it comes to determining appropriate standards. There have never been national standards for lockups. During the Carter administration, Attorney General Griffin Bell briefly published standards for *jails*, but these were quickly retracted and have never been re-issued. Two sources offer *professional* standards for short-term detention facilities. These voluntary standards are not presented to the field as minimum requirements, but rather attempt to describe advanced or "professional" levels of practice. Federal courts frequently refer to these standards [case cites available].

The first professional standards for lockups were promulgated by the American Correctional Association (ACA) in the 1970's. These standards were integrated into ACA's *Standards for Adult Local Detention Facilities (ALDF)*. ACA stopped addressing lockups in any form in its Third Edition ALDF manual of standards (1991) and did not resume its attention to lockups in its Fourth Edition (2004). ACA's Second Edition ALDF manual remains the most complete treatment of short-term detention facilities requirements.

The Second Edition ACA standards live on, in a much-diminished form, as Section 72 of the *Standards for the Accreditation of Law Enforcement Agencies*, promulgated by the Commission on Accreditation for Law Enforcement Agencies (CALEA). These voluntary standards are currently used as the basis for accreditation of police agencies. The Kirkland Police Department is one of the select professional agencies that are accredited by CALEA.

Jail standards also apply to the Kirkland City Jail because inmates are housed for more than 72 hours (up to 30 days.) The American Correctional Association continues to promulgate professional standards for "Adult Local Detention Facilities" (ALDF), and the current Fourth Edition ACA ALDF standards are presented in an innovative performance-based format. This format offers new management tools that will be explored in the next phase of this project.

The former state standards require "full-time staffing" in all jails to ensure that staff are available *in the facility* to respond to:

- safety and security of the institution;
- medical emergencies;

- injuries (resulting from fights, falls, and other accidents);
- assaults
- escapes and attempts;
- suicide attempts;
- fires;
- risk management issues; and
- other exigencies.

The standards suggest that:

> "The number of jail staff present in the facility at any one time should be sufficient to make certain that the above listed items can be monitored and addressed... staff should be available to perform all audio and visual functions involving security, control, and supervision of all confined detainees and prisoners. Additionally, there should be sufficient staff to respond to any emergency, anywhere in the facility, within 3 minutes."

This interim report will not describe jail compliance issues in detail. Rather, we will highlight the more serious compliance concerns that we have identified. For the purposes of this report, we will focus on three major challenges:

1. Inmate supervision
2. Safety and security deficiencies posed by lack of immediate "backup"
3. Tasks and activities that take jail personnel away from the jail

<u>Inmate supervision.</u> The State standards required that:

> A personal inspection by jail staff of all offenders should occur at least once each hour. There should be no time when the jail is left unsupervised, even for a matter of minutes... inmates shall be individually observed on a frequent and irregular basis, once during every 60 minute period. *Inmates deemed to be potentially or at risk to themselves or others shall be observed at more frequent intervals* (emphasis added.)

According to the state standards, the purpose of the "inmate surveillance rounds" included:

**A.** verifying the presence and apparent well-being of inmates;

**B.** looking for evidence of previous misconduct (i.e., fighting, damage to the facility, contraband);

**C.** discovering potential security problems related to inmate conduct; and

**D.** documenting visual inspections.

The state standards articulate the limits of closed-circuit television (CCTV) and voice many concerns about using CCTV to supervise inmates:

> Jails which use closed-circuit television (CCTV) as a component of jail security should use it primarily as a means of monitoring and controlling doors, hallways, points of ingress and egress from one security zone to another, secure housing areas, and restricted access area....CCTV can be an effective tool if its use is limited to monitoring movement through the jail, verifying the identity and purpose of persons attempting ingress or egress the jail or security zones within the jail, and monitoring limited-access areas. CCTV can also be useful in *supplementing* supervision of inmates; however, if there is an *over reliance on CCTV* it may become a substitute for personal surveillance. Anything which diminishes personal surveillance will *negatively impact security and safety*...CCTV tend to create a false sense of security, and end up being used as a *poor substitute* for personal supervision of inmates in their living areas. Monitors cannot smell the environment (for smoke, sanitation problems, drugs, etc.), detect the subtle changes in inmates' actions which occur when staff members appear, see areas outside of the camera's view, or clearly hear and distinguish sounds...if CCTV is used as an active monitoring tool for any critical area (such as a suicide watch), there should be a log maintained by the officer assigned to monitor the CCTV showing the officer made a conscious observation of the area in question at frequent, regular intervals. (emphasis added)

In the Kirkland City Jail, CCTV is used in an attempt to enhance monitoring of inmates and jail operations. Communication staff are supposed to monitor several screens that depict various areas in the jail. In fact, the current value of this secondary source of observation is minimal, in part due to the location of the monitors in the communications center, and the level of demands placed in each communications employee.

Although the state standards cite 60-minute inmate checks as a minimum, they also note that some inmates require more frequent supervision. The CALEA standards require that every detainee is "visually observed by agency staff <u>at least every thirty minutes</u>." This higher standard reflects the risk posted by short-term detainees who have been recently admitted to confinement. However, a subsequent "interpretation" by CALEA allowed some of these checks to be conducted through "audio/visual means." This approach has been rejected by many of the federal courts and should not be considered in Kirkland.

The American Correctional Association (ACA) requires at least 30-minute checks for inmates who are considered special management. This designation applies to many of the short-term inmates housed in the Kirkland City Jail. There is also ample federal caselaw that cites the need for 30-minute checks, and at times even 15-minute or continuous inmate health and welfare checks.

> *<u>Supervision Performance Recommendation</u>. Inmates should be personally observed by a qualified staff member <u>at least</u> every 30 minutes on an irregular schedule. The use of audio and visual monitoring should supplement, not supplant, staff efforts.*

Safety and Security Issues Associated with Staffing Levels. The preceding review of inmate supervision underscores the need for a continuous staff presence whenever inmates are confined at the jail. The 30-minute inmate checks could, in theory, be conducted by a single jail officer, if he/she were not distracted by other duties such as admitting and releasing inmates.

Again the standards provide important guidance. CALEA and ACA standards voice concerns about one officer entering an inmate-occupied cell without immediate backup. State standards also express similar concerns. Jail officials know that inmates are tempted to exploit weaknesses in staffing, and that they know when backup staff are readily available or not. While it is true that staff are usually *outnumbered* by inmates in jails, that is not as dangerous as placing a single officer in a jail without any other qualified staff immediately available for assistance, and without meaningful monitoring of the officer's situation.

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## APPENDIX B: INMATE LENGTH OF STAY CHARACTERISTICS

Who are these inmates, and why are they in your jail? A new inmate management system was implemented in late 2003, providing an important resource that helps answer this question. We are in the process of analyzing selected characteristics of jail inmates. The database that we are using consists of 5,227 inmate admissions from November 11, 2003 to August 28, 2006. An admission is an incident of one person being booked into confinement.

Figure B-1 describes our initial findings with regard to the length of time each inmate spent in confinement-- whether it was in the Kirkland City Jail, or in one or more other facilities to which the inmate might have been transferred. The table compares the number of admissions to the number of days spent in jail by the inmates. A "detention day" is used to describe one inmate spending one day in confinement-- therefore, an inmate who spent 3 days in the jail would account for 3 detention days.

**Figure B-1: Inmate Length of Stay, November 11, 2003 to August 28, 2006[10]**

| Length of Stay | Number of Admits | Percent Admits | Cumul. Percent Admits | Number of Detention Days | Percent Detention Days | Cumul. Percent Detention Days |
|---|---|---|---|---|---|---|
| **A. Under 24 hours** | 3504 | 67.04% | 67.04% | 652 | 1.57% | 1.57% |
| **B. 1 Day** | 495 | 9.47% | 76.51% | 685 | 1.66% | 3.23% |
| **C. 2 Days** | 189 | 3.62% | 80.12% | 467 | 1.13% | 4.36% |
| **D. 3 Days** | 120 | 2.30% | 82.42% | 415 | 1.00% | 5.36% |
| **E. 4 Days** | 66 | 1.26% | 83.68% | 298 | 0.72% | 6.08% |
| **F. 5 Days** | 54 | 1.03% | 84.71% | 294 | 0.71% | 6.79% |
| **G. 6 to 10 Days** | 192 | 3.67% | 88.39% | 1578 | 3.81% | 10.60% |
| **H. 11 to 30 Days** | 288 | 5.51% | 93.90% | 5512 | 13.31% | 23.92% |
| **I. 31 to 60 Days** | 117 | 2.24% | 96.14% | 5316 | 12.84% | 36.76% |
| **J. 61 to 90 Days** | 83 | 1.59% | 97.72% | 6192 | 14.96% | 51.71% |
| **K. 91 to 120 Days** | 41 | 0.78% | 98.51% | 4591 | 11.09% | 62.80% |
| **L. 121 to 150 Days** | 25 | 0.48% | 98.99% | 3339 | 8.06% | 70.87% |
| **M. 151 to 180 Days** | 20 | 0.38% | 99.37% | 3430 | 8.29% | 79.16% |
| **N. 181 to 365 Days** | 30 | 0.57% | 99.94% | 7237 | 17.48% | 96.64% |
| **O. Over 365 Days** | 3 | 0.06% | 100.00% | 1392 | 3.36% | 100.00% |

Figure B-1 show that 67% of the persons admitted to detention were released in less than 24 hours. But these short-term detainees accounted for only 1.57% of the detention days. Conversely, only 0.57% of all inmates admitted to the jail spent between 181 and 365 days in confinement, but these inmates accounted for 17.48% of all detention days.

[10] In our database, the number of hours and minutes were calculated, so that inmates who spent less than 24 hours still accrued detention days.

Examining the cumulative percent of admissions and detention days yields further insights into the dynamics of the jail population. For example, inmates who were released within 3 days represented 82.42% of all admissions, but accounted for only 5.36% of the detention days.

The Kirkland City Jail generally limits its length of confinement to 30 days. Figure B-1 shows that 93.90% of all *admissions* were released within 30 days, but that only 23.92% of the *detention days* were used by this inmate population-- leaving 76.08% of all detention days to be served in other facilities.

This approach to describing the jail population is very important for staffing and planning purposes. From the operations perspective, short-term detainees who are held for 3 days or less are considered to present a higher risk in terms of their behavior because they are often under the influence of substances, or are withdrawing from addiction. Also, these short-term detainee are not always positively identified at the time of admission, and jail staff often know very little of an inmate. Standards require closer observation of these short-term detainees, and more frequent visual checks.

From the planning perspective, the length of stay characteristics suggest that the City will not be able to take care of the majority of its inmates in a facility that is limited to 30 days. In fact, even a 90-day facility would fall far short of meeting the City's needs because 48.29 of all detention days are accrued by inmates who spend over 180 days in confinement.

This brief preview of inmate characteristics has been provided to assist officials in their efforts to improve current jail operations.

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## APPENDIX C: ANALYSIS OF INMATE CHECKS, 12 Months Ending August 2006

Current jail policies and procedures require inmates to be checked at least once every hour by jail officers, and every two hours by police officers when a jail officer is not present. We entered data describing every recorded inmate check for a 12-month period ending in August 2006, as shown in Figure C-1.

**Figure C-1: Time Between Inmate Checks, Sept. 2005 - August 2006**

| Time Between Cell Checks (Minutes) | Police Officers | Percent of Checks | Cumul-ative Percent of Police Officer Checks | Jail Officers | Percent of Checks | Cumul-ative Percent of Jail Officer Checks | TOTAL-- All Checks | Percent of All Checks | Cumul-ative Percent of All Checks |
|---|---|---|---|---|---|---|---|---|---|
| **15 or less** | 55 | 3.66% | 3.66% | 856 | 10.50% | 10.50% | 911 | 9.40% | 9.40% |
| **16 to 30** | 108 | 7.18% | 10.84% | 1365 | 16.70% | 27.20% | 1473 | 15.20% | 24.70% |
| **31 to 45** | 154 | 10.24% | 21.08% | 1891 | 23.20% | 50.30% | 2045 | 21.10% | 45.80% |
| **46 to 60** | 184 | 12.23% | 33.31% | 2335 | 28.60% | 78.90% | 2519 | 26.00% | 71.80% |
| **61 to 75** | 187 | 12.43% | 45.74% | 871 | 10.70% | 89.60% | 1058 | 10.90% | 82.80% |
| **76 to 90** | 188 | 12.50% | 58.24% | 348 | 4.30% | 93.90% | 536 | 5.50% | 88.30% |
| **91 to 120** | 432 | 28.72% | 86.97% | 302 | 3.70% | 97.60% | 734 | 7.60% | 95.90% |
| **2:01 - 2:59** | 151 | 10.04% | 97.01% | 141 | 1.70% | 99.30% | 292 | 3.00% | 98.90% |
| **3:00 to 5:59** | 42 | 2.79% | 99.80% | 44 | 0.50% | 99.80% | 86 | 0.90% | 99.80% |
| **6:00 to 8:59** | 2 | 0.13% | 99.93% | 5 | 0.10% | 99.90% | 7 | 0.10% | 99.90% |
| **9:00 to 11:59** | 1 | 0.07% | 100.00% | 6 | 0.10% | 100.00% | 7 | 0.10% | 100.00% |
| **Over 12 hours** | 0 | 0.00% | 100.00% | 3 | 0.00% | 100.00% | 3 | 0.00% | 100.00% |
| **Total Number of Checks** | **1,504** | | | **8,167** | | | **9,671** | | |
| **Percent of All Checks** | **15.6%** | | | **84.40%** | | | | | |

Our analysis found that 84.4% of all inmate checks were conducted by jail officers and the remaining 15.6% of the checks were made by law enforcement personnel. Jail officers conducted 78.9% of their checks within 60 minutes or less, while the law enforcement officers only conducted approximately one-third of their checks within the one hour period. Police officers conducted 86.97% of their checks within the 120-minute interval that is required by policy.

Council Meeting: 06/19/2006
Agenda: New Business
Item #: 11. d.

**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
Barry Scott, Purchasing Agent

**Date:** June 7, 2007

**Subject:** Staff Recommendation for Revisions to Purchasing Ordinance (KMC 3.85)

RECOMMENDATION:

City Council consider the revised purchasing code language (KMC 3.85) and provide direction for a revised ordinance.

BACKGROUND DISCUSSION:

The purchasing ordinance provides the legal framework for all City procurement. The last major revision to the purchasing ordinance was completed over fifteen (15) years ago. Current limits require oversight by the central purchasing staff for any purchase over $1,000. In addition, a formal bid or request for proposal (RFP) process is required for most purchases over $20,000.

Certain components of the purchasing regulations are required by state law. Other components are in place to provide the best possible balance between ensuring the lowest prices and efficient business operations. The current limits lean heavily toward centralized control and have become increasingly inefficient and impractical under our current purchasing model.

The City currently operates a limited-centralization purchasing model. Two staff members are dedicated to supporting purchasing throughout the city. The Purchasing Agent assists City staff with conducting formal Request for Proposal (RFP) and Invitation for Bid processes as well as sole source, emergency and cooperative purchasing processes. The Buyer supports departments by assisting in making purchases to meet day-to-day maintenance and operations needs (tools, parts, furniture, printed materials, etc.). Both of these staff members provide general support and oversight for small purchases made directly by authorized department representatives.

## Proposed Changes

The proposed ordinance allows for purchases up to $7,500 to be made at the department level. Department directors may delegate individuals authorized to approve purchases. Purchases between $7,500 and $50,000 would require at least 3 written quotes and be subject to review by purchasing. A formal competitive process would be required for most purchases over $50,000.

State law provides considerable flexibility in the provision of professional services other than Architecture and Engineering (A&E). In an effort to provide consistency and clear expectations, additional guidelines for a non-A&E professional service process are included as part of the proposed ordinance revisions. The guidelines recommend a competitive process for contracts under $50,000, but leave the decision on process to the department director's discretion, although the rationale for the decision should be documented. Contracts over $50,000 would require a formal RFP or RFQ process unless waived by the City Manager.

There are several other changes in addition to updating the dollar limits and incorporating guidelines for the procurement of professional services. The revised ordinance: (1) eliminates the requirement for Council action to

authorize calls for bids, (2) includes improved language regarding bonding requirements and cooperative purchasing; and (3) adds new language regarding bid protests, contract amendments and purchases from U. S. government contracts. The entire ordinance has been reorganized to provide a more logical structure. "Plain English" reference materials have also been prepared for day-to-day staff use. A summary matrix of the changes is provided as Attachment A and a comparison with other jurisdictions is included as Attachment B.

**Environmentally Friendly Purchasing**

In addition to the changes mentioned above, a section (KMC 3.85.240) has been added to provide guidelines for staff in making environmentally friendly purchases. Pursuant to the proposed language of KMC 3.85.240 (c), purchasing staff has already begun to routinely seek information on environmentally preferable products from the state, other agencies and vendors. The City has also now been registered as a member of the Responsible Purchasing Network, the first national membership organization devoted to environmentally responsible procurement. In addition, the Buyer has joined the Green Team and we will be looking for opportunities to get the word out on new ideas and resources to buy green. Some sample information is included in Attachment C.

**Local Preference Issue**

As we were reviewing the ordinance and looking at opportunities for improvement, consideration was given to adding language to provide a preference for Kirkland suppliers. In doing so we found that, with the exception of RCW 39.30.040, state law does not allow for providing a preference for local suppliers (see memo from Bill Evans, Assistant City Attorney, in Attachment D). RCW 39.30.040 only allows that a preference can be given to local suppliers if the consideration of revenues from sales tax or business and occupations taxes would result in the supplier having submitted the lowest bid. The consideration of tax revenues to the City essentially makes the application of RCW 39.30.040 a tie breaker.

However, the City can always do more to inform local suppliers about opportunities to compete for the City's business. We will begin by updating the City's purchasing webpage with information on how suppliers can get on the vendors list used by the City, and how contractors can apply to be on the shared small works roster.

**Recommendation**

The revised purchasing code language has now been reviewed by, and discussed with, the department directors and the City Council Finance Committee. Suggested revisions from these groups have been incorporated into the code language, a draft of which is provided in Attachment E.

Since we are proposing to discontinue Council authorization to calls for bids which provides some public notification of upcoming opportunities, we propose replacing it with a periodic report of current projects where bids or proposals are being solicited (in addition to posting the information on the City's web page). This report would include listing small works roster projects, Requests for Proposals and Requests for Qualifications, all of which have not previously been included in the authorization to call for bids on the consent agenda. This report will appear as an information only item on the Council Meeting Agenda.

Attachments:
A – Matrix of Proposed Changes
B – Comparison of Practices of Other Jurisdictions
C – Sample Green Purchasing Materials
D – Local Preference Memorandum
E – Draft Purchasing Code Language

# Proposed Changes to How We Buy

Attachment A

| | No Quotes Required | | | Quotes | | | Competitive Bids | | |
|---|---|---|---|---|---|---|---|---|---|
| **Type of Purchase** | Current-Estimated Amt. | Streamlined Process | Proposed-Estimated Amt. | Current-Estimated Amt. | Director can execute contract. Council approval not required. | Proposed-Estimated Amt. | Current-Estimated Amt. | Contract awarded by Council or City Manager | Proposed-Estimated Amt. |
| **Public Works** (e.g. building repairs, road improvements, facilities construction, etc). | Under $5,000 | Recommend that contractor be selected from Shared Small Works Roster | Under $7,500 | $5,000 - $20,000 (Public Notice required if no competition) | Recommended that the Small Works Roster process be used. Limited Public Works process may be used if less than $35,000. As an alternative, Director can waive use of competitive process. | $7,500 - $50,000 | Over $30,000 multi trade or over $20,000 single trade | Invitation for Bids issued. (As an alternative, Small Works Roster process can be used up to $200,000.) Awarded by Council | Over $50,000 multi trade or over $30,000 single trade |
| **Equipment, Supplies & Routine Services** (includes furniture, computer hardware, office equipment, equipment maintenance contracts, etc.) | Under $1,000 | Written quotes are not required, but informal phone quotes are encouraged. Computer hardware or software require IT approval. | Under $7,500 | $7,500 - $20,000 | At least three written quotes should be obtained, if possible. Computer hardware or software require IT approval. | $7,500 - $50,000 | Over $20,000 | Invitation for Bids (IFB) issued. Council awards IFB. Request for Proposals (RFP) can be used if award decision is subjective. RFP may be awarded by City Manager. | Over $50,000 |
| **Professional Services** (Consulting services other than Architects & Engineers) | Under $20,000 | No competition required. Director executes Professional Services Agreement. | Under $7,500 | Under $20,000 | Professional Services Agreement is executed by Director. Director determines the need for competition for contract award. If there is no competition, rationale is to be documented. | $7,500 - $50,000 | Over $20,000 | RFP or RFQ process used to assure competition. City Manager can waive use of competitive process. City Manager awards | Over $50,000 |
| **Architects & Engineers** | No defined dollar amount | Select from Shared A&E Roster. If specialty is not found on the A&E roster, select whoever can best perform work. | Under $7,500 | Under $20,000 | Select from A&E Roster. If specialty is not found, Director may require RFQ process to ensure competition. Director signs contract. | $7,500 - $50,000 | Over $20,000 | Select from A&E Roster. If specialty not found, conduct RFQ process. City Manager can waive requirement for competition. City Manager awards. | Over $50,000 |
| **Emergency Purchase of Goods, Services or Public Works** (Quick purchase necessary to avoid financial loss.) | Under $7,500 (Purchas-ing's approval) | Make purchase without competition. If public work, prevailing wage requirements still apply. | Under $7,500 | Not defined | Director and Purchasing are advised of need for emergency purchase before or immediately after the fact. Documentation of emergency situation is required. | $7,500 - $50,000 | Over $20,000 | Requires City Manager's approval. Reported to City Council at their next meeting. | Over $50,000 |
| **Sole Source Purchase** (Goods & services for which only one source exists.) | Under $7,500 | No competition required. | Under $7,500 | $7,500 - $20,000 | Consult with Purchasing prior to purchase. | $7,500 - $50,000 | Over $20,000 | City Council approval required prior to purchase. | Over $50,000 |
| **Cooperative Purchasing** | There is no requirement for competition or Council approval when purchasing from State Contracts or other contracts covered by an interlocal agreement. However, for other than State Contracts, Purchasing needs to be consulted to assure compliance with RCW 39.34. | | | | | | | | |
| **Small Works Roster Process** | May be used for public works projects less than $200,000. Participating pre-qualified contractors in appropriate work category are notified of bidding opportunities. There's no need to advertise projects or have public bid opening. Council does not authorize Call for Bids. Council will award contracts over $50,000 v. $20,000. | | | | | | | | |

Attachment B

## Bid Thresholds for Seattle Suburban Cities

| | Public Works | | Goods & Routine Svcs | | | Notes |
|---|---|---|---|---|---|---|
| | Multi. Trade | One Trade | No Quotes | Quotes Required | Formal Bid/RFP | |
| **Kirkland - Current** | $30,000 | $20,000 | < $7,500* | $7,500 - $20,000 | > $20,000 | |
| **Kirkland - Proposed** | $50,000 | $30,000 | < $7,500* | $7,500 - $50,000 | > $50,000 | |
| **Bellevue** | $35,000 | $20,000 | < $5,000 | $5,000 - $35,000 | > $35,000 | Council denied increasing PW to $50k/$30k |
| **Bothell** | $35,000 | $20,000 | < $2,000 | $2,000 - $10,000 | > $10,000 | |
| **Lynnwood** | $35,000 | $20,000 | < $2,000 | $2,000 - $35,000 | > $35,000 | Purchasing desires increasing PW to $50k/$30k |
| **Redmond** | $50,000 | $30,000 | < $2,000 | $2,000 - $25,000 | > $25,000 | |
| **Renton** | $50,000 | $30,000 | < $20,000 | $20,000 - $50,000 | > $50,000 | |
| **Shoreline** | $50,000 | $30,000 | < $5,000 | $5,000 - $50,000 | > $50,000 | |

*Phone quotes or other determination of competitive pricing strongly encouraged.

## Awards Made by Council for Suburban Cities

| | Public Works | Goods & Routine Svcs | Professional Services |
|---|---|---|---|
| **Kirkland - Current** | $20,000 | $20,000 | Not Defined |
| **Kirkland - Proposed** | $50,000 | City Manager* | City Manager* |
| **Bellevue** | $35,000 | $50,000 | $50,000 |
| **Bothell** | $30,000 | $100,000 | $30,000 |
| **Lynnwood** | $5,000 | $35,000 | $7,500 |
| **Redmond** | $50,000 | Purchasing** | $25,000 |
| **Renton** | $50,000 | $50,000 | $50,000 |
| **Shoreline** | $200,000 | $100,000 | $50,000 |

*City Manager would have authority to award RFP & RFQ contracts, but may elect to require Council approval.
**Purchasing awards all contracts for goods, equipment & routine services, regardless of dollar amount.

# ecomarkets 2007

Summary Report

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helping grow the world's most sustainable companies

The EcoMarkets 2007 survey was carried out in partnership with the Center for a New American Dream and the North American Green Purchasing Initiative (NAGPI) of the North American Commission for Environmental Cooperation. This summary report contains the original results from the survey as well as statistical analyses prepared by TerraChoice Environmental Marketing Inc.

Feedback on this Report

Questions or comments related to this report can be directed to:

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TerraChoice Environmental Marketing Inc.

# Introduction

We surveyed 692 procurement professionals in Canada and the United States. The results presented in this report are accurate within plus or minus 4.4%, nineteen times out of twenty.

EcoMarkets is an ongoing research initiative of TerraChoice Environmental Marketing Inc. that monitors the patterns of greening in business-to-business (B2B) and business-to-government (B2G) procurement and supply chain management. Our purpose is to inform our clients and partners about attitudes and practices of North American buyers towards environmentally-preferable purchasing. This report is a public summary of the results of the research we conducted in 2006/07.

This year, we were very pleased to work on this initiative with two outstanding partners. The North American Green Purchasing Initiative (NAGPI) is a project of the trilateral North American Commission for Environmental Cooperation, based in Montréal. The Responsible Purchasing Network is a project of the Center for a New American Dream, based in Washington, D.C. We extend our thanks to these partners for their excellent assistance and support.

More detailed and customized analyses are available to our clients upon request.

We received survey responses from 692 procurement professionals in Canada and the United States between November 16, 2006 and January 2, 2007. Conservative calculations conclude that the results drawn from mutually exclusive questions are accurate within plus or minus 4.4%, nineteen times out of twenty.

All figures and charts in this report are expressed in percentages or on a mean rating scale.

# Our Respondents

Over $5 billion in annual spending is represented in our sample population.

To date, there is a lack of definitive statistics on the number of people in North America who hold procurement-related positions. However, according to the U.S. Department of Labor, 594,000 people held purchasing-related positions (such as purchasing managers, buyers, purchasing agents, procurement clerks, etc.) in 2004 (Bureau of Labor Statistics, 2004).

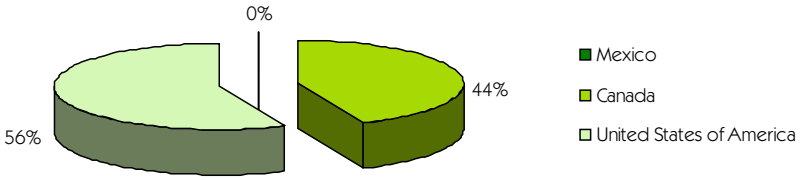
Our population frame was a list of approximately 10,500 procurement professionals compiled from various sources within Canada and the United States. We received a total of 692 responses to our online survey which provided us with the statistically significant sample response rate of 6.6% from which we draw the conclusions outlined in this summary report.

Of the 692 survey respondents, 56% work for organizations that are based in the United States and 44% for Canada-based organizations. Although we sought responses from Mexico, we were unsuccessful.

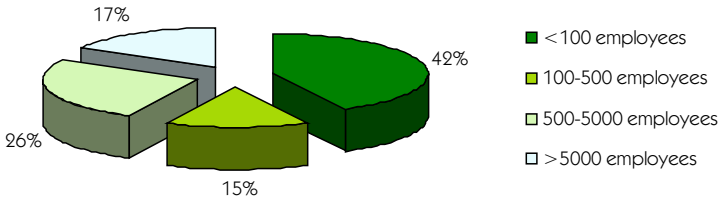
The majority of respondents – 52% – work in private or publicly-held companies. Moreover, 42% of respondents work in small organizations employing less than 100 employees.

Our respondents were invited by email to participate anonymously in this survey. Readers of this report should be aware of the following methodological limitations: (1) because the invitation was clearly about the *green* subject, there is some pro-environment self-selection bias in this sample; (2) some amount of interpretation was required by our respondents when answering the online survey questions.

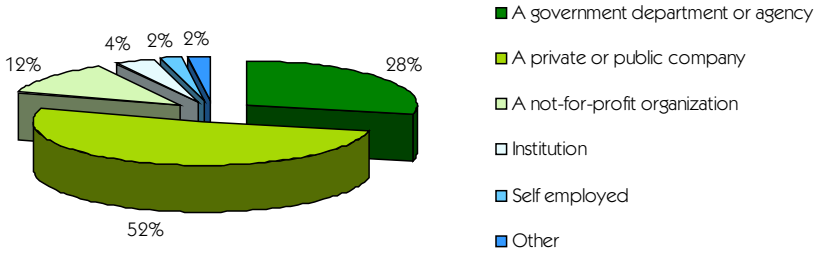
## *Organization Location*




## *Organization Size*




## *Organization Type*



# Policies

North American organizations in the public, private, governmental, and not-for-profit sectors increasingly recognize the importance of adopting green procurement policies.

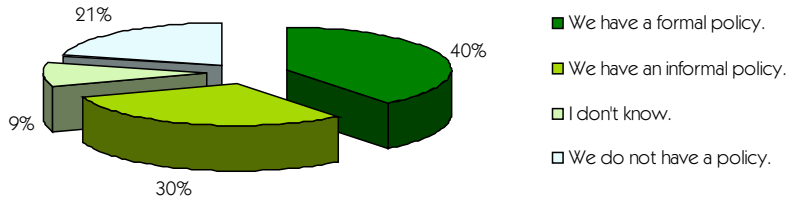
Policies provide top-down guidance and ground-rules for effective interaction and decision-making among staff. Effective procurement policies help shape purchasing decisions and signal organizational attitudes and philosophies towards the environment and sustainability. Clear policies can be an effective tool for organizational change.

70% of respondents indicated that their organization has instituted either a formal or an informal environmental/sustainability policy – this is a 7% increase from 2006. 60% of respondents further indicated that their organization has established either a formal or an informal green procurement policy.

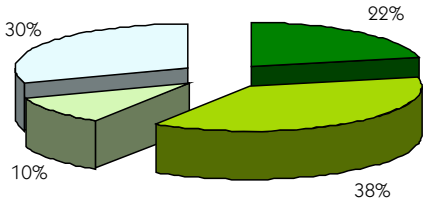
The increase in green procurement policies is especially pronounced in the Canadian context. According to our 2005 survey, 34% of respondents asserted that their organization had a green procurement policy. In this survey, that frequency has almost doubled to 59%!

Regardless of nationality or organization type, the majority of organizations have green purchasing policies. In Canada and the United States, the majority – 76% and 64% respectively – of government departments or agencies have green purchasing policies. This reflects how governments are making the effort to lead by example and how their purchasing decisions are less driven by financial constraints or profit-making.

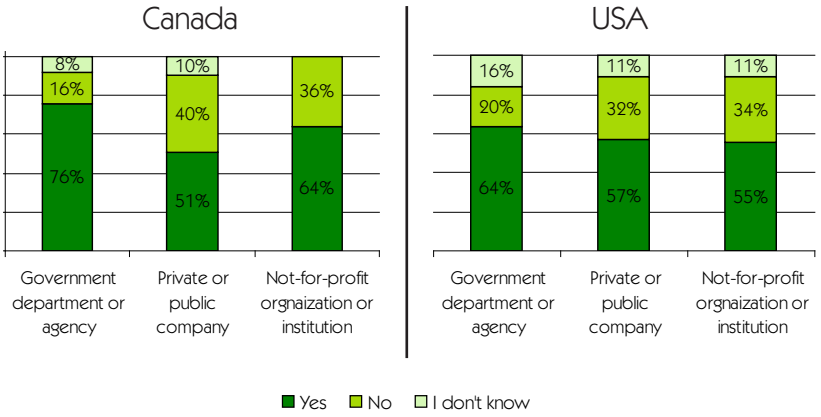
## *Environmental/Sustainability Policy?*




## *Green Purchasing Policy?*




## *Does Your Organization Have a Green Purchasing Policy?*



# Purchasing Behaviors

For the majority of organizations in North America, no more than 40% of annual spending is actually influenced by environmental factors.

Implementing a green procurement policy is one matter, but actual spending is what matters to policymakers and green marketers. Our survey asked respondents to indicate the extent to which organizational spending is actually influenced by environmental factors.

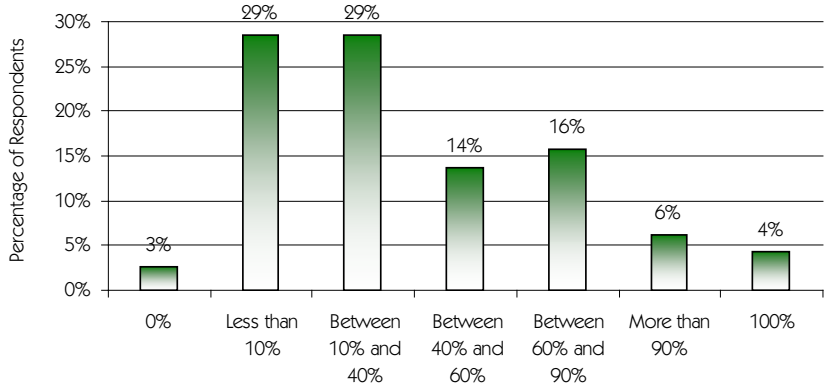
Among those organizations that have either a formal or an informal green purchasing policy, less than half (45%) report that those policies require environmental consideration in all purchasing decisions. 20% of respondents told us that they have to consider environmental factors only in certain product categories. A surprising 31% of procurement policies leave it entirely to the purchaser's discretion.

Despite this considerable variability amongst those organizations that have a policy, the majority of respondents – an overwhelming 91% – assert that they consider green factors at least occasionally. Fully 16% report that they always consider environmental factors when making purchasing decisions!

How procurement policies translate into actual dollars and cents spent is the final test of green penetration. For 29% of organizations in the United States and Canada, less than 10% of organizational spending is actually influenced by environmental factors. For another 29%, between 10% and 40% of spending is influenced by environmental considerations. Only 4% of our respondents told us that environmental issues influence 100% of organizational spending. To summarize, for approximately 60% of organizations in Canada and the United States, no more than 40% of annual spending is actually influenced by environmental factors.

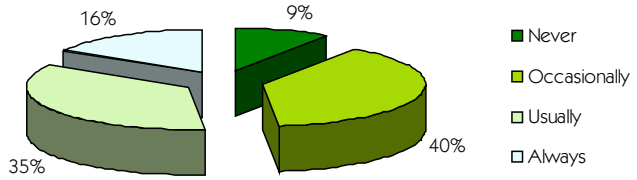
It is clear that while environmental factors are being increasingly incorporated into purchasing considerations, the translation of policy to practice is mixed and incomplete.

## *Percentage of Spending that is Actually Green Influenced*

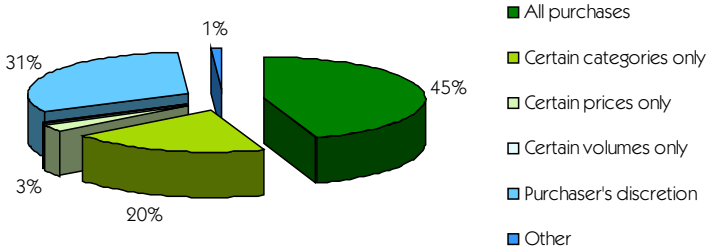



## *Environmental Factors Considered in...*

### *Actual Purchasing*




### *Purchasing Policy*



# Purchasing Factors

The three most important factors that influence purchases are product performance, durability, and price. Environment is a lower priority.

"Greener purchasing" clearly doesn't mean green at any cost, or green above all else. To understand the relative priority of environmental considerations, we asked our respondents about the importance of environmental factors in the context of other – more mainstream – concerns.

In addition to environment, we offered purchasers seven factors and asked them to rate the importance of each to actual purchasing at their organizations.

Environmental factors were ranked in the middle of the group, behind traditional quality and price concerns, and above other non-traditional concerns. The alternative factors and mean scores are: product performance (5.4), durability (4.8), purchase price (4.8), total cost of ownership (4.6), environmental considerations (4.3), social impacts (3.9), other considerations (3.3), and international trade restrictions (2.8).

In a related question, we directly explored the issue of price sensitivity. A strong majority of respondents (60%) report that they will not pay a price premium for environmentally preferred products.

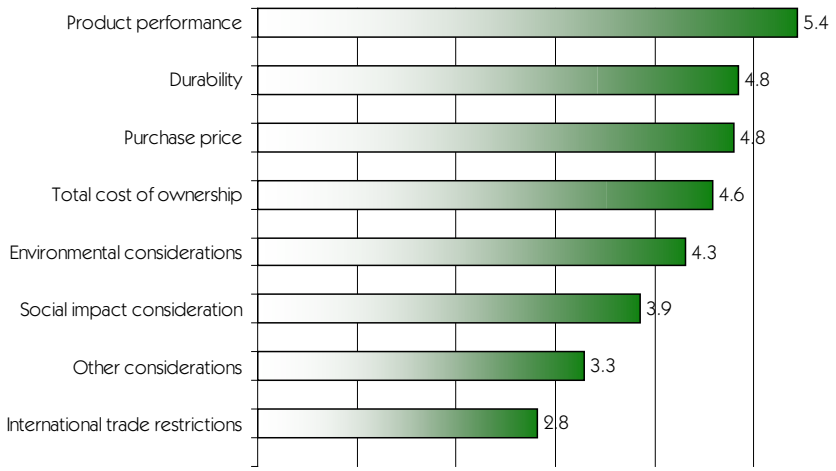
There was a time when a green product would predictably perform less well and/or be higher priced. That day has passed, and purchasers now expect better. There is no doubt that green products need to be competitive in terms of mainstream values.

That is not to say that a higher price may not be available, but these data tell us that a premium cannot be justified on environmental advantages alone. Often, green goods offer lower total costs of ownership and greater durability as a function of their environmental strength. These are both more important values to our audience, and more likely to generate price premiums in a value-for-money equation. (Note that this survey did not ask if a price premium could be paid for better value, but specifically for environmental advantage.)

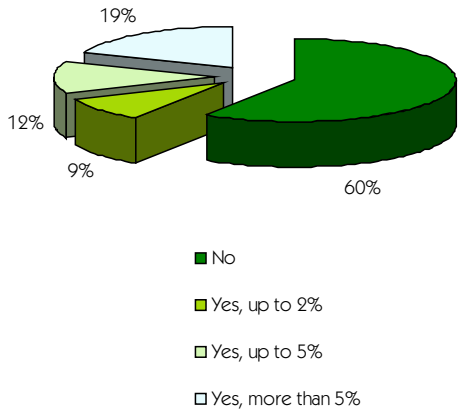
These results serve as a reminder that just being green won't be enough to win customers. Savvy communications and positioning, particularly those that appeal to mainstream values, will be essential strategies for green marketers.

## *Relative Importance of Purchasing Factors*

Rating Scale of 1 (least) - 6 (most important)




## *Price Premium?*



# Environmental Issues

Human health, toxins, and energy conservation are the most important environmental issues influencing purchasing decisions.

We asked North America's procurement professionals to rank the relative purchasing importance of several environmental issues. Some interesting observations can be made by closely examining the graph presented at the bottom of this page.

The first general observation of these results is that environmental issues can be grouped into three broad categories. Issues related to the human environment (such as human health and toxics) are consistently in the most important cluster. Technical and media-specific issues (such as water pollution and biodegradability) form a second and less important cluster of issues. For purchasers, issues related to the non-human ecological environment (such as habitat and ancient forests) currently form the third and least important group of issues.

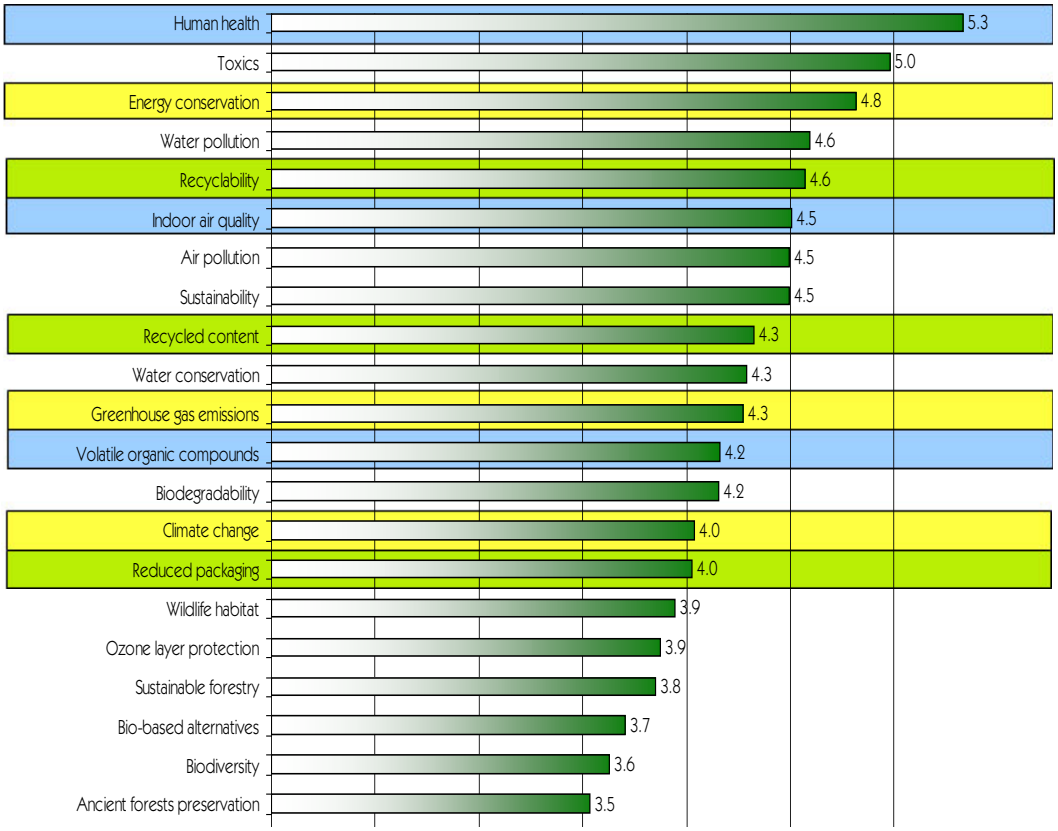
A more specific observation points to the different ways – and different effectiveness – of expressing the same environmental benefit. Marketers can find an important lesson here related to the best choice of language for communicating genuine environmental value.

An energy efficient product, for example, might genuinely be promoted in terms of "energy conservation" or "climate protection". As illustrated in yellow on this chart, these data tell us that "energy conservation" appeals to these audiences far more frequently than do the other terms. Energy conservation was ranked the third most important environmental issue and this can be explained by the fact that organizations have long placed a strong emphasis on cost reduction. Producers and sellers of energy-efficient products will be wise to emphasize the strong linkage between energy efficiency and cost savings to appeal to procurement professionals.

This example – energy conservation still trumps climate change – is particularly interesting in light of the high profile of climate issues.

## *Relative Importance of Environmental Issues*

Rating Scale of 1 (least) - 6 (most important)




*Lessons for Marketers (for example):*

- Speak "recyclability" (not reduced packaging)
- Emphasize "energy conservation" (not GhG)
- Talk about "human health" (not VOCs)

# Commodities

Paper and paper products, followed by janitorial/sanitation goods and services are the purchases most frequently influenced by environmental factors.

Greener purchasing doesn't necessarily mean that all commodities are given environmental scrutiny. In this part of the study, we hoped to learn if some types of goods and services attract more green attention than others.

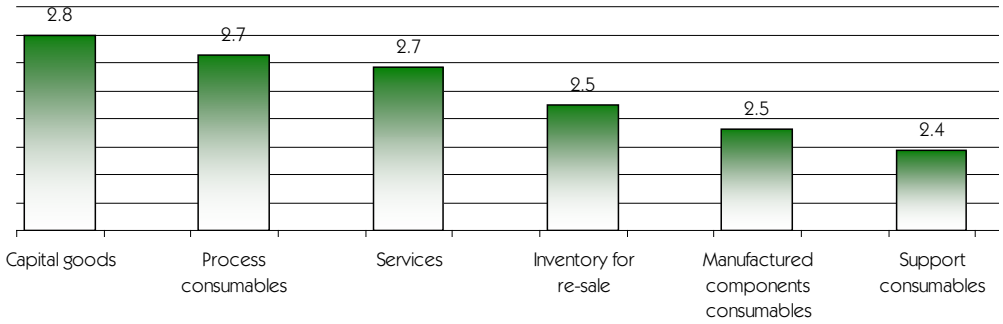
We asked purchasers about their application of green factors to various general types of purchases, including: capital goods, process consumables, services, inventory, manufactured components, and support consumables. Although the differences are not dramatic, capital goods consistently attract the most frequent environmental scrutiny (mean rating of 2.8, versus 2.4 through 2.7 for the other commodities).

In another question, we asked our respondents to focus on more specific commodities, including: paper, cleaning products/services, electricity, offices supplies, electronics, and building materials. In this case, the differences are more notable, as reflected on the mean rating scale. Paper and paper products (3.2) attract environmental scrutiny most frequently, followed closely by janitorial/ sanitation commodities (3.0). There is little notable distinction between the remaining options (2.6 to 2.8).

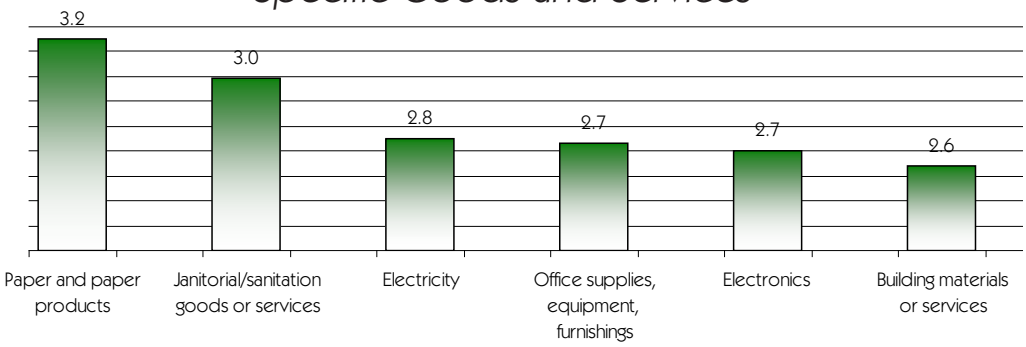
## *Frequency of Green Consideration When Buying...*

Rating Scale of 1 (never) - 4 (always)

### *General Goods and Services*




### *Specific Goods and Services*



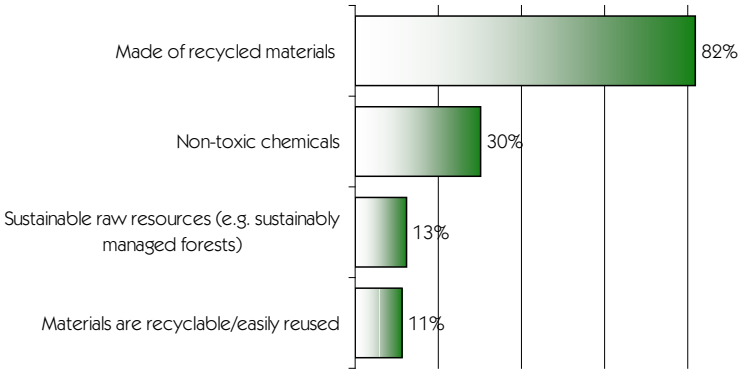
# Paper

The vast majority of procurement professionals still think of "environmentally-preferable paper" simply as recycled content.

Despite early computer-era predictions of the paperless office, paper consumption continues to rise (Statistics Canada, 2006). Environmental scrutiny of paper – issues like forestry, toxics, and energy – are also growing. We wanted to explore how these trends converge in professional paper purchasing.

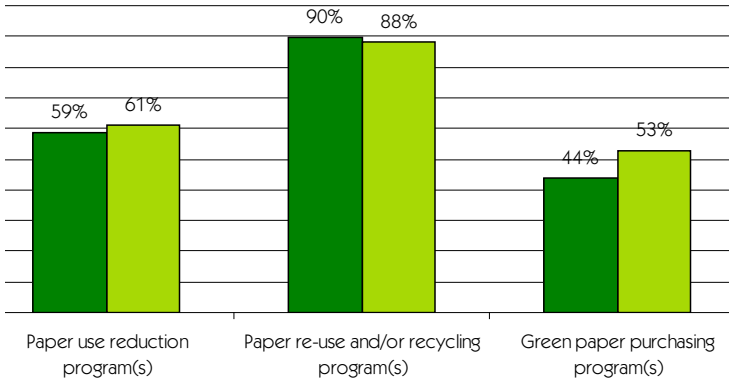
A noteworthy majority of Canadian and American organizations – 90% and 88% respectively – have paper re-use and/or recycling programs. Although less common than recycling programs, a significant number of Canadian organizations (59%) and American organizations (61%) have implemented paper use reduction programs. For example, methods of reducing paper usage could include making the effort to only use electronic data and using both sides of paper. With 44% of Canadian respondents and 53% of American respondents indicating that green paper purchasing programs exist at their organization, such initiatives are still the least common paper-related program.

When we asked, "What does 'environmentally preferable-paper' mean to you?" we received a very clear message. To an overwhelming majority of procurement professionals – 82% of respondents – "environmentally-preferable paper" means paper made from recycled materials. 30% of respondents suggested that environmentally-preferable paper is made using non-toxic chemicals. Paper produced from sustainably-managed forests and from materials that are easily recyclable received a response rate of 13% and 11% respectively.




*What Does "Environmentally-Preferable Paper" Mean to You?*

(Multiple Responses Possible)




*Which of These Paper-Related Programs Exist at Your Organization?*

Canada
USA

# Cleaning Products

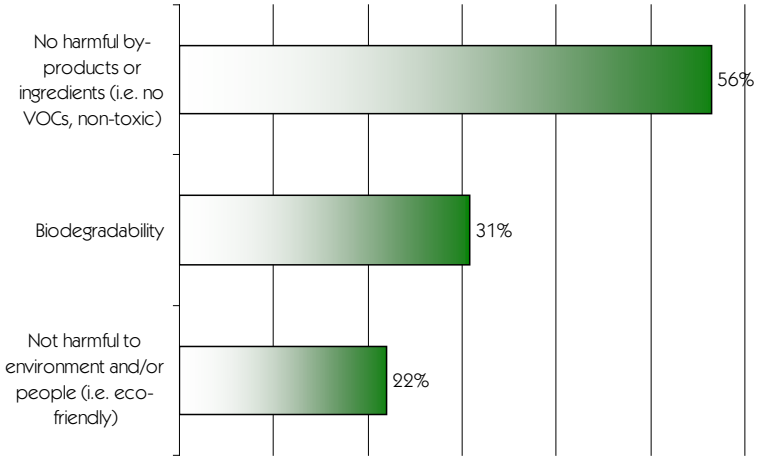
As evidence of the strong growth in green cleaning, over one-quarter of all North American organizations require green products in their janitorial contracts.

In the last two years, few B2B verticals have seen as much greening growth as the cleaning sector. Driven by concerns about indoor health (notably schools and hospitals), worker safety, and hazardous waste streams, the green cleaning movement is shaking up the industry.

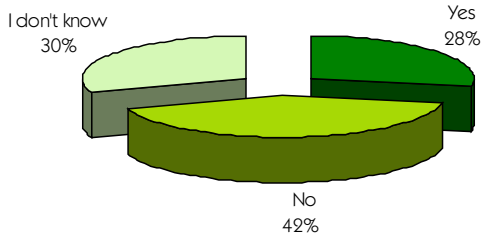
As evidence of this trend, just over one-quarter (28%) of the organizations we surveyed report that their janitorial contracts require green cleaning products. (Fully 30% of respondents "Don't know" the answer to this question, so the 28% may understate this pattern.)

We also asked procurement professionals what "green cleaning products" means to them. Allowing for multiple responses, the majority of procurement professionals – 56% of respondents – indicated that "green cleaning products" refers to products manufactured using non-toxic ingredients, 31% of respondents suggested "green cleaning products" refers to products that are biodegradable, and a further 22% indicated that green cleaning products are not harmful to the environment and/or people.

*What Does "Green Cleaning Products" Mean to You?*




*Do Your Janitorial Contracts Require Green Cleaning Products?*



# Electricity

Energy conservation programs within organizations are over three times more common than green electricity purchasing programs.

Driven by a variety of concerns – climate change, security of energy supply, air and water pollution, and increasing energy costs, to name a few – supply and demand for green electricity has grown exponentially in recent years. Nevertheless, green power still makes up a very small fraction of the overall power mix on the continent.

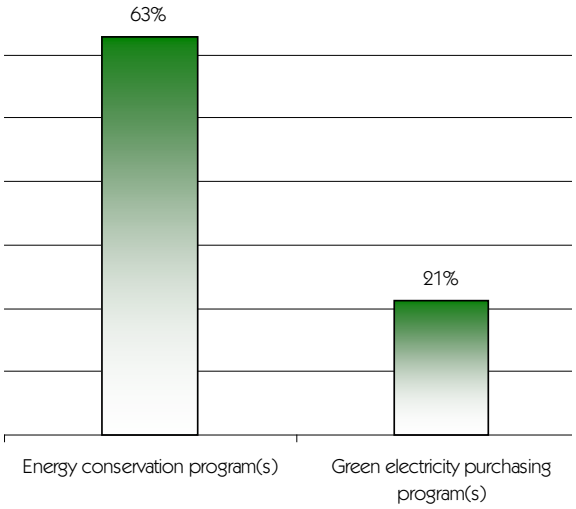
It is also beset by fundamental challenges, not the least of which is definitional. What is "green electricity"? The EcoLogo™ program defines it as "renewable low-impact", and establishes specific criteria for each technology. But, there is still considerable controversy on this topic.

Our respondents, in answer to an open-ended question, defined "green electricity" in many different ways. In most cases, these answers were not mutually exclusive, although nuclear energy is a notable exception. (Some respondents specifically include nuclear as green, and some specifically exclude it!)

In general, there was agreement around the common theme of renewability. Wind power, for example, was cited by 41% of respondents and solar/thermal by 35%. Other renewables included alternatives to fossil fuels (22%) and low-impact hydro (21%). Interestingly, 15% of respondents volunteered conservation-related answers (demand) to a question about technology (supply).

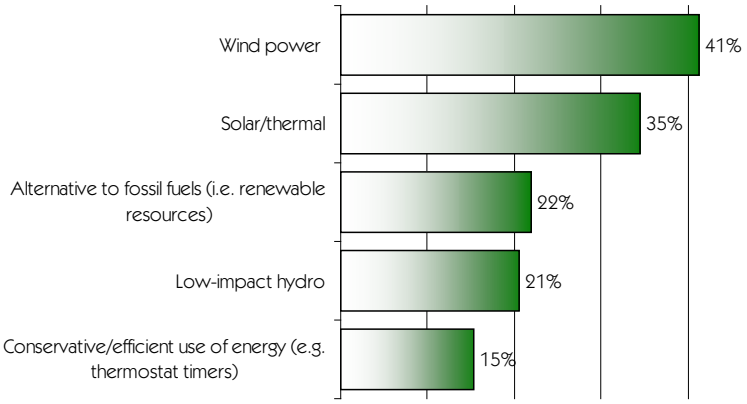
To benchmark procurement solutions against other initiatives, we also asked respondents about energy-related programs at their organizations. Whereas 20% indicated they purchase green electricity, 62% indicated that their organizations have energy conservation programs in place. Traditional cost drivers that encourage energy conservation are well entrenched. Nevertheless, this latent awareness of program alternatives around energy should be seen as an opportunity for marketers of green electricity.

## *Yes, We Have These Electricity-Related Programs at Our Organization*




## *What Does "Green Electricity" Mean to You?*

(Only Top 5 Responses Below)



# Supporting Green Purchasing

Better information, selection, and price (value) are the most common opportunities to advance greener purchasing.

Thanks to the work of purchasers and policymakers across the continent, greener purchasing is growing. And although the change has been significant, there is still much more progress to be made. How can greener purchasing be further advanced?

We asked our respondents to rank the helpfulness of several approaches to stimulating more green purchasing. More competitive pricing for environmentally-preferable products was ranked the single most useful approach (mean of 3.5). Although this suggests a supply-side solution, it may also point out internal opportunities since higher prices for greener products are often presumed, but not necessarily factual. Also, when greener products are judged in terms of total cost of ownership, or total value, initial price is often much less of an obstacle.

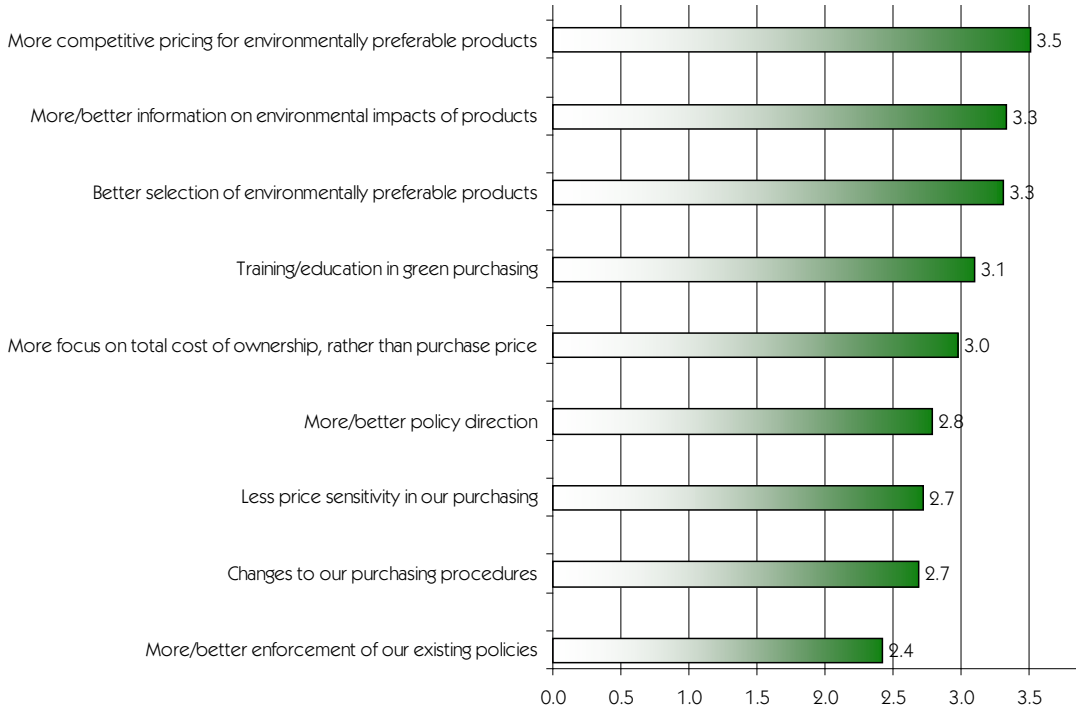
Other more frequent responses included more/better information pertaining to a product's environmental impacts (mean of 3.3), offering a better selection of environmentally-preferable products (mean of 3.3), and providing training and education in green procurement (mean of 3.1).

Stronger marketing campaigns, compelling value arguments, better pricing schemes, and effective training programs should go a long way in stimulating more green procurement.

Purchasing behaviors are also influenced by the availability and visibility of a product or service. Therefore, it is important for manufacturers of greener products to improve their distribution channels and strengthen connections with mainstream selling outlets.

## *What Would Help Your Organization Do More Green Purchasing?*

Rating Scale of 1 (not helpful) - 4 (very helpful)



# Outlook

A large majority of procurement professionals believe their organizations will be more active in green purchasing in the near future.

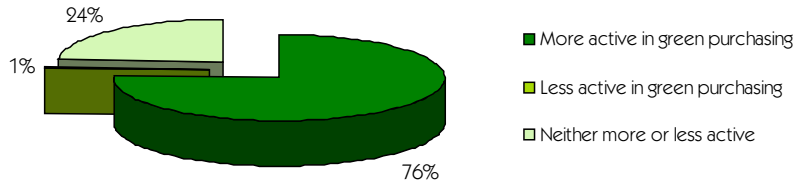
Public, corporate, and institutional attention to the environment and sustainability is high. There's little doubt that institutionalized green purchasing is more common than it has ever been. This is good news for policymakers and advocates; and obviously for marketers of green products.

Ecomarkets are large, but are they growing?

The answer is clearly "yes". Looking ahead two years, 76% of procurement professionals believe their organizations will be more active in green purchasing than they are today. 24% expect their organization to maintain their current green purchasing behavior.

To ensure this trend continues, more work needs to be done to reinforce the importance of green purchasing and to help organizations transform their environmental commitments into action. Advocates, policymakers, and marketers must all contribute with education, policies, tools, and even greener product choices.

## *In Two Years, My Organization Will Be...*



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Statistics Canada. (2006). *Our Lives in Digital Times.* Retrieved March 21, 2007, from http://www.statcan.ca/bsolc/english/bsolc?catno=56F0004MIE2006014

U.S. Department of Labor: Bureau of Labor Statistics. (2006-07). *Occupational Outlook Handbook.* Retrieved March 21, 2007, from http://www.bls.gov/oco

Attachment D

# CITY OF KIRKLAND

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 425.587.3030

**CONFIDENTIAL AND PRIVILEGED**

## CITY ATTORNEY'S OFFICE MEMORANDUM

**To:** Gwen Chapman, Financial Operations Manager
Barry Scott, Purchasing Agent

**From:** Wm. R. Evans, Assistant City Attorney

**Date:** September 29, 2006

**Subject:** Local Purchasing Preference

ISSUE

May a municipality adopt a provision in its purchasing code that provides a preference to local businesses when considering or awarding contracts for public purchases?

DISCUSSION

The Washington case law I have reviewed does not provide a clear answer to this question. The issue is further complicated by the Commerce Clause to the U.S Constitution if the non-local vendor also happens to be out of state. However, the Washington State Auditor's Office has reached a conclusion in this regard under Washington law, which it addresses as follows:

> State law does not recognize, and implicitly prohibits, granting of preferences to local vendors in purchases of goods, supplies and services by local governments. (If an entity can justify imposing a requirement of local availability of a product, the requirement should be made a part of the bid specifications rather than being a factor in choosing bidders.)"

Washington State Auditor's Office, *Competitive Bid laws*, 2005, pg. 12.

Based on the foregoing Auditor's position and the lack of any clear direction to the contrary, I would recommend the City not adopt any kind of local preference provision in its purchasing code.

# Chapter 3.85
# PURCHASING

## 3.85.010 PURPOSE

It is the purpose of this chapter to provide procedures governing the purchase of all goods, services and public works by the City in compliance with all state and federal laws applicable to such purchases

## 3.85.020 DEFINITIONS

(a) Director means the Director of Finance and Administration or his/her designee.

(b) Emergency means unforeseen circumstances beyond the control of the city that either presents a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.

(c) Electronic Data Processing Systems and Telecommunications Systems as defined in RCW 36.92.020 and RCW 19.28.400, respectively, or as otherwise defined for the purposes of RCW 39.04.270.

(d) Goods means all materials, supplies, equipment or other tangibles not purchased for use in a public works project.

(e) Lowest Responsible Bidder as defined in RCW 43.19.1911 and means, in addition to price, that the following elements shall be given consideration:

1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

3) Whether the bidder can perform the contract within the time specified;

4) The quality of performance of previous contracts or services;

5) The previous and existing compliance by the bidder with laws relating to the contract or services;

6) Such other information as may be secured having a bearing on the decision to award the contract.

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(f) Public Works as defined in RCW 39.04.010 and means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the city or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

## 3.85.030 ADMINISTRATIVE RESPONSIBILITY

(a) The Director is responsible for oversight and administration of City purchasing. The Director has the authority to appoint a Purchasing Agent to undertake administrative responsibility for the efficient and economical procurement of goods, services and public works as provided in this chapter.

(b) The Director may delegate purchasing authority to other department directors for direct, nonrecurring, non-public works purchases under $7,500, which shall be exercised as a Small Purchase.

## 3.85.040 PROCUREMENT STANDARDS

The following standards shall be applicable to City procurements:

(a) A review of all proposed procurements shall be done by Purchasing Staff and/or the appropriate budget authority for the purpose of, including but not limited to, avoiding the purchase of unnecessary or duplicative items and for consolidating procurements when appropriate to obtain a more economical purchase.

(b) The Purchasing Agent or designee shall be responsible for analyzing procurements to determine whether or not a lease arrangement may be more economically practical than the purchase alternative. All lease agreements must be approved by the Director.

(c) Time and material type contracts shall be used only after a determination that no other type of contract is suitable and when the contract includes a ceiling price, which the contractor shall not exceed, except at its own risk.

(d) When using a liquidated damages provision in a contract, the project manager shall document the derivation of the rate of assessment and ensure it is reasonable, proper, and not arbitrary and capricious. The rate should be enough to reasonably compensate the City for damages suffered, but not so large as to be construed as a penalty.

(e) When contracting for professional services, the contract shall limit the total of the base and option time periods to not more than five years, unless otherwise approved by the City Council. Prices for each base and option time period shall be firm and fixed wherever possible and shall be established in the initial contract negotiation and execution. If it is

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not possible to establish firm, fixed prices, changes in the option period prices shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index.

(f) Advance funding payments made to a contractor prior to the incurring of costs by the contractor shall be prohibited. Progress or percentage of completion payments made to a contractor while work is being performed by the contractor may be allowed if deemed appropriate for the project.

(g) Project managers and Purchasing staff shall work together to ensure contractors perform in accordance with the terms and conditions, and specifications of their contract or purchase order.

(h) All contracts must contain a provision allowing the City to terminate the contract. Ideally, the provision will authorize such termination without cause but, in lieu of this ideal, a provision allowing termination for cause is acceptable if approved by the City Attorney's Office. A provision in a single contract authorizing termination without cause in certain circumstances and termination only for cause in others is also acceptable upon approval by the City Attorney's Office.

## 3.85.050 ETHICAL STANDARDS OF CONDUCT

(a) All purchasing shall be conducted in compliance with the Code of Ethics set forth in Chapter 3.82 of the Kirkland Municipal Code and other applicable law.

(b) Organizational conflicts of interest shall be avoided. An organizational conflict of interest exists when a supplier, consultant or contractor provides the specifications to be used in a planned procurement and is then allowed to compete in the procurement process.

## 3.85.060 PERSONAL RESPONSIBILITY FOR UNAUTHORIZED PURCHASES

City employees who exceed their designated purchasing authority and obligate the City to a financial commitment which results in a financial loss to the City may be held personally responsible. The City shall be entitled to recover the full amount of such a loss from the employee.

## 3.85.070 METHODS OF PROCUREMENT

Procurement shall be achieved by one of the following methods:

(a) Small purchase

(b) Invitation for Bids (IFB)

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(c) Request for Proposals (RFP) and Request for Qualifications (RFQ) for competitive negotiations

(d) Small Works Roster option for public works projects less than $200,000 authorized by RCW 39.04.155, including the limited public works option for projects under $35,000

(e) Cooperative purchasing

(f) Electronic Data Processing and Telecommunications Systems as provided by RCW 39.04.270

(g) Waiver of Competitive Bidding Requirements as provided by RCW 39.04.280

(h) By the City Manager as allowed under KMC 3.16.040 and .050

(i) As otherwise allowed by law and approved by the Director.

## 3.85.080 SMALL PURCHASE

(a) Small purchase procedures shall be used for purchases of goods, services and multi craft or trade public works when it is expected the total price will not exceed $50,000 ($30,000 for single craft or trade public works), including sales tax and freight, except as otherwise allowed in 3.85.190 and 3.85.200. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

(b) For goods and services, price quotations shall be obtained and documented from at least three (3) sources, where possible, if the total price is expected to be between $7,500 and $50,000 including sales tax and freight, except as otherwise allowed in this chapter. All awards to other than the lowest responsible bidder must be documented on the quote sheet with selection rationale clearly defined. For goods and non-public work services under $7.500, formally documented price quotations shall be unnecessary but it is expected that competitive pricing shall be sought in the best interests of the City.

(c) For public works projects that are street signalization or street lighting, under $30,000 involving a single craft or trade, or under $50,000 if involving multiple crafts or trades, three written quotations must generally be obtained. The Small Works/Limited Public Works process is recommended for obtaining quotes.

1) If it is necessary or advisable that public works projects that are street signalization, street lighting, under $30,000 for a single craft or trade or under $50,000 for multiple crafts or trades, should be done without obtaining competitive quotes, the appropriate director or designee may waive in writing the requirement of obtaining quotes.

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2) For any public work which is not competitively bid and where the cost is estimated to exceed $25,000, notice providing the estimated cost and a description of the work will be published at least once in a legal newspaper of general circulation in the area where the work will be performed and at least 15 days before beginning work.

(d) The Purchasing Agent shall be responsible for determining the adequacy of quotations for small purchases. So long as the authorization exists within the budget appropriation for the small purchase, the manager or director with the appropriate budget authority shall not be required to obtain further approval by the City Council prior to the commitment and expenditure of funds.

(e) Price quotations for repetitively purchased items that are purchased within one year of the last procurement of that exact item(s) shall be unnecessary provided the prior competitively quoted purchase price has not changed.

(f) In accordance with RCW 39.04.190, the Purchasing Agent will publish a notice twice per year in the City's designated official newspaper advising potential bidders of the existence of the vendor list used by the City. The vendor list is to be used for the purpose of identifying suppliers interested in being provided the opportunity to quote on small purchases for materials, equipment, supplies and routine services.

## 3.85.090 INVITATION FOR BIDS/REQUESTS FOR PROPOSALS

(a) Unless another method of procurement is authorized in this Chapter or by other law, IFB/RFP/RFQ procedures shall be used for the purchase of goods and services when it is estimated the total price will exceed $50,000, including any applicable sales tax and freight charges. The IFB process shall also be used for public works projects in excess of $30,000 that involve only a single craft or trade and in excess of $50,000 for those involving multiple crafts or trades.

(b) A pre-submission conference may be held when conducting the IFB, RFP or RFQ process. The pre-submission conference is for the purpose of answering questions and clarifying the requirements and specifications relevant to the procurement. Notice for such pre-submission conference shall be advertised and stated in the public notice and the general requirements for the Invitation for Bids, Request for Proposals or Request for Qualifications.

## 3.85.100 INVITATION FOR BIDS

(a) An IFB shall be used in all cases where adequate information exists to form a complete and realistic bid specification, where the procurement lends itself to a firm, fixed-price dollar amount, and where award can be made principally on the basis of selecting the Lowest Responsible Bidder. All awards to other than the low bidder must be authorized

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by law, documented on the bid sheet or where appropriate and with the selection rationale clearly set forth.

(b) The City Manager may request that the City Council authorize a call for bids for goods, services or public works estimated to have a total cost of more than $50,000, which must be executed by the City Manager or his/her designee.

(c) Bids shall be opened and read publicly at the time and place designated in the IFB notice.

(d) The name and address of each bidder, the bid price and any other relevant information as may be specified in the IFB shall be read aloud and recorded in the minutes of the bid opening.

(e) It shall also be announced that the bid review will be completed by City staff and the expected date given when the City Council shall meet to award the contract.

(f) The IFB shall specify the City's right to postpone the award of the contract or to reject any or all bids.

(g) The City Council will award all contracts for goods, routine services or public works determined to be more than $50,000.

(h) The purchase record, bid sheet, minutes of the bid opening and each bid, to the extent allowed by law, shall be open to public inspection following contract award.

### 3.85.110 REQUEST FOR PROPOSAL / REQUEST FOR QUALIFICATIONS

(a) An RFP or RFQ shall be used when the procurement lacks definite specifications, when proposals are sought for the purpose of establishing a bid specification, when the goods or services being procured involve creative design or professional administration, and/or when subjective criteria is considered in the contract award, which is made in the best interests of the City.

(b) When proposals are sought for the purpose of establishing a bid specification, it shall so state in both the public notice and in the RFP or RFQ.

(c) The RFP or RFQ shall identify all significant evaluation factors and their relative weighted importance.

(d) Verbal interviews with any proposer who has submitted a proposal may be conducted to determine the capabilities of the proposer and their understanding of the City's needs.

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(e) Contracts in excess of $50,000 resulting from the RFP or RFQ process may be awarded by and executed by the City Manager or his/her designee. The City Manager/designee may elect to recommend award of the contract by the City Council..

(f) Except where prohibited by Law, proposals shall be reviewed privately with strict confidentiality regarding all evaluative factors maintained throughout the review process. The evaluation committee will grade all factors, with their consensus recorded on the proposal tabulation worksheet.

(g) The purchase record, proposal tabulation worksheet and each proposal, to the extent allowed by law, shall be open to public inspection following contract award.

## 3.85.120 PUBLIC NOTICE ADVERTISING

(a) With all procurements using the IFB/RFP/RFQ process, the Purchasing Agent shall cause a public notice inviting bids or requesting proposals or qualifications to be posted on the City's web site and published in the appropriate publication(s) at least once, and at least fourteen (14) calendar days prior to the bid/proposal opening.

(b) The notice shall state generally the item to be purchased and/or the service to be performed, the location of the plans and specifications, if any, the pre-bid conference date and location (if one is held), the bid/proposal opening date and time, and to whom the bid/proposal is to be submitted.

## 3.85.130 BID/PROPOSAL ACCEPTANCE AND EVALUATION

(a) Bids received by the published due date and time shall be unconditionally accepted without alteration or correction. Award shall be made to the Lowest Responsible Bidder based on the requirements set forth in the IFB.

(b) Proposals received by the published due date and time shall be unconditionally accepted without alteration or correction. Submissions shall be evaluated based on the requirements set forth in the RFP/RFQ, which may include but are not limited to criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, suitability for a particular purpose, and pre-award survey of the proposer's facilities. Those criteria that will affect the price and will be considered in evaluation for award as determined by the City shall be objectively measurable, including but not limited to discounts, sales tax, transportation costs, installation costs, and total project or life cycle costs.

(c) In addition to the foregoing, the following elements may be considered in the evaluation of proposals:

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1) The ability, capacity and skill of the proposer to perform the contract or provide the service required;
2) The character, integrity, reputation, judgment, experience and efficiency of the proposer;
3) The proposer's proposed method for assuring timely and acceptable performance of the work.
4) The quality of performance by the proposer on previous contracts with the City or another public agency, including but not limited to, the relative costs, burdens, time and effort necessarily expended by the City or another public agency in securing satisfactory performance.
5) The previous and existing compliance by the proposer with laws relating to the contract or services.
6) The proposer's management system to be applied in performing the work and the reasonableness of the resources to be applied.
7) Such other information as may be secured having a bearing on the decision to award the contract.

(d) A committee may be selected to conduct the technical evaluation of the proposals received and shall make a recommendation for contract award to the City Council based upon each of the evaluation elements in accordance with the weighted importance of each element as determined by the project manager and purchasing agent prior to the solicitation. The relative positions and evaluation points are totaled for each evaluation element or category, and the proposer with the highest overall total of evaluation points shall be recommended for contract award.

(e) After the initial tabulation of evaluated proposals, the most qualified competitor may be selected subject to negotiation of fair and reasonable compensation. (When evaluating RFQ's, price shall not be considered as an evaluation factor in determining the most qualified proposer.) Price negotiation shall be conducted with only the most qualified proposer. Failing agreement on price, negotiations with the next most qualified proposer may be conducted until a contract award can be made to the most qualified proposer whose price is fair and reasonable to the City.

## 3.85.140 BID/PROPOSAL CORRECTION

(a) Except in the case of competitive negotiation, no changes in price or other provisions of bids or proposals shall be permitted after opening unless an error is obvious. An obvious error is one which can be clearly established from mathematical extension or tabulation shown in the bid documents submitted with the bid. An error in a mathematical extension, reported by a bidder but not shown in the bid documents, does not constitute an obvious error. Bidders are presumed to submit correct tabulations and specifications.

(b) Minor informalities and irregularities in the bid/proposal may be waived by the City.

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## 3.85.150 BID/PROPOSAL PROTEST – PROCEDURE

(a) Types of protests include:

1) Protests based on specifications or other requirements of the bidding/proposal process that are made by any prospective bidder/proposer prior to opening the bids/proposals.

2) Protests following the bid/proposal opening that are made by any bidder or proposer who has made a submittal and has a substantial financial interest in the solicitation or award of the contract.

(b) In order to be considered, a protest shall be in writing, addressed to the Purchasing Agent, and include:

1) The name, address and phone number of the bidder or proposer protesting, or the authorized representative of the bidder or proposer;
2) The Invitation for Bid or Request for Proposals/Qualifications Number and/or Title under which the protest is submitted;
3) A detailed description of the specific grounds for protest and any supporting documentation. It is the responsibility of the protesting bidder/proposer to supplement its protest with any subsequently discovered documents prior to the Purchasing Agent's decision;
4) The specific ruling or relief requested; and
5) Evidence that all persons with a financial interest in the procurement have been given notice of the protest or if such persons are unknown, a statement to that effect.

(c) Protests based on specifications or other terms in the RFP, RFQ or IFB documents which are apparent on the face of said documents must be received by the City no later than ten calendar days prior to the date established for submittal of bids/proposals. Protests based on other circumstances must be received by the City within five calendar days after the protesting bidder/proposer knows or should have known of the facts and circumstances upon which the protest is based. In no event shall a protest be considered if all bids/proposals are rejected or after award of the contract.

(d) Upon receipt of a timely written protest, the Purchasing Agent shall investigate the protest and shall respond in writing to the protest prior to the award of contract. The decision of the Purchasing Agent shall be final.

(e) In the event the protest is from a bidder for a public works project which is the subject of competitive bids**,** the city shall not execute the contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute the contract for the project; provided that the

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protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(f) Failure to comply with the protest procedures set forth herein may render a protest untimely or inadequate and may result in rejection thereof by the City.

## 3.85.170 SMALL WORKS ROSTER PROCESS

(a) In accordance with the procedures set forth in RCW 39.04.155, contracts for public works projects with a total cost, including applicable taxes, between $7,500 and $200,000 may be awarded using the small works roster process.

(b) The limited public works process as defined in RCW 39.05.155 (3) may also be used for projects estimated to cost less than $35,000. Using this process, quotes are solicited from a minimum of three contractors found in the appropriate category of work in the Small Works Roster. The performance and payment bond requirements and retainage requirements may be waived by the City.

(c) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if only five quotations are sought and the estimated cost of the work is from $100,000 to $200,000, the city must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. Such notice must be published in a legal newspaper of general circulation, mailed to these other contractors or sent by facsimile or other electronic means.

(d) At least once a year, the city shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records.

(e) The City is authorized to participate with other local governments in the use of a multijurisdictional small works roster. The lead entity for the multijurisdictional small works roster must be clearly identified in the interlocal agreement as being responsible for implementing the provisions of 39.04.155(2).

(f) A formal public bid opening is not required when using the small works roster process. However, no interested party shall be unreasonably denied the opportunity to be present when bids are opened.

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(g) Contracts for small works roster bids between $50,000 and $200,000 will be awarded by the City Council at the next scheduled Council meeting following staff recommendation, unless continued by the City Council.

(h) In accordance with RCW 39.04.200, the Purchasing Agent will, at least once every year, make available to the public a list of the contracts awarded using the small works roster process during the previous year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

## 3.85.180 COOPERATIVE PURCHASING

(a) With the approval of the City Council, the Purchasing Agent may enter into interlocal cooperative purchasing agreements with other public agencies. The interlocal cooperative purchasing agreements must be in accordance with the provisions set forth in RCW Chapter 39.34 as currently written or hereafter amended.

(b) When purchasing off of a contract awarded by another public agency where an interlocal cooperative purchasing agreement is in place, any statutory obligation to provide notice for bids or proposals that applies to the city is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own legal requirements and either posted the bid or solicitation notice on a web site established and maintained by the public agency for purposes of posting public notice of bid or proposal solicitations or provided an access link on the state's web portal to the notice.

(c) Invitations for Bids for goods and services and Requests for Proposals issued by the City may include notice that the City participates in cooperative purchasing and that other public agencies may desire to place orders against the awarded contract. Bidders/proposers may be asked to indicate if they agree to allow orders from other public agencies that have an interlocal cooperative purchasing agreement with the City.

(d) Contracts/purchase orders in excess of $50,000 resulting from the cooperative purchasing process will be awarded by the Purchasing Agent.

## 3.85.190 PURCHASES FROM/THROUGH THE UNITED STATES GOVERNMENT

(a) In accordance with RCW 39.32.090, this ordinance allows for the purchase of supplies, materials and/or equipment from or through the United States government without calling for competitive bids.

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(b) The Purchasing Agent is responsible for reviewing the proposed purchase to determine that the purchase is in the best interests of the City.

(c) Under this section, purchases made in excess of $50,000 must be approved by the City Manager or his/her designee.

## 3.85.200 ELECTRONIC DATA PROCESSING AND TELECOMMUNICATIONS SYSTEMS

(a) The city may purchase electronic data processing or telecommunication equipment, software, or services through competitive negotiation rather than through competitive bidding.

(b) Competitive negotiation, for the purposes of this section, shall include, as a minimum, the following requirements:

1) A request for proposal shall be prepared and submitted to an adequate number of qualified sources, as determined by the municipality in its discretion, to permit reasonable competition consistent with the requirements of the procurement. Notice of the request for the proposal must be published in a newspaper of general circulation in the municipality at least thirteen days before the last date upon which proposals will be received. The request for proposal shall identify significant evaluation factors, including price, and their relative importance.

2) The municipality shall provide reasonable procedures for technical evaluation of the proposals received, identification of qualified sources, and selection for awarding the contract.

(c) The award shall be made to the qualified bidder whose proposal is most advantageous to the municipality with price and other factors considered. The municipality may reject any and all proposals for good cause and request new proposals.

## 3.85.210 WAIVER OF COMPETITIVE BIDDING REQUIREMENTS

(a) The Competitive Bidding Requirements set forth in this chapter may be waived by the City Manager or designee. However, if the cost exceeds $50,000, the City Manager or designee must provide the City Council with documentation of the rationale for waiving the Competitive Bidding Requirements. Competitive Bidding Requirements may be waived for:

1) Purchases that are clearly and legitimately limited to a single source of supply,

2) Purchases involving special facilities or market conditions,

3) Purchases of insurance or bonds, and

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4) Purchases of goods, services or public works in the event of an emergency.

(b) Immediately after the award of any contract under this section, to the extent allowed by law, the contract and the factual basis for the exception must be recorded and open to public inspection.

(c) If an emergency exists, the City Manager or designee may declare an emergency situation exists, waive competitive bidding requirements and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the City Manager and entered of record by reporting to the City Council no later than two weeks following the award of the contract.

(d) In accordance with RCW 39.04.020, upon the written determination by the City Manager of an emergency for the procurement of any public work in excess of $25,000, a description and estimate of the cost of such work shall be published within seven (7) working days after commencement of the work.

## 3.85.220 CONTRACT AMENDMENTS/CHANGE ORDERS

(a) Amendments are changes to Professional Service Agreements, contracts for goods and contracts for routine maintenance.

1) If an amendment increases the total value of the contract, the contract amendment must be approved by the appropriate authority based on the new value of the contract. Any amendment that takes a contract value over $50,000 requires the approval of the City Manager. The City Manager may choose to seek additional Council approval.

2) Contracts awarded by the Council may also authorize negotiation of amendments without further Council approval being needed.

3) Amendments that do not change the total value of the contract (e.g. extended duration) may be approved by the department director.

(b) Change Orders are changes made to a public works contract.

1) Public Works Under $50,000

a.) Department directors or their designees are authorized to approve public works contract change orders where the total value of the contract plus the change order remains below $50,000.

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2) Public Works Over $50,000

b.) Change orders, cumulatively or singly, that do not exceed the project's contingency funding may be approved by the department director or their designee.

c.) Change orders that cumulatively or singly increase the value of a contract to exceed the project's contingency funding by $25,000 or less, require the approval of the City Manager. The City Manager may choose to seek additional approval from the Council.

d.) The Council must approve change orders that increase the value of the contract to more than $25,000 beyond the project's contingency funding.

## 3.85.230 BONDING POLICY

(a) For all public works contracts, the following minimum bonding requirements shall be met for each procurement.

1) A bid deposit in the form of a bid bond or certified check in an amount equal to at least five percent of the total bid must be enclosed with the submitted sealed bid.

2) A performance and payment bond for 100 percent of the total contract price shall be received from the successful contractor prior to contract award for all contracts in excess of $35,000.

(c) On public works contracts of $25,000 or less, at the option of the contractor, the City may, in lieu of a performance and payment bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the Department of Revenue and settlement of any liens fixed under RCW 60.28, whichever is later.

(d) If the limited public works process allowed under KMC 3.85.170(c) is used, the city may waive the requirements for performance and payment bond and retainage.

(e) The Purchasing Agent, in consultation with the project manager, City Attorney's Office and Risk Management Coordinator as needed, shall have authority to determine amounts of protective bid guarantees for all purchases in the best interests of the City.

## 3.85.240 ENVIRONMENTALLY PREFERABLE PURCHASING PRACTICES

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(a) When specifying products to be purchased, staff should give consideration to products that have a lesser or reduced effect on health and the environment when compared with other products that serve the same purpose.

(b) The environmental attributes of a product are to be an additional consideration in the buying decision along with such traditional factors as price, performance, quality, and service.

(c) It is the responsibility of purchasing staff to:

1) Monitor information from the State of Washington and other public agencies on environmentally preferable purchasing initiatives.

2) Attend periodic training sessions and workshops on the purchasing of environmentally preferable products to learn of new developments in this area.

3) Solicit information from vendors representing environmentally preferable products to become better aware of available products.

4) Communicate opportunities for the purchase of environmentally preferable products to City staff.

## 3.85.250 PURCHASE RECORD MAINTENANCE

(a) The purchasing department shall maintain or be afforded access to all records sufficient to detail the significant history of a procurement. These records will include, but are not limited to the following:

1) The rationale for the method of procurement.

2) The selection of contract type and evaluation criteria.

3) Contractor selection or rejection, and rationale.

4) The basis for the contract price.

5) The bid tabulation or proposal evaluation worksheet.

6) All documented communication with potential contractors, prior to the bid opening date.

7) Advertising affidavits of publication.

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8) Bidder's lists, with names, addresses, and telephone numbers.

9) All bids or proposals received.

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