



# 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, August 7, 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](http://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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
  - a. To Discuss Sidewalks and Trees
4. *EXECUTIVE SESSION*
  - a. To Discuss Property Acquisition
5. *SPECIAL PRESENTATIONS*
  - a. Puget Sound Personnel Supported Employment
  - b. Sustainable September Update
  - c. Green Tips
6. *REPORTS*
  - a. *City Council*
    - (1) Regional Issues
  - b. *City Manager*
    - (1) Calendar Update
7. *COMMUNICATIONS*
  - a. *Items from the Audience*

**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.

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

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 They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance.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

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

*b. Petitions*

*8. CONSENT CALENDAR*

*a. Approval of Minutes: July 10, 2007*

*b. Audit of Accounts:*

*Payroll \$*

*Bills \$*

*c. General Correspondence*

*d. Claims*

*e. Authorization to Call for Bids*

*f. Award of Bids*

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

(1) 2007 Facility Painting Projects

(2) 105<sup>th</sup> Avenue NE/106<sup>th</sup> Avenue NE Watermain Replacement Project

(3) Juanita Creek Building Demolition at Juanita Beach Park

*h. Approval of Agreements*

(1) Resolution R-4656, Authorizing the City Manager to Execute an Interlocal Agreement Between King County and the City of Kirkland Relating to Designation and Protection of Historic Properties

*i. Other Items of Business*

(1) Ordinance No. 4109, Vacating a Portion of 1<sup>st</sup> Street South and an East/West Oriented Alley Located Between Kirkland Avenue and 1<sup>st</sup> Avenue So. Based on an Application Filed by Merrill Gardens at Kirkland, LLC

(2) Resolution R-4657, Adopting the Proposed Findings, Conclusion, and Decision in the Aubrey Short Plat Appeal

(3) Pedestrian Safety Update

(4) Fire Sprinkler Ordinance Process

(5) Rejecting Bids for 2007 Emergency Sewer Program

(6) Parking Advisory Board Resignation and Appointment

**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. Resolution R-4658, Expressing An Intent to Vacate a Portion of a Right-of-Way Filed by John VanBuskirk and Johal Karnail
  
- 10. *UNFINISHED BUSINESS*
  - a. Resolution R-4659, Adopting Greenhouse Gas Reduction Targets
  - b. Resolution 4655, Pertaining to the 2007-2009 Planning Work Program
  - c. Shoreline Master Program
  - d. Resolution R-4660, Authorizing the City Manager to Execute the Interlocal Agreement Forming Northeast King County Regional Public Safety Communications Center (NORCOM) as a Separate Legal Entity Providing Consolidated Emergency Communications Services
  
- 11. *NEW BUSINESS*
  - a. Approving Correspondence to the King County Council and Seattle Port Commissioners Regarding Acquisition of the Burlington Northern Santa Fe Right-Of-Way
  - b. Green Business Recognition Program
  - c. Resolution R-4661, Setting a Public Hearing to Receive Public Comment on the Sound Transit and Regional Transportation Investment District (RTID) November 6, 2007, General Election Regional Roads and Transit System Ballot Proposition
  
- 12. *ANNOUNCEMENTS*
  
- 13. *ADJOURNMENT*

**CITY OF KIRKLAND****Department of Public Works**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Ray Steiger, P.E., Capital Projects Manager, Public Works  
Paul Stewart, Deputy Director, Planning and Community Development

**Date:** July 26, 2007

**Subject:** TREES AND SIDEWALKS

RECOMMENDATION:

It is recommended that the City Council hold a study session to discuss the issue of trees and sidewalks.

BACKGROUND AND DISCUSSION:

The City has an extensive inventory of street trees. Variety of species, ages, growing patterns, location and health provide distinctive character to the City and yet can also present issues that are inconsistent with the objectives of the community. The planning, management, protection, and care of the tree inventory falls into many categories of responsible staff, organizations, codes and policies. Trees are vital to a healthy environment, cleaning air and water, and providing character and variety to urban environments. When done correctly, they are also an economic benefit to businesses. The following is an excerpt from our Design Guidelines for Pedestrian Oriented Business Districts and supports the notion that tree-lined streets are part of the reason people visit these parts of town:

*Streets are the conduits of life in a community. The repetition of trees bordering streets can unify a community's landscape. Trees add color, texture, and form to an otherwise harsh and discordant urban environment. A strong street tree planting scheme can establish community identity and provide a respite from the weather and the built environment. Large, deciduous trees planted in rows on each side of the street can bring visual continuity to Kirkland particularly on major entry arterials. Smaller trees should be planted in confined areas. Street trees will not obscure businesses from the street if the appropriate trees are selected and maintained. Branches can frame ground floor businesses, allowing bus and truck movement while enhancing the pedestrian environment. Trees should be of adequate size to create an immediate impact and have a good chance of survival. Species with invasive root systems or those that are prone to disease, intolerant of pollution, or short-lived should be avoided.*

Kirkland currently has approximately 12,000 public trees in its inventory that contribute to the urban tree canopy. Some trees are on our publicly owned land, parks and facilities, and many are in the public right of way (Attachment A). Responsibility for these trees falls to City Staff (Planning, Parks, and Public Works), private citizens (adjacent property owners and businesses), and others (Puget Sound Energy specifically). The City has multiple codes developed for tree selection in new developments (Chapter 95 and 110 of the Kirkland Zoning Code), tree removal policies (Chapter 19 of the Kirkland Municipal Code), and various maintenance schedules and operating practices. The Comprehensive Plan identifies the goal of increasing the tree canopy from 32 percent (2003) to 40 percent. The community as a whole is clearly behind

the development of an ever improving urban forest. There remain, however, challenges that result from the competition for limited space in which the trees are planted.

Kirkland currently has approximately 200 miles of paths and sidewalks. Similar to the high community value assigned to a healthy urban forest, excellent pedestrian facilities and opportunities to safely walk are also highly valued. And again, like our tree inventory, the responsibility for sidewalks is also shared among a diverse group: the development community, the City Capital Improvement program, City maintenance personnel, and adjacent property and business owners. In 2006, after looking at the magnitude of the maintenance of the existing sidewalk infrastructure, the City Council allocated \$200,000 annually to specifically begin to address repair of sidewalks throughout the City. A complete inventory of the City sidewalk system in 2004 identified a vast array of sidewalk defects from cracks and "offsets" (both vertical and/or horizontal separation) to vegetation impacts, patches or obstacles (Attachment B). Damage to the sidewalks can be attributed to a number of reasons: poor original construction methods (i.e. lack of sub-base material), too much loading (typical at intersection corners from heavy equipment or garbage trucks), weather damage such as water freezing and thawing or erosion of sub-base material, and others. The number one issue, however is adjacent tree roots that grow into or under the sidewalk. Unfortunately, the conflict between trees and sidewalks is not confined to one area of the community; it is City-wide and is not diminishing.

This issue, trees vs. sidewalks can be broken into two distinct discussions:

1. New public improvements (being built now and in the future), and
2. Existing conditions (trees and sidewalks that are out there now)

For the most part, discussion one is well underway. The refining of tree selection, placement, and maintenance are being more closely scrutinized by City Staff. Involvement of plan review specifically focused on trees and their integration into the project will alleviate most issues in the future. Commonly a key component of tree conflicts is the wrong tree for the wrong location. With a more proactive review of project trees pre-construction, construction, and post-construction many situations can be avoided. Work still remains through the need to have a more complete vision for the community via an urban forest management plan and processes specifically focused on tree review through the development process.

Dealing with existing conditions is currently the discussion which brings the most challenge. Kirkland, like other Cities, employs a number of methods to address the conflict between tree (roots) and sidewalks. Trees are addressed on a case by case basis and typically involve the City's field arborist, maintenance personnel, or a property owner and may result in one or more of the following approaches:

- Grinding of (sidewalk) panels
- Removal of panels
- Root pruning
- Tree pruning
- Replacement of panels using:
  - asphalt
  - rubber panels (for report please see Attachment C)
  - meandered sidewalk
- Tree review (criteria to use):
  - can the sidewalk be "reworked" as above?
  - is the tree diseased or dying?
  - is there infrastructure damage being caused?
  - Is it the wrong tree for the situation?
  - Where is it (community values)?
  - Can a substitute be planted in place

More often than not, the existing trees will be left and other measures to repair the sidewalk are used.

An example of a recent repair process was during the 2007 sidewalk maintenance project. With that project, approximately 250 feet of sidewalk adjacent to City Hall (along Second Street) was identified as needing repair (Attachment D). During the development of the project, which had a number of roots impacting the sidewalks, the concrete panels and curb and gutter, were removed. At that time, the tree root systems were exposed and under the guidance of an arborist, in this case, an arborist hired by the City, they were pruned and treated. After the damaging roots were removed, the concrete curb, gutter, and sidewalk were replaced with new concrete. In this case, no trees were removed. In total, this portion of the 2007 contract cost approximately \$42,000 or roughly \$170 per foot of sidewalk repaired. If this process were utilized throughout the City on similarly damaged panels, the estimated cost would be in the \$40 - \$50 million range and would not account for the cost of tree removal/replacement.

*What are others doing that we aren't?*

The issue is being experienced by other cities universally. A recent article in the Seattle Times reported on the shock of adjacent property owners when they discovered that *they* were responsible for the broken sidewalks in front of their home. In a survey of its citizens, one of the lowest rated areas of service for Seattle was "sidewalks, walkways, and crosswalks". Recent approval of their "Bridging the gap" tax levy is now dedicated to addressing their sidewalks, but even with that funding, there are vast amounts of work to be done by the City. In the same article Edmonds has "adjacent property responsible" codes similar to Kirkland, however they do fund and perform maintenance of their 14 miles of sidewalks. Bellevue funds and maintains their 300 miles. The City of Redmond dedicates approximately 5-10 percent of their annual \$1 million sidewalk budget to maintenance of its 220 miles of sidewalks.

Other approaches:

- Above ground planters like used in Victoria; recognize however that it may be limited in its application and still require irrigation and maintenance;
- Olympia has a nursery and the City has taken on the trees in the right of way. Downtown Olympia has a "no removal" policy on trees;
- Some cities use surface water funds to help with the tree program – it has been shown that tree filtering and canopy help to keep environment cool and runoff detained;
- How does Low Impact Development figure into the solutions? Staff is currently working with SVR Inc, and will be receiving a report in late August on possible pervious sidewalk/structural soil desing for tree planting locations;
- Issaquah's (field crew) tree team handles their trees;
- In Redmond trees and roots are looked at case by case. They have three arborists on staff. If the tree is the wrong pick as a street tree, they usually recommend removal. If the tree is worth saving, they have been obtaining easements where they can and are providing a larger tree pit/planter area. If no space is available they will prune according to direction from an arborist.
- The University of Washington has a significant outreach program for their Quad Cherry Trees. Trees are purchased by donors, planted and allowed to grow to significance before existing trees are removed. This is part of an approximate 10-15 year vision for replanting trees in place of diseased trees.
- Old trees that are harvested are sold as premium wood to various bidders

Staff will present these and other discussion points at the upcoming study session with the objective of continuing to refine policy and goals for the urban tree canopy concurrent with identifying approaches to addressing the impact of the root system on the sidewalks and walk ways.

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### Next Steps

We believe resolutions to the conflict of maintaining a tree canopy and promoting a safe walking environment will be long-term and will require both a strategic approach as well as the flexibility for case-by-case responses. Listed below are the elements that should be included in the discussion of this issue.

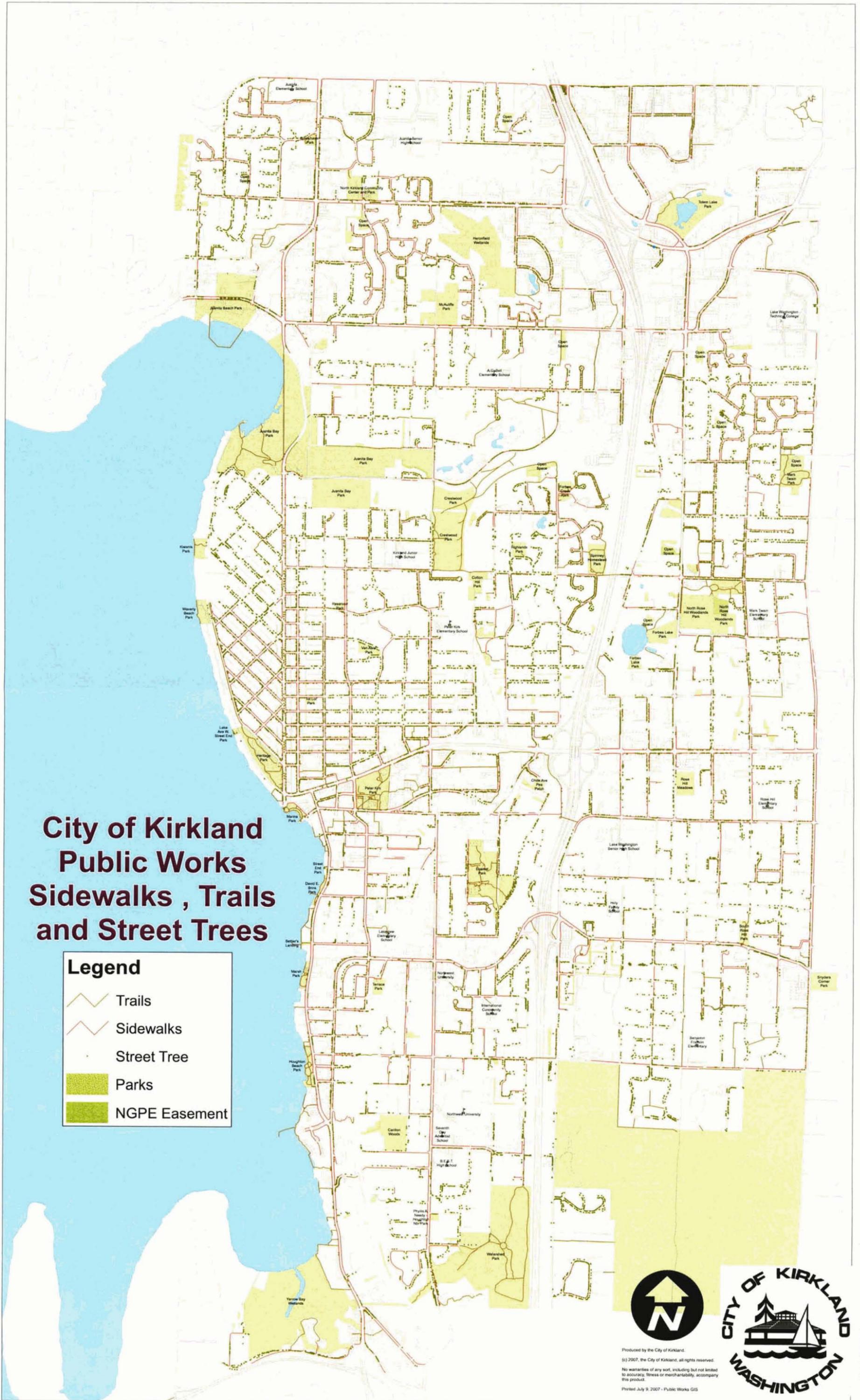
- The proposed Capital Improvement budget for 2008-2013 contains a project titled 'Park Lane Pedestrian Corridor Enhancements'. This project will look at opportunities and design standards relative to sidewalk improvements from Lake Street to Peter Kirk Park. There is \$60k proposed for this work in 2008. The information from this study will help frame the operational and cost issues.
- We have utilized a Pilot Program of Rubber Sidewalks and it is currently too early to determine if this is a feasible long-term solution. Also, currently the cost of the Rubber Sidewalk exceeds the cost of standard concrete panels. Yet, we believe this could be an element in our strategic look at solutions.
- Staff has met with residents and businesses on Kirkland Way to look at the existing conditions and consider potential solutions. There are no easy answers here, similar to Park Lane, 132<sup>nd</sup> Ave NE in Rose Hill and other locations. Staff has considered different options at these locations, but is not currently recommending them due to space considerations, cost or other limitations.
- We are looking for Council direction on the broader policy issues relative to sidewalks and trees, and we will utilize that direction in our approach to the capital project noted above, as well as in other opportunities and challenges in this area.

Attachments (4)

# City of Kirkland Public Works Sidewalks, Trails and Street Trees

## Legend

-  Trails
-  Sidewalks
-  Street Tree
-  Parks
-  NGPE Easement



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# City of Kirkland Public Works Sidewalk Defects 2004 Survey

**Legend**

-  Trails
-  Sidewalks

**Defect Type**

-  Crack
-  Mixed Defect
-  Obstacle
-  Offset

-  Parks
-  NGPE Easement



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## CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

### MEMORANDUM

**To:** David Ramsay, City Manager

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

**Date:** August 3, 2007

**Subject:** RUBBER SIDEWALKS INSTALLATION AND FOLLOW-UP

In February 2007, Council was presented with a Reading File Memo that discussed a City pilot project involving the installation of rubber sidewalks. In March, Council awarded a contract to Taggart Construction, Bothell, WA, and rubber sidewalk panels were installed in areas of the Lakeview Neighborhood during the month of April. With this memo we wish to update Council on the current status of the pilot project by providing an overview on final cost differences between the rubber sidewalk and conventional concrete sidewalk, an outline for monitoring the new installations and a recommendation for future rubber sidewalk installations within the City.

### **CONSTRUCTION**

Kirkland's rubber sidewalk pilot project consisted of installing rubber sidewalk panels in five locations (approximately 420 square feet) on 103<sup>rd</sup> Ave NE and 102<sup>nd</sup> Ave NE as part of the 2006 Sidewalk Maintenance Project. Please see Attachment C-1 for installation locations including before and after photos of each.

The installation of the rubber sidewalk was fairly easy with construction starting with the removal of the broken concrete sidewalk panels and then exposing the root systems of the existing mature street trees. The City's Arborist, Mark Padgett, and the contractor worked closely together to ensure the exposed roots were handled appropriately and not damaged in any way. Mark exposed the root systems using an air spade (a tool that removes soil and exposes the root system through the use of compressed air) and provided guidance on how to work around the roots without damaging the trees.



*Roots exposed under the old sidewalk panels.*

After the roots were exposed, "structural soil" was placed around the existing root structure. Structural soil, or CU-Soil, is a soil mixture that was developed and patented by Cornell University and consists of larger aggregate in a matrix of clay topsoil and a hydrogel copolymer (which keeps the topsoil and larger aggregate from separating). Structural Soil has been shown to be beneficial for root structures as the larger aggregate provides adequate pore space and strength to support the loads from sidewalks and driveways while the topsoil promotes healthy root system development for the tree. A layer of geotextile fabric and a fine-grained crushed rock leveling course was then placed on top of the structural soil layer. The leveling course allowed the contractor to achieve a compact and level surface for placement of the

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rubber sidewalk panels. The final step of installation consisted of connecting the rubber sidewalk panels to each other with fiberglass dowels and then securing the side panels in-place with a continuous aluminum edge restraint strip.

The sides of the rubber panels were not always square and the pre-drilled dowel holes did not always line up perfectly. According to the Rubbersidewalks, Inc. representative the reason is because they are manufactured from recycled tires, however, they are currently working on improving the dowel connection system through tighter controls during the manufacturing process for the panels. The City's contractor often had to change out panels in order to get a better fit and he hoped that future installations will be made easier through such improvements.

During and after the installation we learned of several other agencies that are thinking about or are planning on installing rubber sidewalk in the near future. For our project we jointly purchased the rubber sidewalk materials with the City of Bellevue in order to save on shipping costs. At this time, Bellevue staff is waiting until Fall, 2007 to do their installation and they have expressed appreciation to us for our comments and insights gained through our construction experience. During the construction phase we were also contacted by staff members from the Cities of Portland, Bellingham and Redmond who are all very interested in receiving our feedback as they make plans to visit Kirkland's installations.



*Compaction of fine crushed rock that serves as a base for the rubber sidewalk panels.*



*Installation of rubber sidewalk panels*



### **COSTS**

Based on bids received from the 2006 Sidewalk Maintenance Project, the cost of installing rubber sidewalk was over twice the cost of constructing conventional concrete sidewalk. Attachment C-2 shows a comparison of the unit prices for constructing both rubber and concrete sidewalks based on the low bid received for the Project.

Rubbersidewalks Inc. promotes the product life of the rubber sidewalk panels, when located adjacent to trees, as being 20+ years. However, the first rubber sidewalk installation was constructed nine years ago (1998) which is only half of the predicted product life span so only time will tell whether a potential reduction in maintenance costs will outweigh the

known additional costs for the construction of the rubber sidewalks.

From past Kirkland maintenance experiences, for the past ten years the City's street crews have typically responded to the Lakeview Neighborhood area an average of twice a year to grind down or patch the specific sidewalk location that have now been replaced with rubber sidewalks.

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### **MONITORING**

Public Works staff will visit the rubber sidewalk installation sites on a quarterly basis to observe the performance of the rubber sidewalk panels. Staff will photograph the sites in order to have historical documentation of the condition of the sidewalks. We will also monitor each location for the general condition of the panels looking for any shifting or lifting, as well as recording all maintenance activities, if required.

Staff last visited the Lakeview Neighborhood site on June 26<sup>th</sup>, 2007. During the site visit we spoke with two property owners who live near the rubber sidewalk installations and both property owners provided positive feedback on the new installations, both being pleased with the final product. One resident even commented on how nice the feel of the rubber sidewalk is underfoot compared to traditional concrete sidewalks. A few of the sites had some grass growing up between the edges of the sidewalk panels but each location appeared to be performing as expected with no bulging or lifting of the panels being observed.

### **OUTLOOK**

There appears to be many benefits in installing rubber sidewalks in locations where tree roots have damaged conventional sidewalks and where tree retention is desired. Those benefits need to be weighed against the additional cost of rubber sidewalk and the unknown long-term performance and maintenance requirements. The following table contains a list of pros and cons associated with rubber sidewalk installations:

<b><u>PROS</u></b>	<b><u>CONS</u></b>
+ Uses recycled materials – diverts tires from landfills	– Company is based in California – is not local and shipping costs add to the final costs
+ Increases water infiltration to roots	– Materials and installation costs are currently twice as expensive as conventional sidewalks
+ Pavers are flexible & will bend versus breaking – reducing tripping hazards	– Irregularities in panels need to be improved by manufacturer to ease installation.
+ Maintenance required less often in areas where trees exist	– Maintenance schedule (if/when required) unknown
+ Sidewalk replacement required less often in areas where trees exist	– Long-term performance unknown
+ Positive feedback from residents	

Staff will continue to monitor the existing rubber sidewalk installations while also exploring other solutions for repairing sidewalks damaged by tree growth. If, however, another opportunity presents itself, staff does recommend expanding the pilot program to include a different City location with trees of a different species than those along 103<sup>rd</sup> Ave NE and 102<sup>nd</sup> Ave NE. Engineering staff can work with the City's staff arborist and the street maintenance department to determine an appropriate candidate for a future installation.

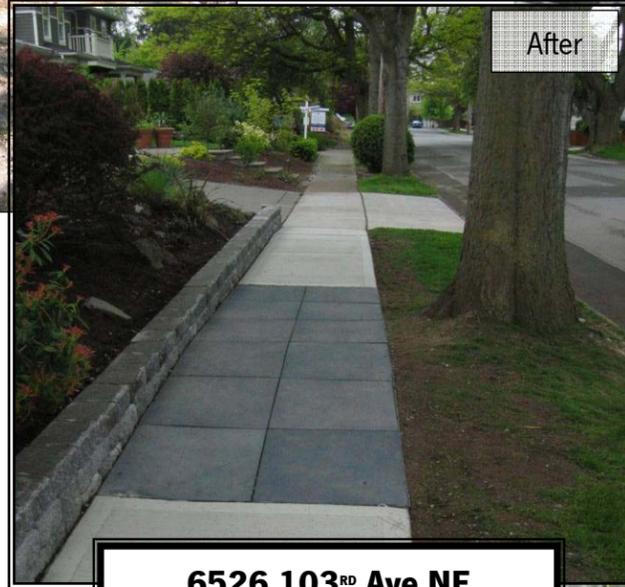


*Completed rubber sidewalk installation*

Attachments (2)

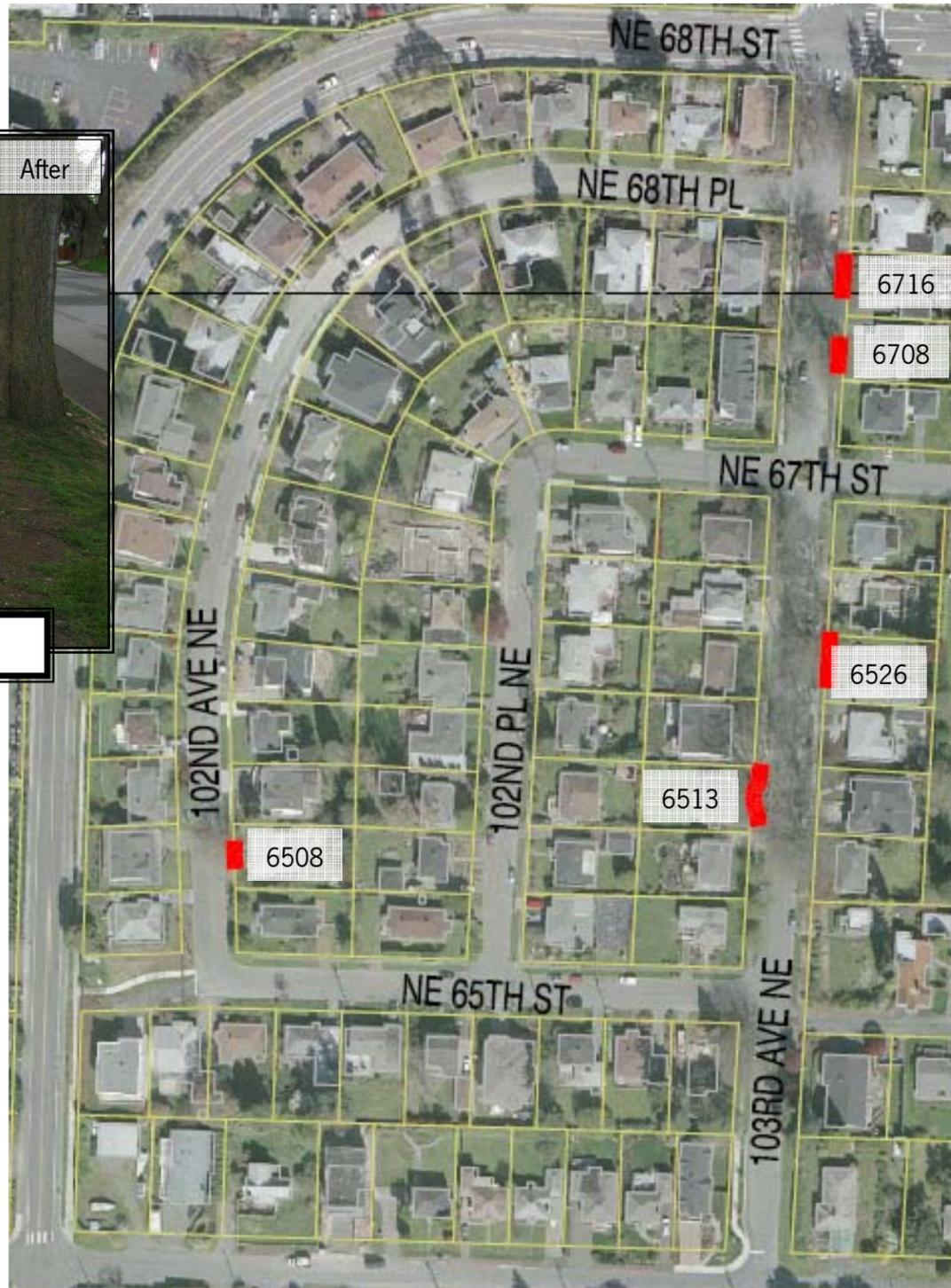


Before



After

6526 103<sup>RD</sup> Ave NE



Before



After

6508 102<sup>RD</sup> Ave NE



Before



After

6716 & 6708 103<sup>RD</sup> Ave NE



Before



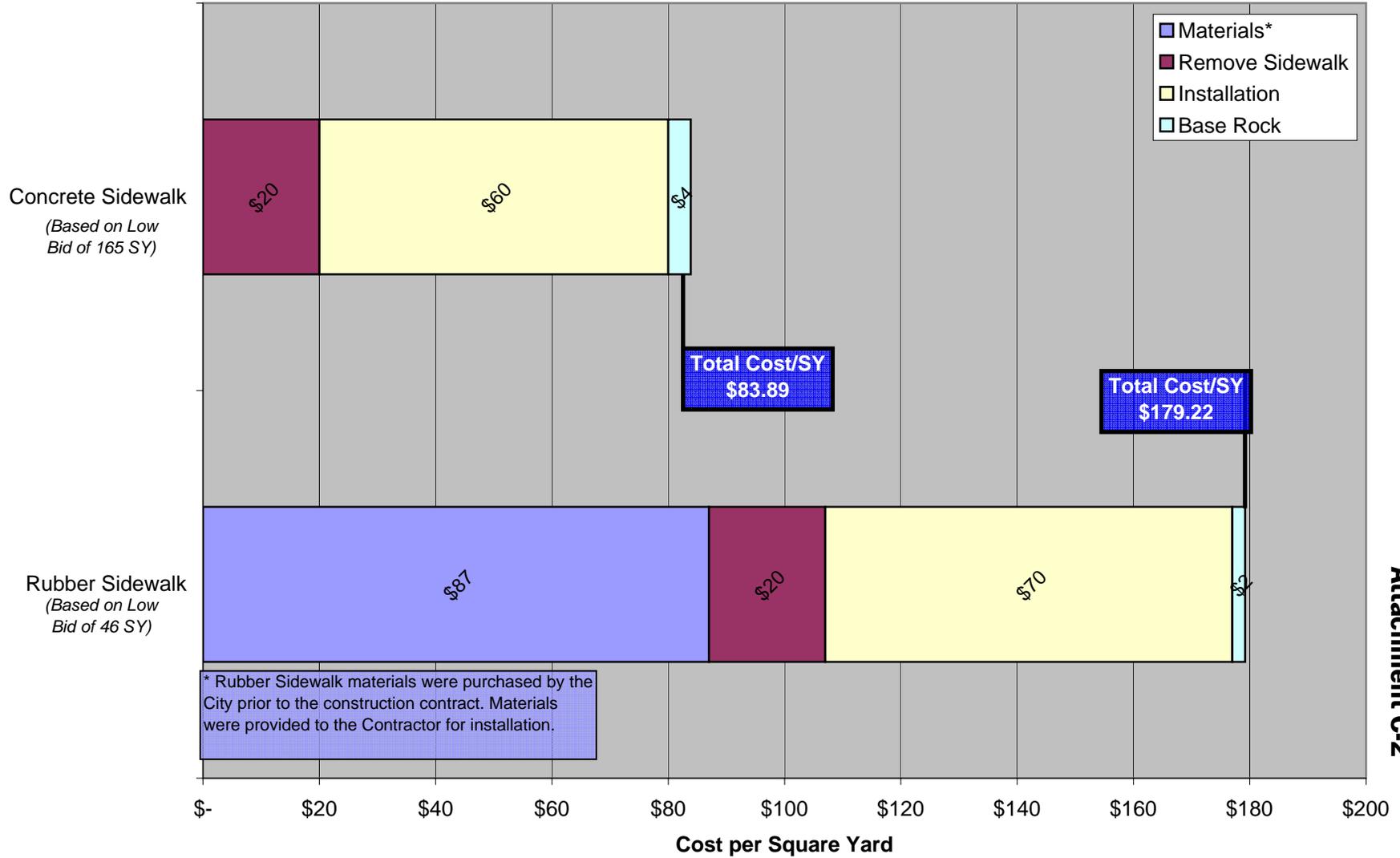
After

6513 103<sup>RD</sup> Ave NE



**City of Kirkland**  
**2006 SIDEWALK MAINTENANCE PROJECT**  
**RUBBER SIDEWALK INSTALLATIONS**

### Rubber Sidewalk vs. Concrete Sidewalk (2006 Sidewalk Maintenance Project)



Attachment C-2

**Legend**

**Sidewalk Defects**

Crack >1.5" or Offset >1.5"

- ▲ Crack
- Mixed Defect
- Offset
- ★ Obstacle

- Street
- ROW



1 inch equals 50 feet



**City of Kirkland - Department of Public Works**

**Sidewalk Defects Near City Hall**

Note: Sidewalk Defects noted are based on a survey performed in 2004.



**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## **MEMORANDUM**

**To:** Dave Ramsay, City Manager

**From:** Ellen Miller-Wolfe, Economic Development Manager

**Date:** July 26, 2007

**Subject:** Sustainable September Update

### **RECOMMENDATION:**

For the City Council to affirm its support for Sustainable September, a month-long green learning opportunity, sustainable practices promotion and earth-friendly celebration providing information and resources to the citizens and businesses of Kirkland and the Eastside.

### **BACKGROUND DISCUSSION:**

Sustainable September is a collaborative effort between the Kirkland Chamber of Commerce, business members, (engineering firms, realtors, designers, architects, builders, green car companies, and financial institutions), community members and utilities including but not limited to the City of Kirkland, Lake Washington Technical College and Puget Sound Energy. The purpose of Sustainable September is to connect business and community on the Eastside (Kirkland and surrounding areas including unincorporated King County) by joining forces with all the stakeholders to promote sustainable businesses.

This includes:

- Creating public awareness and demand for sustainability and educate it's role in the future of the Eastside
- Promoting businesses, educational organizations and governments that are currently that are providing green buildings and services options for consumers and professionals or engaging in sustainable practices
- Providing educational opportunities for both professional continuing education and consumer education
- Focusing on the promoting the economic benefits of sustainability.

By highlighting successful organizations in the Kirkland area that are providing sustainable products and services, Sustainable September will generate awareness and demand for these goods and services and the rationale for other businesses to locate into Kirkland's growing incubator of sustainable industry/green cluster businesses. Residents of Kirkland and the Eastside will learn how they can adopt green practices including energy efficiencies, recycling, and water conservation that will improve our environment and contribute to efforts to mitigate global warming.

Components of Sustainable September include:

- **Marketing and Public Relations** before and during the month of September highlight all facets of sustainable business practices; utilizing media contacts, mailings, newsletters, and numerous publications throughout the eastside community. Notable promoters already include: the Chinook Book, various local periodicals, and our own 'Currently Kirkland' television offering.
- **Kick-off and Street Dance (September 5<sup>th</sup>) Downtown Kirkland**
- **Trade Show (September 14<sup>th</sup> and 15<sup>th</sup>)** will highlight local businesses and organizations and their sustainable practices, products and services. It will be held in the middle of September with breakout sessions/classes for both consumers and professionals, and a green car show.
- **Continuing Education Classes** will be offered throughout the month of September at various locations throughout the Eastside. These classes will target realtors, architects, engineers, builders, designers, city staff/permitting departments, real estate, mortgage brokers and bankers, attorneys, developers and other professionals.
- **Public Education** classes will be offered at the Trade Show and will promote green practices for the home owner.
- **Web Page** will be developed as an information source for consumers. It will highlight the tradeshow, classes, and provide links to other information resources for sustainable practices and later will become a permanent source of information and resources for local companies engaged in sustainability practices, products and services.
- **Keynote speakers** will include celebrity or other famous people who will be easily identifiable and provide motivation to the public. John Bruce, a nationally known celebrity and promoter of sustainable practices, (FOX TV's "The Ecozone Project") will be Master of Cermonies at the Expo and available to answer questions on environmental practices.
- **Awards program** to be located at Cascadia Community College at the end of the month of September will highlight those members of the community who are pioneers in sustainable business practices. The intent is to identify models for others to emulate.
- **Tours** of green businesses and buildings to highlight sustainable features including ULI Tour of Green Buildings in Kirkland and Redmond on September 5<sup>th</sup>.
- **Celebration Program at Cascadia Community College** will highlight and thank community members who have made Sustainable September a success. The intent is to recognize models for others to emulate.

The City is represented on the Executive and Steering Committees of Sustainable September. We partnered with the Urban Land Institute on a green tour of Kirkland and Redmond on September 5<sup>th</sup> that will launch the month-long celebration. We will staff a booth at the Expo that will showcase the City's green programs, launch a green business recognition program among other contributions.

**KIRKLAND CITY COUNCIL**

**SPECIAL MEETING**

**Minutes**

**July 10, 2007**

**1. CALL TO ORDER**

Mayor Lauinger called the Special Meeting of the Kirkland City Council to order at 6:30 p.m.

**2. ROLL CALL**

Members Present: Mayor James Lauinger, Deputy Mayor Joan McBride, Councilmembers Dave Asher, Mary-Alyce Burleigh and Jessica Greenway. Councilmember Tom Hodgson participated via teleconference. Councilmember Bob Sternoff was absent.

**3. HUMAN SERVICES ADVISORY COMMITTEE INTERVIEWS**

- a. Santiago Ramos
- b. Anne-Marie Worden

**4. TRANSPORTATION COMMISSION INTERVIEWS**

- a. Sandeep Singhal

**5. EXECUTIVE SESSION**

- a. Discussion of Qualifications for Board and Commission Members

**6. SELECTION AND APPOINTMENT OF COMMISSION MEMBERS**

Councilmember Asher moved to appoint Santiago Ramos to the remainder of an unexpired 4 year term ending 3/31/2010 on the Human Services Advisory Committee; and to select Anne-Marie Worden as an alternate appointee should an additional vacancy arise on the Committee within the next 6 months. Councilmember Greenway seconded the motion, which carried unanimously.

Councilmember Asher moved to appoint Sandeep Singhal to the remainder of an unexpired 4 year term ending 3/31/2011 on the Transportation Commission. Councilmember Burleigh seconded the motion, which carried unanimously.

**7. ADJOURNMENT**

The July 10, 2007 Special Meeting of the Kirkland City Council adjourned at 6:55 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](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Erin J. Leonhart, Public Works Facilities & Administrative Manager  
Daryl Grigsby, Public Works Director

**Date:** July 10, 2007

**Subject:** 2007 FACILITY PAINTING PROJECTS – JOB NO. 13-07-PW (ACCEPT WORK)

RECOMMENDATION

It is recommended that the City Council accept the work for the 2007 Facility Painting Project (as part of the Kirkland Facility Lifecycle Program) as completed by Jones Painting of Tacoma, Washington in the amount of \$46,986.37 (includes one change order in the amount of \$6,315 + tax) and establish the required 45-day lien period.

BACKGROUND DISCUSSION

There are approved funds in the 2006 and 2007 Capital Improvement Program for painting, consistent with the Kirkland Facility Lifecycle Program, at the following buildings:

- Fire Station 25 – Apparatus Bay
- Fire Station 26 – Interior
- Kirkland Teen Union Building – Interior
- Heritage Hall – Interior & Exterior (Bid Alternate #1)

The total approved funds for this work are \$69,529.00. The total anticipated project cost was \$40,115.65.

On March 5, 2007, the City sent notice to the City of Lynnwood small works roster soliciting interested vendors. Vendors were required to attend a pre-bid walk-thru on March 13, 2007. On Tuesday, March 20, 2007, the City received three bids with Jones Painting as the low bidder with a total bid cost of \$40,115.65 (including Washington State Sales Tax).

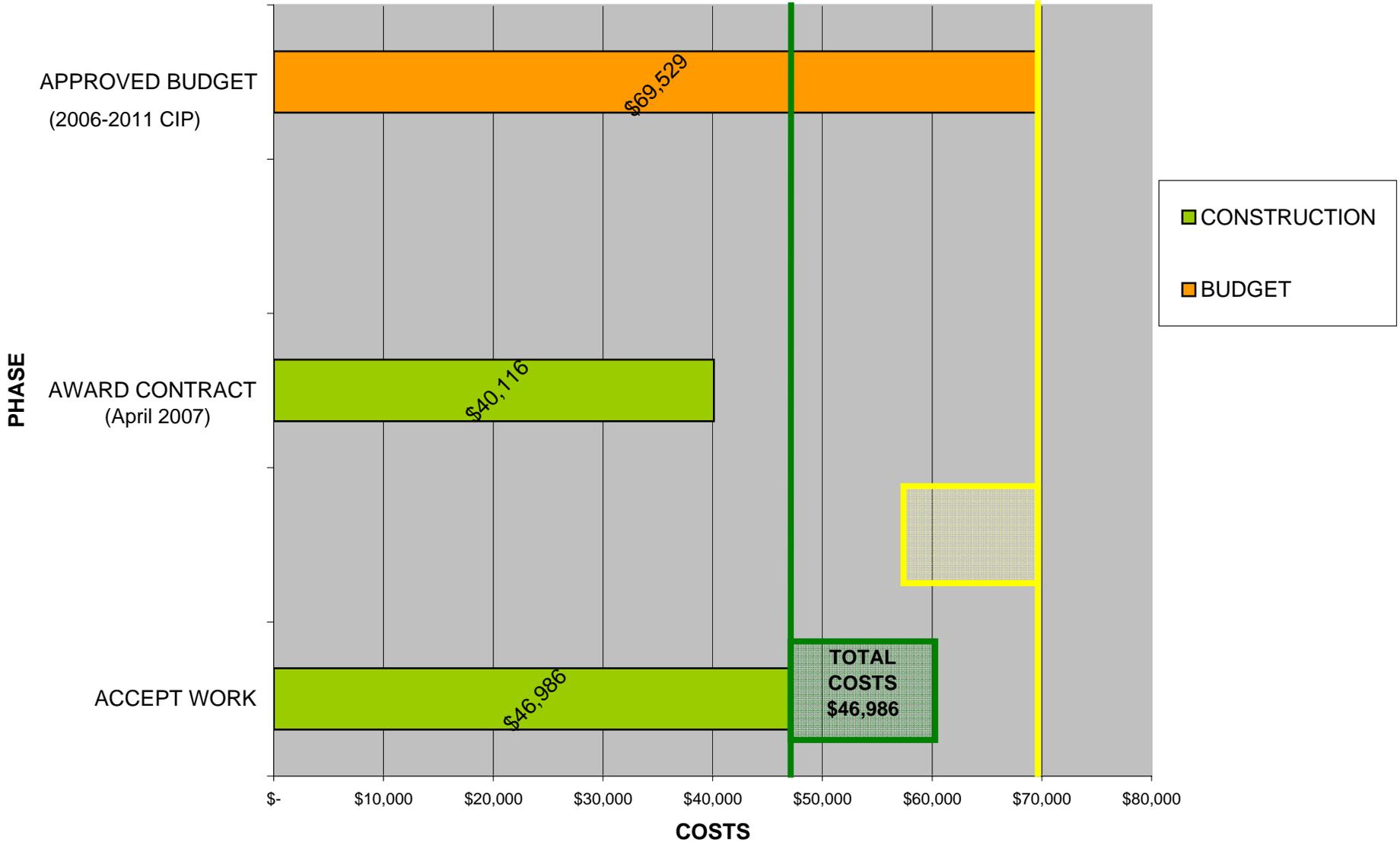
At the regular meeting of April 3, 2007, Council awarded the contract to Jones Painting, Inc., in the amount of \$40,115.65. A notice to proceed was issued on April 23, 2007. As interior painting began at the Kirkland Teen Union Building, staff recognized that the exterior was due for painting as well. Jones Painting agreed to complete that task during this project; exterior painting and additional work related to color choices at the Kirkland Teen Union Building resulted in a change order of \$6315 + tax. All work related to this contract was complete on June 5, 2007.

Attachment – Accept Work Graph

**BUDGET COMPARISON (Expenditures)**  
**2007 FACILITY PAINTING PROJECTS, JOB NO. 13-07-PW**

**Attachment A**

(August 2007)





**CITY OF KIRKLAND**

**Department of Public Works**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3809**

**www.ci.kirkland.wa.us**

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**MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** July 26, 2007

**Subject:** 105<sup>TH</sup> AVE NE/106<sup>TH</sup> AVE NE WATERMAIN REPLACEMENT  
ACCEPT WORK AND ESTABLISH LIEN PERIOD

RECOMMENDATION:

It is recommended that the City Council accept the 105<sup>th</sup> Ave NE/106<sup>th</sup> Ave NE Watermain Replacement Project as constructed by VJM Construction Company of Redmond, WA and establish the required 45-day lien period.

BACKGROUND AND DISCUSSION:

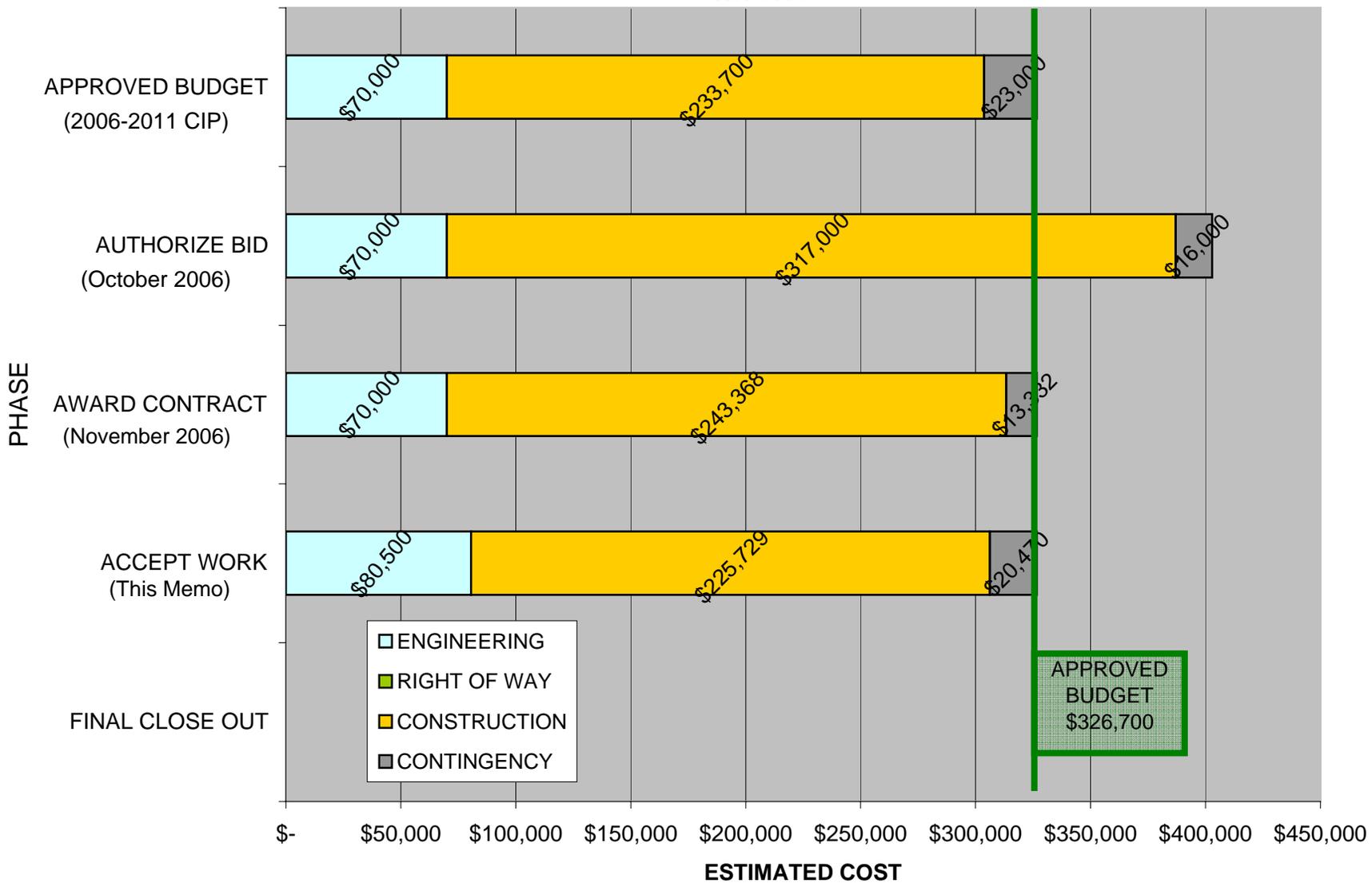
The 105<sup>th</sup> Ave NE/106<sup>th</sup> Ave NE Watermain Replacement Project provided for the replacement of approximately 1,500 lineal feet of aging asbestos-cement (AC) watermain with new ductile iron pipe (Attachment A). Individual water service lines to meters and fire hydrants were also replaced during construction.

At their regular meeting on November 26, 2006, Council awarded the contract for this project to VJM Construction Company in the amount of \$243,367.87. Construction began April 23, 2007 and was complete on June 14, 2007; total payments to the contractor were \$225,729.49 with some cost savings experienced as a result of our being able to use existing native soils for trench backfill together with other reductions in material quantities (Attachment B). At project close-out, all remaining project monies will be returned to the appropriate Utility Reserve fund.



**PROJECT BUDGET REPORT**  
**(105th Avenue NE/106th Avenue NE Watermain Replacement)**  
**WA-0110**

**ATTACHMENT B**



**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3809

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** July 26, 2007

**Subject:** JUANITA CREEK MAINTENANCE BUILDING DEMOLITION AT JUANITA BEACH PARK  
ACCEPT WORK AND ESTABLISH LIEN PERIOD

**RECOMMENDATION:**

It is recommended that the City Council accept the Juanita Creek Maintenance Building Demolition Project at Juanita Beach Park, as constructed by RK Construction Inc. of Snohomish, WA, and establish the 45 day lien period.

**BACKGROUND AND DISCUSSION:**

This project involved the demolition and removal of a concrete block building located within the Juanita Creek stream buffer at Juanita Beach Park (Attachment A). The removal of the building allows for future stream channel improvements where Juanita Creek flows into Lake Washington, as identified in the Juanita Park Master Plan. The building demolition is one component of the Juanita Creek Channel Enhancements at Juanita Beach Park, CIP Project (CSD-0057). The other component involves streambank and habitat enhancements to a section of Juanita Creek that flows through the northern portion of Juanita Beach Park. This work is currently under construction and is expected to be complete fall 2007.

At their regular meeting on May 15, 2007, Council awarded the contract for the subject project to RK Construction Inc. in the amount of \$63,826.29. Construction began June 4, 2007 and was complete June 21, 2007; total payments to the contractor were \$66,579.07 including one change order (Attachment B).

Attachments: (2)

# JUANITA CREEK MAINTENANCE BUILDING DEMOLITION AT JUANITA BEACH PARK (SD-0057)



*City of Kirkland -- Public Works*



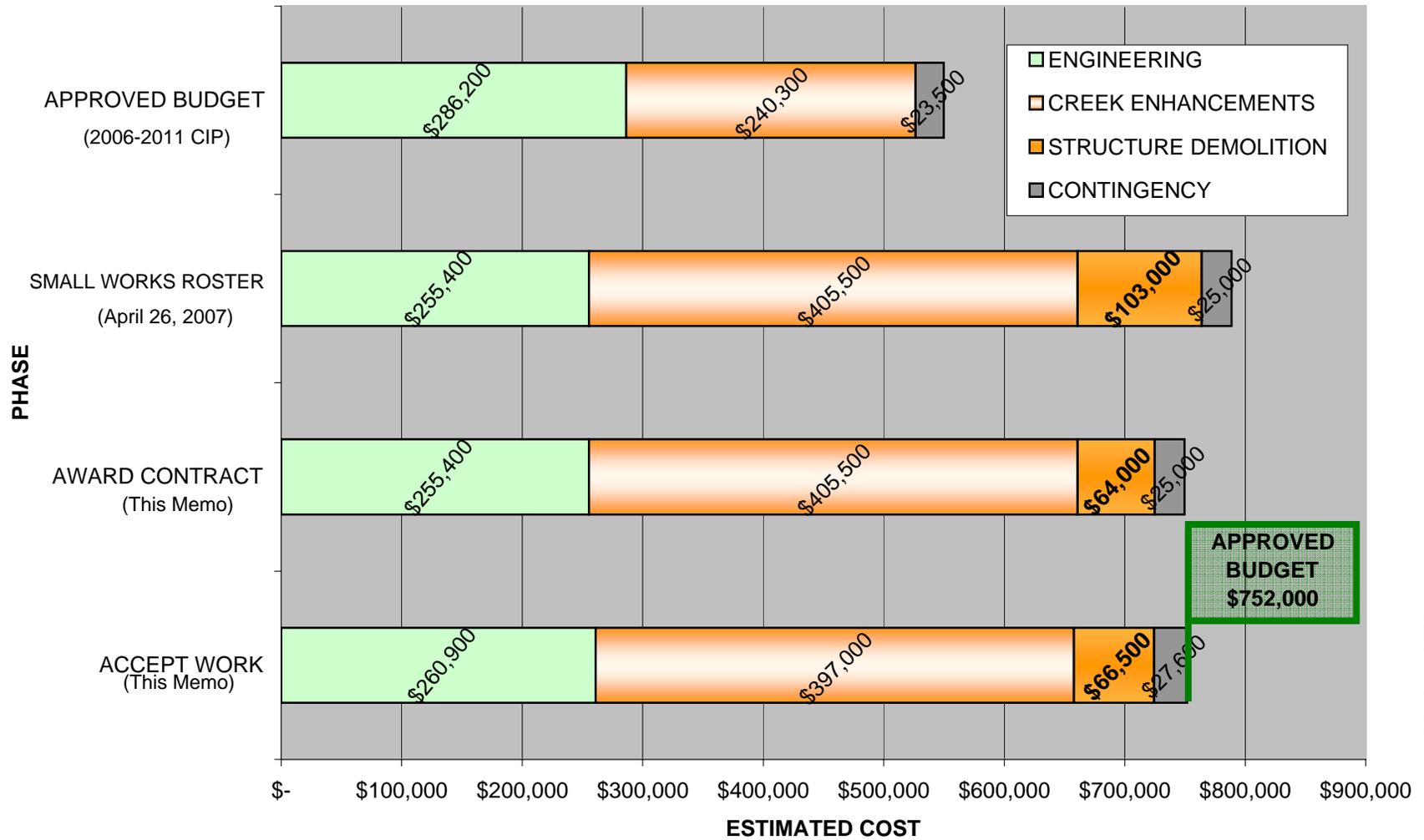
Produced by the City of Kirkland.

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

### JUANITA CREEK MAINTENANCE BUILDING DEMOLITION AT JUANITA BEACH PARK (SD-0057)

#### Project Budget Report



Attachment B



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

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## **MEMORANDUM**

**Date:** July 26, 2007

**To:** David Ramsay, City Manager

**From:** Joan Lieberman-Brill, AICP, Senior Planner

**Subject:** APPROVAL OF REVISED INTERLOCAL AGREEMENT RELATING TO DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES (FILE MIS06-00053)

## **RECOMMENDATION**

Staff recommends that council adopt the enclosed resolution authorizing the City Manager to sign the revised interlocal agreement between King County and the City of Kirkland. The revised interlocal expands the historic designation and protection services provided by the County to the City of Kirkland to cover our newly adopted historic residence designation regulations effective in the Market and Norkirk Neighborhoods.

## **BACKGROUND DISCUSSION**

New regulations adopted in June (O-4102 and O-4103) allow up to two smaller lots when subdividing in the Market and Norkirk Neighborhoods, if a designated historic residence is preserved. This incentive 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.

A revised interlocal agreement is necessary to implement this historic residence preservation incentive. The regulations establish a review process to determine if a house in the Market or Norkirk Neighborhoods can be designated a historic residence or later altered, based upon decisional criteria to be evaluated by an expert meeting federal standards, who makes a recommendation to the Planning Department. King County Historic Preservation Program staff has the expertise to evaluate the criteria.

The interlocal agreement allows the County and City to work cooperatively on these applications. To take into account the County's review time and costs, there is a pass-through fee to the County for their review services. This arrangement is authorized through the interlocal agreement. The pass-through fee is based upon a task authorization attached to the two-party contract between the

1\_staff memo interlocal historic.doc

July 26, 2007

Page 2 of 2

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.

The interlocal agreement continues to provide County landmark designation and protection services to the City of Kirkland. Section A.2 in the interlocal agreement has been added to address historic residence designation.

The interlocal agreement will be considered by the County Council for ratification this summer, in order to be in place when the new historic residence regulations take effect on August 31, 2007.

Cc: File IV-03-27Kirkland Chamber of Commerce  
Market Neighborhood Association  
Norkirk Neighborhood Association  
The Kirkland Heritage Society, Heritage Hall, 203 Market Street, Kirkland, WA 98033  
Julie Koler, King County Historic Preservation Program, King Co. Office of Business  
Relations and Economic Development, 701 5th Avenue, Suite 2000, Seattle, WA  
98104  
File MIS06-00053

RESOLUTION R-4656

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KIRKLAND RELATING TO DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES

WHEREAS, the City has authority and jurisdiction with respect to the designation and protection of historic properties within the City limits;; and

WHEREAS, the City has surveyed and inventoried its historic resources and has developed lists of historically significant structures and properties for consideration in its planning and project review activities; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures and properties within the City for the benefit of present and future generations; and

WHEREAS, the City does not have the organization and personnel to do so; and

WHEREAS, the County is able to provide historic property designation and protection services for the City; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective historic property designation and protection; and

WHEREAS, the parties are authorized to enter into this Agreement pursuant to RCW Chapter 39.34; the Interlocal Cooperation Act;

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement substantially similar to the Agreement attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

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

**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KIRKLAND RELATING  
TO DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Kirkland, a municipal corporation of the State of Washington, hereinafter referred to as the "City."

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of historic properties within the city limits resides with the City; and

WHEREAS, the City has surveyed and inventoried its historic resources and has developed lists of significant properties for consideration in its planning and project review activities; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the City for the benefit of present and future generations; and

WHEREAS, the City does not have the organization and personnel to do so; and

WHEREAS, the County is able to provide historic property designation and protection services for the City; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective historic property designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

A. Services. The County shall provide historic property designation and protection services as follows:

1. Landmarks. The County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, K.C.C. 20.62.
  - a. City's Responsibilities. In support of the County in the designation and protection of landmarks the City shall:
    - 1) Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be

## Exhibit A

substantially the same as the regulations and procedures set forth in King County Ordinance 10474, KCC 20.62. The ordinance shall provide that the King County Landmarks Commission shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

- a) Provision for the appointment of a special member to the King County Landmarks Commission as contemplated by K.C.C. 20.62.030.b. A provision that appeals from decisions of the King County Landmarks Commission pertaining to real property within the city limits shall be taken to the City Council.
  - b) Provisions for penalties for violation of the certificate of appropriateness procedures.
- 2) Appoint a Special Member to the King County Landmarks Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. 20.62 such Special Member shall be a voting member of the King County Landmarks Commission on all matters relating to or affecting landmarks within the City.
  - 3) Approve a budget and work plan each year prior to the commencement of any services for the year.
  - 4) Except as to Section B, the services provided by the County pursuant to this agreement do not include legal services.

b. County's Responsibilities:

- 1) Process all nominations for designation as a landmark made on properties within the City.
- 2) Conduct design review, planning, training, and public information activities necessary to support Landmarking activities. Design review, planning, training and public information tasks shall be defined by mutual agreement of both parties. If the City does not appoint its own Design Review Board to review proposals to make changes to landmarks and to issue Certificates of Appropriateness for such changes in accordance with the procedures and criteria set forth in the local landmark ordinance adopted under a.1. above, the Commission shall serve as the local Design Review Board.
- 3) Submit a copy of the Commission's designation report or decision rejecting a nomination to the City in addition to the parties specified in K.C.C. 20.62 within five (5) working days after it is issued.
- 4) File a copy of the designation report with the County Recorder together with a legal description of the designated property and the notification that the provisions of the City ordinance apply.
- 5) Process applications for Certificates of Appropriateness to demolish, move, or make alterations to any significant feature of a landmark within the City limits.

## Exhibit A

- 6) The Commission shall act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the City limits.
- 7) Review and comment on applications for permits that affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the city official responsible for the issuance of building and related permits.

c. Compensation.

- 1) Costs: The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement for labor costs to the County costs shall be revised annually.
- 2) Billing: The cost of services shall be billed quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

2. Historic Residence Designation and Protection. The County shall provide historic residence designation and protection services using the criteria and procedures adopted in Chapter 75 of the Kirkland Zoning Code within the Market and Norkirk Neighborhoods, as defined by the Kirkland Comprehensive Plan.

a. City's Responsibilities. In support of the County in the designation and protection of historic residences the City shall:

- 1) Forward to the County applications for nomination of historic properties as historic residences for review and recommendation.
- 2) Forward to the County applications to make major repairs, alterations in appearance, and replacement of historic materials and new construction to a designated historic residence for review and recommendation.

b. County's Responsibilities:

- 1) Review all nominations for historic residence designation made on properties within the Market and Norkirk Neighborhoods pursuant to Chapter 75 of the Kirkland Zoning Code. Recommendations shall be forwarded to the city official responsible for issuance of zoning permits.
- 2) Conduct design review, planning, training, and public information activities necessary to support historic residence preservation activities. Design review,

## Exhibit A

planning, training and public information tasks shall be defined by mutual agreement of both parties.

- 3) Review applications to make major repairs, alterations in appearance, and replacement of historic materials and new construction to a designated historic residence within the Market and Norkirk Neighborhoods pursuant to Chapter 75 of the Kirkland Zoning Code. Recommendations shall be forwarded to the city official responsible for issuance of zoning permits.
- c. Compensation. The City and the County shall enter into a two party agreement on a case by case basis under which the County shall estimate its costs based on its then-applicable reimbursement rates. The City shall collect the estimated costs in advance from the applicant. The County shall bill the City for its services on a periodic basis and the City shall remit payment within 30 days of invoicing by the County. In the event that the County's actual costs exceed the estimated costs, the County shall notify the City and suspend work on the two party agreement until such time as the City has notified the County that it has collected additional contract funds from the applicant.

B. Indemnification.

1. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.
2. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced in the enforceability and/or validity or any City ordinance, rule or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorneys' fees.
3. The City shall indemnify and hold harmless the County and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any

Exhibit A

negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

4. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

C. Duration. This agreement is effective beginning upon execution, and shall continue automatically from year to year until it is terminated by forty-five days written notice from either party to the other.

D. Administrative. This agreement shall be administered for the County by the manager of the Office of Business Relations and Economic Development, or the manager’s designee, and for the City by the City Manager or the manager’s designee.

E. Amendments. This Agreement may be amended at any time by mutual agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

CITY OF KIRKLAND

KING COUNTY

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
King County Executive

Approved as to form:

Approved as to form:

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
King County Prosecutor

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

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
Janice Soloff, AICP, Senior Planner

**Date:** July 24, 2007

**Subject:** **MERRILL GARDENS STREET VACATION OF A PORTION OF 1<sup>ST</sup> STREET SO., AN ALLEY, AND DEDICATION OF PRIVATE PROPERTY AT 201 KIRKLAND AVENUE, FILE VAC06-00001**

RECOMMENDATION

That City Council adopt enclosed Ordinance 4109 authorizing final approval of a land exchange related to the proposed Merrill Gardens assisted living project at 201 Kirkland Avenue. The land exchange involves the following requests to:

- 1) Vacate an unopened east/west alley located in the middle of the proposed Merrill Gardens assisted living project.
- 2) Vacate the southern portion of 1<sup>st</sup> St. So. where it dead ends at the base of the hillside where the parking garage entrance will be located.
- 3) Dedicate a portion of private property to the City for alignment of the 1<sup>st</sup> St. So. driveway entrance along Kirkland Avenue with Main Street to the north.
- 4) Install public improvements as public benefits associated with the street vacation: new street improvements (lighting, street trees), pedestrian amenities (bench, new stairs), installation of art, and replacement of existing public parking stalls currently located in the area to be vacated.

RULES FOR CITY COUNCIL CONSIDERATION

Kirkland Municipal Code (KMC) 19.16.160 states that following a public hearing and passage of a resolution of intent to vacate right of way, the City Council shall by motion approve by a majority of the entire membership in a roll call vote, either adopt an ordinance granting the vacation or deny the vacation. A public hearing was held and Resolution 4593 was passed on September 5, 2006 authorizing an intent to vacate the right of ways and land dedication within one year or by September 5, 2007, if certain conditions of approval were met (see Enclosure 1).

## STREET VACATION COMPENSATION

City Council may request monetary compensation or dedication of land of equal value in exchange for the vacated portion of public right of way (or combination of the two options). With the passage of R-4593 City Council agreed to the land exchange and public improvement options as compensation for the street vacation.

The proposed value of the land to be dedicated in combination with the public improvements to be installed by the applicant is greater than the value of the land to be vacated. To determine the value of the land, in 2006, the applicant paid for and the City retained Appraisal Group of the Northwest LLP of Bellevue to provide an independent appraisal of the land. The size of area to be vacated is 3,367 sq. ft. and valued at \$841,750 (\$250.00 x 3,367 sq. ft.). The land to be dedicated is approximately 3,673 sq. ft. in size at a land value of \$918,250 (appraised at \$250.00 per sq. ft. x 3,673 per sq. ft.). The public improvements are valued at an estimated \$136,660.

## CONDITIONS OF APPROVAL

Below is a summary of how the applicant has complied with conditions of approval stated in R-4594 and Staff Advisory Report Section I.B (see Enclosure 1 and 2 for the specific conditions).

1. Building Permit Application Submitted- The applicant received final Design Board Review approval of the project on October 18, 2006. A complete building permit application (BLD07-00152) is currently under review with construction scheduled to begin in early fall. The design for the new 1<sup>st</sup> Street So. showing all the proposed public improvements (including replacing some of the 20 public parking stalls in the street and new stairs) is shown in Enclosure 4.
2. Installation of Art- Proposed location and concept for the art component has yet to be defined. The applicant has met with the Cultural Council to discuss ideas for incorporating art into the streetscape and will hire a consulting artist to finalize a design. To date, some ideas are: incorporating art into the stairs or a bench, or adding a sculpture along the street. The building permit will be conditioned that the art installation occurs prior to occupancy.
3. Transfer of property-The applicant has submitted a statutory warranty deed conveying the private property to the City as compensation for the land to be dedicated for public right of way. The agreement will be recorded with King County upon adoption of the ordinance.
4. Parking Agreement- A voluntary agreement has been signed between Merrill Gardens and the City to replace the 20 public parking stalls (see Enclosure 3). Six parking stalls will be located in the new street and 14 stalls located within the garage for use by the public. Individual parking stalls will be signed for public use. A sign will be placed on the exterior of the parking garage and nearby streets directing the public to the stalls. The agreement authorizes the Public Works Director to manage the 14 public stalls within the garage and determine whether or not they will be paid stalls. The public stalls in the garage will be located closest to the garage entrance and available to the public seven days per week

from 7:00 a.m. to 11:00 p.m. The Downtown Parking Advisory committee reviewed the terms of the parking agreement. The agreement is in the process of being recorded.

5. Easements- Puget Sound Energy no longer needs an easement in the area.
6. Relinquishment of easements- Per the conditions of approval, the City will relinquish three recorded easements at such time the final ordinance is adopted.

#### ENCLOSURES

1. Resolution of intent to approve vacation R-4594 signed on September 5, 2006.
2. Conditions of Approval of street vacation intent
3. Voluntary parking agreement.
4. 1<sup>st</sup> Street So. street design

cc: File VAC06-00001

RESOLUTION NO. 4593

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING INTENT TO VACATE PORTIONS OF 1<sup>ST</sup> STREET SO. AND AN EAST/WEST ORIENTED ALLEY LOCATED BETWEEN KIRKLAND AVENUE AND 1<sup>ST</sup> AVENUE SO. FILED BY MERRILL GARDENS AT KIRKLAND, LLC, FILE NUMBER VAC06-00001.

WHEREAS, the City has received an application filed by Merrill Gardens at Kirkland, LLC to vacate portions of two right-of-ways and easements; and

WHEREAS, by Resolution Number 4586, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way in the form of a land exchange and install other public improvements associated with the applicant's proposal and allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation.

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated;

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

Section 1. The Findings and Conclusions as set forth in the Recommendations Section I.B of the Department of Planning and Community Development Advisory Report contained in File Number VAC06-00001 ("Staff Report") are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-

way described in Section 4 of this resolution if, within one year of the date of passage of this resolution the applicant meets the following conditions:

(a) The applicant shall file a complete application for a building permit based on the development proposal contained in File DRC06-00002, (and described in Attachment 5 to the Staff Report), within one year of the date of the passage of this Resolution. The building permit application shall contain the items identified in Section I.B.2.a of the Staff Report.

(b) As compensation for vacating the public right of ways, the applicant shall convey to the City fee simple title to the property to be dedicated for public right of way and record with King County Records and Elections, a statutory warranty deed for the area described in Attachment 5, Exhibit D of the Staff Report.

(c) The applicant shall enter into a voluntary agreement with the City, that conforms to the recommendations contained in the Staff Report, Section I.B.2.

(d) Submit to the City a copy of the recorded easement as requested by Puget Sound Energy (See Staff Report, Conclusion II.B.2.b).

(e) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City may retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

The south portion of 1<sup>st</sup> Street So. Right of Way located adjacent to 201 Kirkland Avenue as described in Exhibit A.

An east/west facing alley located between Kirkland Avenue and 1<sup>st</sup> Avenue So. Deeded under King County Recording No. 3254642, as described in Exhibit B.

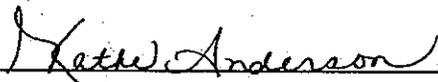
A triangular portion of the east/west facing alley located between Kirkland Avenue and 1<sup>st</sup> Avenue So. Deeded as under King County Recording No. 3254643, as described in Exhibit C.

Passed by majority vote of the Kirkland City Council in open meeting on the 5th day of September, 2006.

SIGNED IN AUTHENTICATION THEREOF this 5th day of September, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**EXHIBIT A****(PORTION TO BE VACATED)**

Beginning at the Southwest corner of Lot 28, Block 99, Burke & Farrar's Kirkland Business Center Addition, Division No. 25, according to the Plat thereof recorded in Volume 25 of Plats at Page 14, Records of King County, Washington;

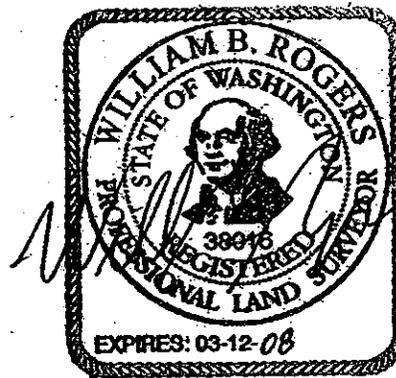
Thence North  $01^{\circ}39'30''$  West along the West line of said Lot 28, a distance of 45.42 feet;

Thence South  $88^{\circ}20'30''$  West, a distance of 22.92 feet;

Thence South  $01^{\circ}39'30''$  East, a distance of 45.42 feet;

Thence North  $88^{\circ}20'30''$  East, a distance of 22.92 feet, to the Point of Beginning.

Containing 1,041 square feet, more or less.



06/05/2006

## EXHIBIT B

(PORTION TO BE VACATED)

That portion dedicated to the City of Kirkland November 21, 1941 and recorded July 28, 1942 under Auditor File No. 3254642, Records of King County, Washington.

Beginning at the intersection of the Northwest corner of Lot 28, Block 99, Burke & Farrar's Kirkland Business Center Addition, Division No. 25, according to the Plat thereof recorded in Volume 25 of Plats at Page 14, Records of said county;  
Thence Southeasterly along the North lines of Lots 28, 27, 26, 25, and 24, to the Northeast corner of Lot 24;  
Thence South, along the Easterly line, 16 feet;  
Thence Northwesterly to a point on the West line of Lot 28, 16 feet South of the Northwest corner;  
Thence North 16 feet, to the Point of Beginning.

Dedicated to the City of Kirkland for street and alley purposes only.

Containing 2,085 square feet, more or less.

## EXHIBIT C

(PORTION TO BE VACATED)

That portion dedicated to the City of Kirkland December 4, 1941 and recorded July 28, 1942 under Auditor File No. 3254643, Records of King County, Washington.

Starting at the Northwest corner of Lot 23, Block 99, Burke & Farrar's Kirkland Business Center Addition, No. 25, in the City of Kirkland, Washington;

Thence Easterly along said North line of Lot 23, to the Northeast corner of same;

Thence Southwesterly 34 feet, more or less, to a point on the West line of said Lot 23, which point is 16 feet South of the Northwest corner of said Lot;

Thence 16 feet North to the Point of Beginning.

Dedicated to the City of Kirkland for street and alley purposes only.

Containing 241 square feet, more or less.



**CITY OF KIRKLAND**

**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
www.ci.kirkland.wa.us

**STREET VACATION  
NOTICE OF APPROVAL**

FILE NO. VAC06-00001

PROJECT NAME: MERRILL GARDENS ASSISTED LIVING STREET VACATION

PROJECT ADDRESS: 201-207 Kirkland Avenue

APPLICANT OR AGENT: Andy Loos, SRM Development LLC

CITY OF KIRKLAND APPROVAL DATE: Resolution R-4593 adopted September 5, 2006

LAPSE OF APPROVAL DATE: The applicant has until September 5, 2007 to comply with the conditions established in Resolution 4593 in order for final adoption by the City Council to occur.

This NOTICE OF APPROVAL is granted subject to the attached conditions and development standards. Failure to meet or maintain strict compliance shall be grounds for revocation in accordance with the Kirkland Municipal Code Chapter 19.16.

The applicant must also comply with any federal, state or local statutes, ordinances or regulations applicable to this project. This Notice of Approval does not authorize grading or building without issuance of the necessary permits from the Kirkland Building Department.

CITY OF KIRKLAND  
PLANNING AND COMMUNITY DEVELOPMENT

By:   
Janice Soloff  
Title: Senior Planner

Attachments:

Conditions of Approval  
Development Standards

## CONDITIONS OF APPROVAL

### MERRILL GARDENS ASSISTED LIVING STREET VACATION - FILE NO. VAC06-00001

Date Complete

Conditions

a) The applicant shall file a complete application for a building permit based on the development proposal contained in File DRC06-00002, and described in Attachment 5, within one year of the date of the passage of this Resolution. The complete building permit shall comply with the Development Standards contained in Attachment 7 of this report and shall include the following items:

1. Installation of required street improvements along 1<sup>st</sup> Street South;
2. Location and design of new public parking stalls;
3. Location and description of pedestrian amenities and any necessary pedestrian easements;
4. Location and general description of public art installations; and
5. Location and design of a new north/south public stairway connecting the subject property with public access paths on the adjoining Portsmouth Condominium property;

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Convey to the City, by statutory warranty deed, title to the area of the subject property to be dedicated as public right of way, described in Attachment 5, Exhibit D (see Conclusion II.B.2.c. and d).

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) Execute a voluntary agreement with the City in which the applicant agrees to install the improvements described in Attachment 5, and which includes the following provisions: (See Conclusion II.B.2.c. and d):

1. A provision that the applicant shall install 20 replacement public parking stalls to compensate for the 20 parking spaces displaced as a result of the street vacations and development proposal located in 1<sup>st</sup> Street So. The location of the new stalls shall be distributed within 1<sup>st</sup> Street So. and

within the Merrill Gardens parking garage (See Conclusion I.A.4 and II.B.2c).

2. A provision that the applicant shall, prior to issuance of a building permit, execute a public parking easement over the replacement public parking stalls located within the Merrill Gardens parking garage, and granting public access to the stalls. The parking easement shall be recorded with King County Records Department. The easement shall include the following terms which shall be identified in the voluntary agreement: the public shall have permanent access to the public stalls; the City shall have sole discretion as to how these stalls in the garage are managed including whether or not they are priced (including whether a gate, attendant/or pay meter should be installed); the parking stalls shall be located closest to the parking garage door entrance; the public may access the stalls during hours to be mutually agreed upon but not less than 7 am – 10 pm; the stalls shall be designed to meet city standards; directional signage or stall marker signs shall be installed by the applicant in a mutual agreeable location and meet city standards for design and material; and the agreement shall address who maintains the stalls (See Conclusion II.B.2.b).

3. A provision that, within 10 days of entering into the voluntary agreement, the City will release its interest in the following recorded documents: King County recording numbers: 19990709001997, 19990709001998, and 19990809000569.

Comments: \_\_\_\_\_

\_\_\_\_\_

d) Submit to the City a copy of the recorded easement as requested by Puget Sound Energy (See Conclusion II.B.2.b).

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### AGREEMENT REGARDING STREET VACATION

This Agreement Regarding Street Vacation ("Agreement") is entered into by Merrill Gardens at Kirkland, LLC, a Washington Limited Liability Company ("MG") and the City of Kirkland ("City"). MG and the City are jointly referred to in this Agreement as the "Parties."

WHEREAS, MG is the owner of the property described in Exhibit "A" attached hereto, commonly known as 201 Kirkland Avenue, Kirkland, Washington (the "Property") and intends to develop the Property; and

WHEREAS, for its development, MG has applied to the City to vacate two public alleyways on the Property which are collectively referred to in this Agreement as the "Old Alley" (see City File No. VAC06-00001), the legal description of which is attached hereto as Exhibit B; and

WHEREAS, there currently are 20 public parking spaces in the Old Alley; and

WHEREAS, as part of its vacation request, MG has offered to dedicate to the City new right of way on the Property ("New Right of Way"), the legal description of which is attached hereto as Exhibit C; and

WHEREAS, pursuant to Kirkland Municipal Code ("KMC") Section 19.16.150 MG and the City wish to ensure that 20 public parking spaces remain available to the public after vacation of the Old Alley under the terms and conditions set forth in this Agreement; and

WHEREAS, approximately six of the public parking spaces will be located in the New Right of Way ("New Right of Way Spaces") and approximately fourteen of the public parking spaces will be located in a public parking garage to be constructed on the Property ("Parking Garage Spaces");

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by the Parties, the Parties hereby agree as follows:

**1. Grant of Easement for Old Alley.** Upon vacation of the Old Alley by the City, MG grants to the City: (1) an exclusive easement over and across the Old Alley for the purpose of public vehicle parking as well as access thereto; and (2) a non-exclusive easement over the portions of the Property that are reasonably necessary for pedestrians and vehicles to access the Old Alley. The Parties intend for the easements created in this Section to remain in effect until commencement of construction of MG's intended development of the Property, at which point the easements shall be suspended while construction is pending. Upon completion of construction of the parking garage and the New Right of Way in accordance with this Agreement, the easements created in this section shall terminate and the irrevocable license granted in the following section shall

become effective. The provisions of this Section 1 shall be effective without further action or consent of the Parties.

**2. Grant of Irrevocable License.** Effective upon completion of construction of the parking garage and the New Right of Way in accordance with this Agreement, MG grants to the City an irrevocable, exclusive license for the public to park vehicles in the Parking Garage Spaces. MG also grants to the City an irrevocable, nonexclusive license to use the portions of the Property as are reasonably necessary for pedestrians and vehicles to access the Parking Garage Spaces. In the event MG fails to develop the Property in accordance with this Agreement, or in the event of a casualty, destruction, demolition or other similar damage to the Parking Garage Spaces or the New Right of Way, this License shall terminate and the Easement for the Old Alley shall again become effective; provided that in the event of significant damage to or destruction of the Property, MG shall have the option of rebuilding the Property provided that it complies with the terms and conditions of this Agreement.

**3. Number and Location of Parking Stalls.** In connection with development of its Property, MG shall construct the six New Right of Way Spaces in the New Right of Way in accordance with City parking space regulations and standards. The fourteen Parking Garage Spaces in the public parking garage shall be allocated to the City and shall be reserved for public use according to the terms and conditions of this Agreement. The Parking Garage Spaces shall be in the top level of the Parking Garage nearest to the exit.

**4. New Right of Way Spaces.** Upon completion, the City shall be solely responsible for managing and maintaining the New Right of Way Spaces and may, in its discretion, charge for parking in the New Right of Way Spaces.

**5. New Parking Garage Spaces.** MG shall place signs, the form, number and location of which shall be approved by the City's Director of Public Works ("Director"), identifying the fourteen Parking Garage Spaces as public parking. The Director or his designee shall determine whether or not a fee will be charged to the public for the use of the Parking Garage Spaces and the amount of any parking fee to be charged. The Director shall also determine whether parking duration restrictions should apply to the Parking Garage Spaces and, if so, the length of the duration restrictions. The Parking Garage Spaces shall be available for public parking seven days per week from 7:00 a.m. to 11:00 p.m.

**6. New Parking Garage.** Except as provided in this Agreement, MG shall manage and operate the Property and the parking garage within its sole discretion. MG may temporarily suspend public access to the parking garage for no longer than reasonably necessary for (i) construction of improvements on the Property; (ii) maintenance and repair of the parking garage; or (iii) an emergency. MG shall install directional signs along Kirkland Avenue and point of access signs at the parking garage entrance consistent with the City's standards for stall signs and way finding signs in the Downtown.

## **7. Revenue and Expenses from Parking Garage Spaces.**

**a. Calculation of Revenue.** If parking fees are established, MG shall pay the City the "Net Revenue" attributed to the Parking Garage Spaces. "Net Revenue" means all money received for rates charged for parking on the Parking Garage Spaces less the City's share of "Expenses."

**b. Calculation of Expenses.** "Expenses" are parking garage management charges, parking garage maintenance costs, accounting and professional fees incurred in connection with parking garage operations and insurance costs and taxes attributable to the parking garage. The City's share of the parking garage "Expenses" shall be determined by the ratio of parking spaces granted to the City to the total number of parking spaces in the garage. By way of illustration only, the City's share of management fees for the Parking Garage Spaces would be 14/141 of the management fees for the entire parking garage if number of parking spaces allocated to the City is 14 and the total number of parking spaces in the parking garage is 141.

**c. Negative Net Revenue.** In the event Net Revenue is a negative number, the City shall not be required to pay or reimburse MG any money.

**d. Financial Statements.** MG shall send to the City a statement at least quarterly indicating the Net Revenue and the itemized expenses attributable to the Parking Garage Spaces. The statement shall be prepared by Grantor or its designated representative. Upon reasonable notice to MG, the City shall have the right to inspect the documentation relating to such Net Revenues and Expenses.

## **8. Miscellaneous.**

**a. Incorporation.** The above recitals and all exhibits to this Agreement are hereby incorporated by this reference. There are no oral promises, conditions, representations or understandings of any kind that are not part of this Agreement.

**b. Recording.** This Agreement may be recorded by either Party without the prior written consent of any other Party.

**c. Counterparts.** This Agreement may be signed in several counterparts, each of which shall be deemed an original but all constituting only one agreement.

**d. Time is of the Essence.** Time is of the essence with respect to the performance of all terms, conditions and provisions of this Agreement.

**e. Attorney Fees.** Should any Party bring any action against any other Party with respect to this Agreement, its validity, enforceability, scope or subject

matter, the prevailing party will be awarded its reasonable attorney fees and costs incurred in connection with such action.

**f. Authority.** Each Party represents and warrants that the execution of this Agreement constitutes the valid and binding obligation of such Party, that each Party has all necessary authority and has taken all action necessary to enter into this Agreement.

This Agreement is entered into on this 24<sup>th</sup> day of July, 2007.

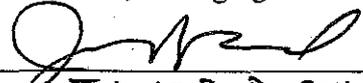
**MERRILL GARDENS AT KIRKLAND, LLC**

By: SRMJV, LLC, Member

By: MGJV INVESTMENTS II, LLC, Managing Member

By: Stone Rivard McGonigle Development, LLC, Managing Member

By: Merrill Gardens L.L.C., Managing Member

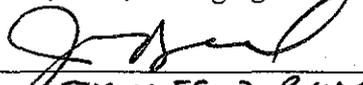
By:   
Its: JAMES D RIVARD,  
Member

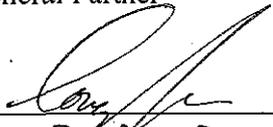
By: Merrill Associates Limited Partnership, Managing Member

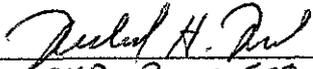
By: SRMMGK, LLC, Member

By: The Merrill Group, Inc., General Partner

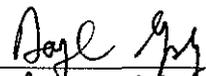
By: Stone Rivard McGonigle Development, LLC, Managing Member

By:   
Its: JAMES D RIVARD,  
Member

By:   
Its: SVP - CFO

By:   
Its: SVP Real Estate

**CITY OF KIRKLAND**

By:   
Its: Public Works Director

STATE OF WASHINGTON )

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SPOKANE )

On this 29<sup>th</sup> day of June, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared James D. Rivard, to me known to be the Member of STONE RIVARD MCGONIGLE DEVELOPMENT, LLC, the Managing Member of SRMJV, LLC, the Member of MERRILL GARDENS AT KIRKLAND, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



A.C.R. Miller  
Print Name: A.C.R. Miller  
Notary Public in and for the State of  
Washington, residing: Spokane WA  
My Commission Expires: 02-24-08

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SPOKANE )

On this 29<sup>th</sup> day of June, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared James D. Rivard to me known to be the Member of STONE RIVARD MCGONIGLE DEVELOPMENT, LLC, the Managing Member of SRMMGK, LLC, the Member of MERRILL GARDENS AT KIRKLAND, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



A.C.R. Miller  
Print Name: A.C.R. Miller  
Notary Public in and for the State of  
Washington, residing: Spokane WA  
My Commission Expires: 02-24-08

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 10th day of July, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Douglas D. Spear, to me known to be the SVP CFO of THE MERRILL GROUP, INC., the General Partner of MERRILL ASSOCIATES LIMITED PARTNERSHIP, the Managing Member of MERRILL GARDENS, L.L.C., the Managing Member of MGJV INVESTMENTS II, LLC, the Managing Member of MERRILL GARDENS AT KIRKLAND, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

**Notary Public**  
**State of Washington**  
**H. M. WEDEKIND**  
**MY COMMISSION EXPIRES**  
**June 01, 2011**

H.M. Wedekind  
Print Name: H.M. Wedekind  
Notary Public in and for the State of  
Washington, residing: Lynnwood  
My Commission Expires: 6-01-11

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 10th day of July, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Richard H. Reel, to me known to be the SVP Real Estate of THE MERRILL GROUP, INC., the General Partner of MERRILL ASSOCIATES LIMITED PARTNERSHIP, the Managing Member of MERRILL GARDENS, L.L.C., the Managing Member of MGJV INVESTMENTS II, LLC, the Managing Member of MERRILL GARDENS AT KIRKLAND, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

**Notary Public**  
**State of Washington**  
**H. M. WEDEKIND**  
**MY COMMISSION EXPIRES**  
**June 01, 2011**

H.M. Wedekind  
Print Name: H.M. Wedekind  
Notary Public in and for the State of  
Washington, residing: Lynnwood  
My Commission Expires: 6-01-11

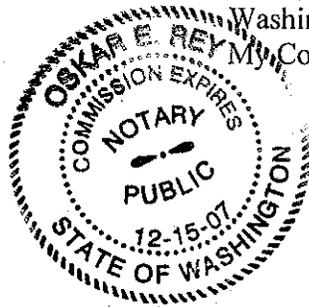
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

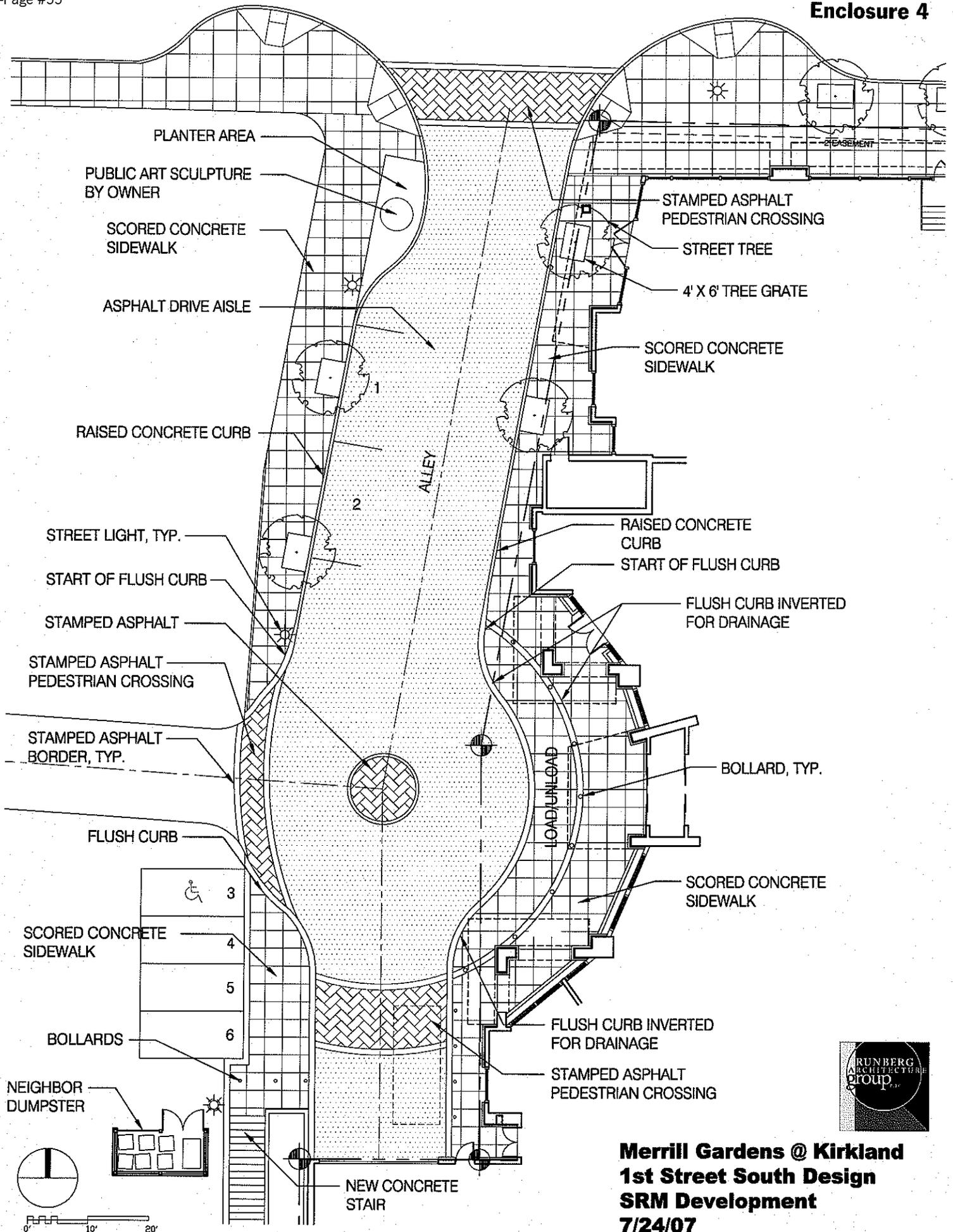
On this 24<sup>th</sup> day of July, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Daryl Grigsby, to me known to be the Public Works Director of the CITY OF KIRKLAND, the Washington municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Oskar Rey

Print Name: Oskar Rey  
Notary Public in and for the State of  
Washington, residing: Seattle  
My Commission Expires: 12/15/07





**Merrill Gardens @ Kirkland**  
**1st Street South Design**  
**SRM Development**  
**7/24/07**



ORDINANCE NO. 4109

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING A PORTION OF 1<sup>ST</sup> STREET SO. AND AN EAST/WEST ORIENTED ALLEY LOCATED BETWEEN KIRKLAND AVENUE AND 1<sup>ST</sup> AVENUE SO. BASED ON AN APPLICATION FILED BY MERRILL GARDENS AT KIRKLAND, LLC, FILE NO. VACO6-00001.

WHEREAS, by Resolution 4593 adopted on September 5, 2006, the City Council of the City of Kirkland established that it would vacate a portion of a right-of-way if certain conditions were met; and

WHEREAS, the conditions specified in Resolution No. 4593 have been satisfied.

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

Section 1. The following portions of public right-of-way situated in Kirkland, King County, Washington and further described in Exhibit A:

The south portion of 1<sup>st</sup> Street So. right of way located adjacent to 201 Kirkland Avenue and,

An east/west facing alley located between Kirkland Avenue and 1<sup>st</sup> Avenue So. deeded under King County Recording No. 3254642.

be and the same hereby are vacated.

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

## EXHIBIT A

## PORTION TO BE VACATED

That portion of Burke & Farrar's Kirkland Business Center Addition, Division 25, according to the Plat thereof recorded in Volume 25 of Plats, Page 14, Records of King County, Washington described as follows:

Beginning at the Southwest corner of Lot 28, Block 99 of said Plat;  
 Thence North  $01^{\circ}39'30''$  West along the West line of said Lot 28, a distance of 45.42 feet;  
 Thence South  $88^{\circ}20'30''$  West, a distance of 22.92 feet;  
 Thence South  $01^{\circ}39'30''$  East, a distance of 45.42 feet;  
 Thence North  $88^{\circ}20'30''$  East, a distance of 22.92 feet, to the Point of Beginning.

TOGETHER WITH that portion dedicated to the City of Kirkland November 21, 1941 and recorded July 28, 1942 under Auditor File No. 3254642, Records of King County, Washington.

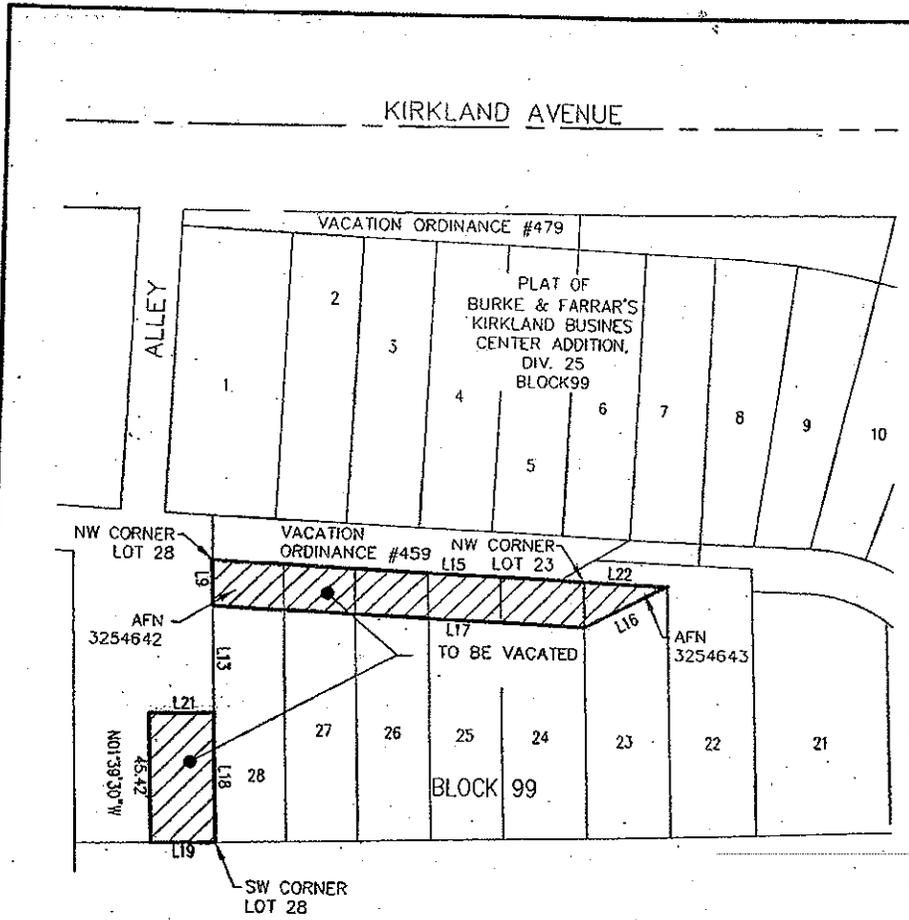
Beginning at the Northwest corner of Lot 28, Block 99, Burke & Farrar's Kirkland Business Center Addition, Division No. 25, according to the Plat thereof recorded in Volume 25 of Plats at Page 14, Records of said county;  
 Thence Southeasterly along the North lines of Lots 28, 27, 26, 25, and 24, to the Northeast corner of Lot 24;  
 Thence South, along the Easterly line, 16 feet;  
 Thence Northwesterly to a point on the West line of Lot 28, 16 feet South of the Northwest corner;  
 Thence North 16 feet, to the Point of Beginning.

TOGETHER WITH that portion dedicated to the City of Kirkland December 4, 1941 and recorded July 28, 1942 under Auditor File No. 3254643, Records of King County, Washington.

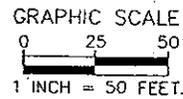
Beginning at the Northwest corner of Lot 23, Block 99, Burke & Farrar's Kirkland Business Center Addition, No. 25, in the City of Kirkland, Washington;  
 Thence Easterly along said North line of Lot 23, to the Northeast corner of same;  
 Thence Southwesterly 34 feet, more or less, to a point on the West line of said Lot 23, which point is 16 feet South of the Northwest corner of said Lot;  
 Thence 16 feet North to the Point of Beginning.

Containing 3,367 square feet, more or less.





LINE TABLE		
LINE	BEARING	LENGTH
L9	S01°39'30"E	16.03
L10	S87°39'00"E	7.16
L13	N01°39'30"W	37.81
L15	S87°39'00"E	130.31
L16	S63°25'25"W	33.08
L17	N87°39'00"W	123.15
L18	S01°39'30"E	45.42
L19	S88°20'30"W	22.92
L20	N01°39'30"W	45.42
L21	N88°20'30"E	22.92
L22	S87°39'00"E	30.07



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EXHIBIT  
 PORTION FOR VACATION  
 MERRILL GARDENS AT KIRKLAND

DRAFT: JKP  
 SURVEYOR: WBR  
 DATE: 7.19.2007  
 PROJECT: 05066  
 SHEET 1 OF 1

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Robin S. Jenkinson, City Attorney

**Date:** July 23, 2007

**Subject:** City Council's Findings, Conclusions, and Decisions on the Aubry Short Plat Appeal

**RECOMMENDATION**

That the City Council pass the attached resolution adopting the City Council's Findings, Conclusions, and Decision in the Aubry Short Plat Appeal.

**BACKGROUND DISCUSSION**

On March 22, 2007, the Director of Planning and Community Development issued his Findings, Conclusions, and Recommendations on the Aubry Short Plat. Two appeals of the short plat decision were timely filed. Both appeals challenged the Director's decision to require the short plat applicant to install street improvements in the existing 5<sup>th</sup> Avenue South right-of-way adjacent to the property, which would open 5<sup>th</sup> Avenue South between 7<sup>th</sup> Street South and 8<sup>th</sup> Street South. On June 19, 2007, the City Council heard the two appeals in an open record proceeding. The Council decided to modify the decision of the Director of Planning and Community Development to require only an improved pedestrian and bicycle path be installed in the 5<sup>th</sup> Avenue South right-of-way. Thus, the 5<sup>th</sup> Avenue South right-of-way between 7<sup>th</sup> Street South and 8<sup>th</sup> Street South would not be opened for through vehicular use.

Under Kirkland Zoning Code 145.105, it is necessary for the City Council to enter findings and conclusions when it modifies the decision of the Director. The proposed Findings, Conclusions, and Decision would be adopted with the passage of the attached resolution.

Subsequent to the City Council hearing the appeals, other issues, unrelated to the appeals have arisen which will be addressed through the administrative process and, if appealed, would be heard by the Hearing Examiner as they do not relate to the opening of right-of-way for vehicular use.

Please let me know if you have any questions.

RESOLUTION R-4657

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE PROPOSED FINDINGS, CONCLUSION, AND DECISION IN THE AUBRY SHORT PLAT APPEAL.

WHEREAS, March 22, 2007, the Director of the Department of Planning and Community Development issued his Findings, Conclusions, and Recommendations on Aubry Short Plat File, No. SPL06-00007; and

WHEREAS, two appeals of the short plat decision were filed in a timely manner; and

WHEREAS, on June 19, 2007, the Kirkland City Council heard the two appeals in an open record proceeding; and

WHEREAS, the City Council voted to modify the decision of the Director of Planning and Community Development; and

WHEREAS, under Kirkland Zoning Code 145.105, it is necessary for the City Council to enter findings and conclusions when it modifies the decision of the Director;

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

Section 1. The proposed Findings, Conclusions, and Decision on the Aubry Short Plat Appeal, attached hereto as Exhibit A and incorporated by reference, are hereby adopted.

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

**BEFORE THE KIRKLAND CITY COUNCIL**

IN THE MATTER OF THE APPEALS OF )	<b>APPEAL FILE NO'S. APL07-00002 AND</b>
DAVID AUBRY, ANNA AUBRY, JERRY )	<b>APL07-00003</b>
GILBERT, BEVERLY GILBERT, TOM )	
LYNN, SHERRY LYNN, KAREN TIPP, AND )	<b>CITY COUNCIL'S FINDINGS,</b>
DOUG THOMPSON FROM THE DIRECTOR )	<b>CONCLUSIONS, AND DECISION ON</b>
APPROVAL OF AUBRY SHORT PLAT, FILE )	<b>THE AUBRY SHORT PLAT APPEAL</b>
NO. SPL06-00007 )	
)	
)	

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**PROCEDURAL FINDINGS**

1. Except as provided in this Finding No. 1, the Kirkland City Council adopts the Findings set forth in the Department of Planning and Community Development Findings, Conclusions, and Recommendations dated March 20, 2007, and contained in Enclosure 3 of City Council Agenda Item 9.a, June 19, 2007. The City Council does not adopt Section 5 relating to the opening of the 5<sup>th</sup> Avenue South right-of-way," on page 11, including Findings of Fact 1 – 9 on pages 11 and 12.

2. On March 22, 2007, the Director of the Department of Planning and Community Development issued his Findings, Conclusions, and Recommendations on Aubry Short Plat, File No. SPL06-00007. 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. The second appeal was filed by Jerry and Beverly Gilbert, Tom and Sherri Lynn, Karen Tipp, and Doug Thompson on April 9, 2007. Both appeals challenged the Director's decision to require the short plat applicant to install street improvements in the existing 5<sup>th</sup> Avenue South right-of-way, adjacent to the property, which would open 5<sup>th</sup> Avenue South between 7<sup>th</sup> Street South and 8<sup>th</sup> Street South.

3. On June 19, 2007, the Kirkland City Council heard the two appeals in an open record proceeding.

4. Deputy Mayor Joan McBride recused herself from the proceedings explaining that she had previously publicly taken positions on the matter before the City Council in the appeals and thought it would be inappropriate for her to participate.

**City Council Findings, Conclusions, and  
Decision – Aubry Short Plat**

5. The City Council heard presentations from the parties to the appeal and asked questions of the parties. The Council had before it the entire administrative record. After hearing the presentations of the parties, the City Council deliberated and reached a decision. By a vote of six-to-zero, the City Council decided to modify the decision of the Director of Planning and Community Development to require only an improved pedestrian and bicycle path be installed in the 5<sup>th</sup> Avenue South right-of-way and held that 5<sup>th</sup> Avenue South between 7<sup>th</sup> Street South and 8<sup>th</sup> Street South should not be opened for through vehicular use.

6. Any Conclusion set forth below that is deemed a Finding of Fact is hereby adopted as such.

#### **ADDITIONAL FINDINGS REGARDING APPEAL**

7. The appellants have demonstrated that opening the 5<sup>th</sup> Avenue South right-of-way would provide a by-pass route for congested traffic on 6<sup>th</sup> Street South through their neighborhood.

8. The appellants have demonstrated that because 5<sup>th</sup> Avenue South ends at 6<sup>th</sup> Street South and Everest Park, opening the 5<sup>th</sup> Avenue South right-of-way would do little to improve the City's grid system, would not improve traffic circulation, and would not provide improved access into or out of the neighborhood.

9. The appellants have demonstrated that opening the 5<sup>th</sup> Avenue South right-of-way would be detrimental to the character of their neighborhood by increasing the volume of traffic, potentially eliminating significant trees, and disturbing a quiet trail which is enjoyed by the neighbors, including small children.

10. The Comprehensive Plan has policies which support alternative modes of transportation:

- 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.

- b. Transportation Element Policy T-2.2: Promote a comprehensive and interconnected network of pedestrian and bike routes within neighborhoods.

### **PROCEDURAL CONCLUSIONS**

1. Except as provided in this Conclusion 1, the City Council hereby adopts the Conclusions set forth in the Department of Planning and Community Development Findings, Conclusions, and Recommendations dated March 20, 2007, and contained in Enclosure 3 of City Council Agenda Item 9.a, June 19, 2007. The City Council does not adopt the Conclusions in Section 5 relating to the opening of the 5<sup>th</sup> Avenue South right-of-way on pages 12 and 13.
2. The Kirkland City Council has jurisdiction over the two appeals in accordance with Kirkland Municipal Code (KMC) 22.20.245. KMC 22.20.245 provides that the City Council rather than the Hearing Examiner will decide an appeal of the Planning Director's decision on a short plat, when the approval of the short plat would result in the dedication of a new through right-of-way. The two appeals were timely filed. Under Kirkland Zoning Code 145.95, the appellants have the responsibility of convincing the City Council that the Planner Director has made an incorrect decision.
3. Any Finding of Fact set forth above that is deemed a Conclusion is hereby adopted as such.

### **CONCLUSIONS REGARDING APPEALS**

4. In his Conclusions in Section 5 of the Findings, Conclusions and Recommendations, the Planning Director determined that 5<sup>th</sup> Avenue South should be opened and improved for through vehicular use.
5. The Planning Director correctly noted that several Comprehensive Plan policies support the opening of the 5<sup>th</sup> Avenue South right-of-way. However, the Council concludes there are also Comprehensive Plan policies which support not opening the 5<sup>th</sup> Avenue South right-of-way if it would be to the detriment of neighborhood integrity:

**City Council Findings, Conclusions, and  
Decision – Aubry Short Plat**

- a. Transportation Element Policy T-1.2: Mitigate adverse impacts of transportation systems and facilities on neighborhoods.  
\* \* \*
    - Increased traffic resulting from drivers seeking alternate routes to congested arterials;
  - b. Transportation Element, page IX-12: 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.** (Emphasis added.)
  - c. Framework Goal FG-16: Promote active citizen involvement and outreach education in development decisions and planning for Kirkland's future.
6. Accessibility to pedestrians and bicyclists should be preserved through an improved pedestrian and bicycle path through the unopened 5<sup>th</sup> Avenue South right-of-way.
7. The applicant may propose to locate a residential driveway in the unopened 5<sup>th</sup> Avenue South right-of-way to access Lot 3 of the Aubry Short Plat. The design for the required pedestrian and bicycle path and the driveway will be reviewed and approved by the Public Works Department.
8. For all of the reasons set forth above, the City Council concludes that the decision of the Planning Director should be modified. The 5<sup>th</sup> Avenue South right-of-way should be improved with only a pedestrian and bicycle path and the 5<sup>th</sup> Avenue South right-of-way should not be opened to through vehicular use.

**DECISION**

For the reasons set forth in the foregoing Findings and Conclusions, the appeals of David and Anna Aubry, Jerry and Beverly Gilbert, Tom and Sherri Lynn, Karen Tipp, and Doug Thompson are hereby **GRANTED**. Any portion of the Director’s Findings, Conclusions, and Recommendations not overturned by virtue of granting the appeals as provided herein is upheld. The Director’s approval of the Aubry Short Plat is upheld as modified herein.

**Decision adopted by the Kirkland City Council \_\_\_\_\_, 2007.**

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MAYOR



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
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**To:** Dave Ramsay, City Manager

**From:** Daryl Grigsby, Public Works Director  
David Godfrey, P.E., Transportation Engineering Manager

**Date:** July 25, 2007

**Subject:** PEDESTRIAN SAFETY

RECOMMENDATION:

This memo is for information only.

BACKGROUND DISCUSSION:

In response to a Council request, this memo is the fourth of a series of memos describing our pedestrian safety initiatives.

**Flashing crosswalks**

- Inspection We are continuing our regular inspection cycle looking at each location twice a month. The rate at which crosswalks are failing or need repair has been reduced and stabilized.
- Parts Most of our flashing crosswalks are the LightGuard brand crosswalk. In the past, we have had problems securing parts from this manufacturer due to unavailability. We now have a substantial supply of replacement parts for the LightGuard systems.
- Locations where treatments are changing. One location is out of service and not repairable without replacement; Juanita Drive at Juanita Beach Park. Another location has been abandoned in favor of activated overhead flashing lights controlled by pedestrian pushbuttons; NE 124th Street at 105th Avenue NE. The crosswalk at NE 124th Street and 107th Place NE is in need of complete pavement reconstruction to treat severe pavement damage. This will result in removal of the flashing crosswalk and installation of overhead flashing lights activated by pedestrian pushbuttons. Pedestrian Flags are available at the first two locations and will be made available at the third after it is reconfigured.

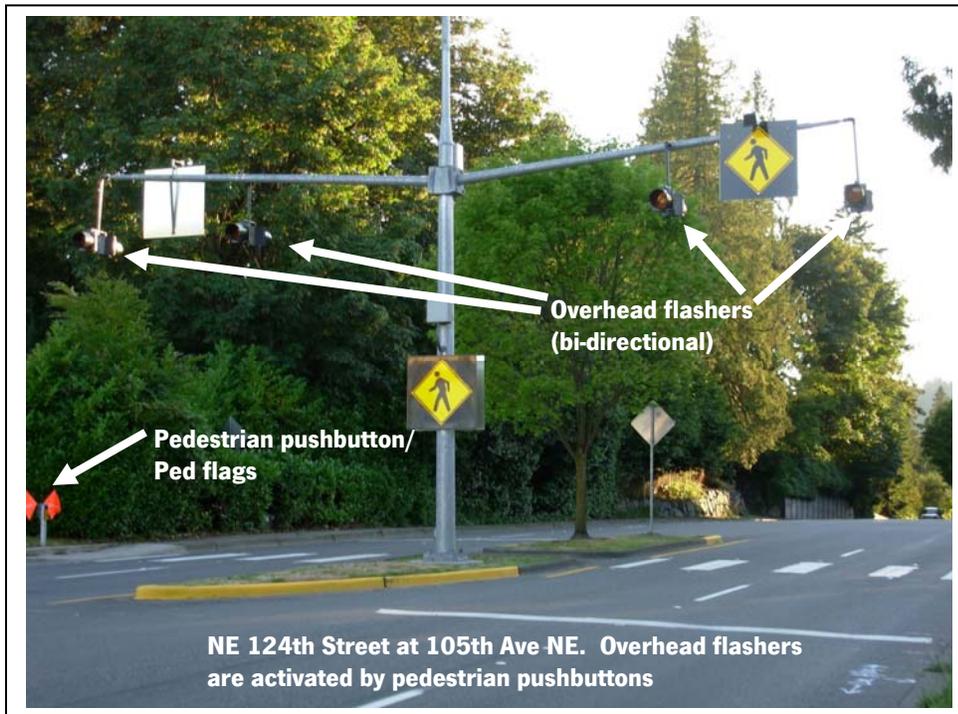
When Public Works' Signal Technicians originally assessed the Juanita Drive location a sunken head appeared to be the problem. After attempting the normal solution to correct the sinking they uncovered other damage. The wires buried in the pavement connecting the heads to the power supply have deteriorated beyond repair. The wires that connect the push buttons have also deteriorated severely. It is

Memorandum to Dave Ramsay

July 25, 2007

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believed that improper installation led to this condition. There is no way to repair the damaged wires. Our current plan is to not restore a flashing crosswalk at this location.



The location at NE 124th Street and 105th Avenue has a certain brand of in-pavement lights that are secured to the pavement by epoxy. This is the only such location in the City. Because the epoxy can only be used during warm and dry weather, timely repairs are limited. We have abandoned the in-pavement lights at this location and flashing lights have been hung from the mast arms. These lights are activated by the same push button that formerly activated the in-pavement lights, see photo above.

Severe pavement damage has occurred on NE 124th Street at the crosswalk near 107th Place NE. The nature of the damage requires full replacement of the pavement and removal of the existing flashing crosswalk. We plan to replace this location with a flashing overhead light configuration as installed at 105th Avenue.

Options for treatments at the three locations mentioned above include:

- Reinstallation of new flashing crosswalks. New flashing crosswalks are estimated to cost about \$35,000 each.
- Because of the existing wires at NE 124th Street locations, they could be retrofitted with overhead flashers relatively easily and inexpensively. Similar overhead flashers at the Juanita Drive location require a *wireless* overhead flasher system because of the damage to the wires. The cost of this is estimated at about \$20,000.

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July 25, 2007

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- High-intensity Activated crossWalk or HAWK Pedestrian Beacon. This treatment is used exclusively in Tucson Arizona and surrounding areas. Research shows that this is a highly effective treatment and although it is not currently in the Manual of Uniform Traffic Control Devices, it is anticipated that it will be adopted in the future. Pictures of a HAWK crossing beacon and a video showing its operation are available at <http://www.dot.ci.tucson.az.us/traffic/tspedestrian.cfm> . Written descriptions are at the end of this memo. The cost of a HAWK is unclear but probably on the order of \$50,000. It is expected that the maintenance costs for a HAWK would be low because it uses standard traffic signal parts.

HAWK beacons would be a logical choice for the NE 124th crossings because they are higher speed, higher volume, multi lane crossings. It would also be ideal to replace all three crossings (the two mentioned above plus the one at NE 124th and 103rd) with HAWK beacons for consistency. Otherwise, drivers could be faced with two or three different crossing warning systems. We hope that we can secure future grant funding to install HAWK crossings on NE 124th Street. The Juanita Drive crossing is a two lane, lower speed lower volume crossing which is adequately protected by the existing overhead signs, median and pedestrian flags.

### **Task force**

The staff pedestrian task force has members representing Public Works (Transportation Engineering), Parks (Seniors and Youth Councils), IT (Multimedia Services), Police (Traffic) and CMO (Volunteer Coordinator). The group has been meeting monthly since February. The main purpose of the group is to keep each other informed of pedestrian safety initiatives and to encourage promotion of pedestrian safety efforts across departments. As a result of this work, the Pedestrian Safety for Dummies video was produced, a pedestrian safety video by the youth council is in final editing, Police have presented a pilot curriculum in an elementary school and a special program for the senior steppers kick-off was devised. The group hosted pedestrian activist Andrea Okomski of Pedestrian InRoads <http://www.pedinroads.org> to discuss pedestrian safety issues of mutual interest. One program that Ms. Okomski is interested in is obtaining state funding for promotion of pedestrian safety Public safety announcements to broader audiences. She may be asking for Kirkland's partnership if she approaches the legislature in the future.

Memorandum to Dave Ramsay

July 25, 2007

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## Ped Flag research

A grant funded social marketing effort to increase usage of pedestrian flags is continuing. This spring, a total of 120 intercept interviews were conducted, with interviewers interviewing one pedestrian per hour and conducting a 2-3 minute survey. Given the primary purpose of the interview was to determine barriers to flag usage, 94 of the interviews were conducted with non-flag users, and the other 26 with users. Interviewers sought to obtain a mix of gender, age and whether the person was in a group, or walking alone. Highlights of findings follow:

- A total of 3090 people were observed (counted) in crosswalks, either walking alone or in groups. 267 of those pedestrians were carrying flags. Our base usage level is 8.6%.
- Although females appear to be a little more likely to use the flags, the difference is not dramatic. It appears that young children and youth and those over 60 are more likely than other age groups to use the flags.
- Pedestrians are more likely to use the flags when there is *heavy traffic* and at *night*. Wet pavement and rain do not make it more likely they will use the flags. In fact, they are more likely to use flags when it is *sunny*.
- Pedestrians with *strollers* are significantly more likely to use the flags. Those where there were *no in-pavement lights*, in a *group* and those whose *hands were not full* were also more likely than others to carry one. Having a pet does not dramatically increase usage.
- Although the sample is small (94 respondents), it appears that nonusers in the study sometimes do use the flags.
- When nonusers were asked their major reasons for not using the flag that day, perceptions that they are not at risk “top the list”, followed by lack of awareness of what the flags are for. Of importance as well were: the lack (at times) of availability of flags, feeling “silly” using them, as well as the effort involved in using them.
- Users and nonusers mention the need for more flags, better signage, more education, and a better flag design, if usage will be increased.



Potential new pedestrian flag design (left) Two sides of a potential new holder (center and right)

Understanding why people do and do not use ped flags suggested ways to increase usage. This led to a proposed design for the flags and holders (shown above). The new items are designed to make ped flag more mainstream, its purpose more obvious and to point out the safety benefits of using ped flag. These concepts were shown to a focus group in late June. The focus group reacted positively to the new flag

Memorandum to Dave Ramsay

July 25, 2007

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design and other elements, but did not like the slogan "Take it to Make it". The new ped flag program is planned for roll out this fall.

### **Street Lighting**

Results of a consultant's analysis of street lighting at 92 crosswalks on arterial and collector streets are being reviewed by staff. The consultant gave each crosswalk a ranking from 1 to 10 for each direction of travel and recommended that those ranked 3 and below be given highest priority for improvement. There are 24 crosswalks that have at least one approach rated 3 or below. At the other end of the spectrum, 13 crosswalks have both ratings at 8 or above.

DESCRIPTION OF HAWK BEACON

Table A-18. Red Device: HAWK Beacon Signals.

<b>HAWK</b>	
<p>A HAWK beacon signal provides yellow and red indications. The current configuration for a HAWK is two red lenses above a yellow lens in a "Mickey Mouse Ears" format. The HAWK beacon signal, used exclusively in Tucson and Pima County, Arizona, dwells in a dark mode until activated by a pedestrian by means of a pushbutton.</p> <p>The HAWK is currently not included in the <i>MUTCD</i>. Permission for experimentation is needed.</p>	<ul style="list-style-type: none"> <li>• <b>Description:</b> The objective of a HAWK (high-intensity activated crosswalk) signal is to stop vehicles to allow pedestrians to cross while also allowing vehicles to proceed as soon as the pedestrians have passed. It is a combination of a beacon flasher and a traffic control signal. This application provides a pedestrian crossing without signal control for the side street.</li> <li>• <b>Operation:</b> The inclusion of the alternating flashing red permits stop-and-go vehicle operations after a pedestrian has cleared the crosswalk.</li> <li>• <b>Observations:</b> Drivers are more likely to stop for a device that displays a red indication. Driver education has been an active component in those communities using a HAWK signal. Confusion may result from the dark beacon signal display, as drivers may interpret it as a power outage; however, that has not been a problem where implemented.</li> </ul>
 <p><b>HAWK Signal</b></p>	
 <p><b>Close-Up of HAWK Signal Head</b></p>	

Table A-19. Red Device: Pedestrian Beacon.

Proposed Pedestrian Beacon		
<p>A pedestrian beacon is a proposed special highway traffic control signal used at some locations for pedestrians waiting to cross or crossing the street. A pedestrian beacon is proposed to be considered for installation at a midblock location that does not meet other traffic signal warrants to facilitate pedestrian crossings. The pedestrian phase for a pedestrian beacon would be activated by a pedestrian. The red portion of the cycle for vehicles consists of a sequence of a steady red indication (during the pedestrian crossing interval) followed by flashing red indications (during the pedestrian clearance interval).</p> <p>This device has been suggested to be included in future editions of the <i>MUTCD</i>.</p>		
<ul style="list-style-type: none"> <li><b>Proposed Guidance for the <i>MUTCD</i>:</b> If a traffic control signal is not justified under the signal warrants of Chapter 4C and if gaps in traffic are not adequate to permit reasonably safe pedestrian crossings, or if the speed for vehicles approaching on the major street is too high to permit reasonably safe street crossings for pedestrians, or if pedestrian delay is excessive, installing a pedestrian traffic control signal should be considered.</li> <li><b>Proposed Sign to Accompany a Pedestrian Beacon:</b></li> </ul>		
<p><b>Example of Phase Sequence for a Pedestrian Beacon</b></p>		



**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:** Grace Steuart, Fire Marshal  
**Date:** July 24, 2007  
**Subject:** Fire Sprinkler Ordinance Process

### **RECOMMENDATION:**

No recommendation at this time, this is an update on the fire sprinkler ordinance process.

### **BACKGROUND DISCUSSION:**

At Council's direction, the Fire Department is preparing information on a zero-threshold fire sprinkler ordinance which would require the installation of fire sprinklers in all new residential structures. Working with the Public Safety Committee, we have identified a timeline and a process which would lead to accomplishing this goal. Attached are the proposed timeline and action items we will be undertaking over the next several months.

When Council gave direction to look at a new ordinance, we heard of your desire to include all the stakeholders in the process. We have included a couple of key steps which should provide the opportunity for citizens, contractors, and developers to give input into the development of an ordinance. We will hold open forums as well as invite key stakeholders to share their input on the proposed new fire sprinkler requirement. Key stakeholders include neighborhood associations, Kirkland Chamber of Commerce, and the Master Builders Association. As we proceed through the input process, other key stakeholders may be identified and invited to participate in the process. Our goal is to have a very inclusive process. We also envision a public hearing prior to adoption to insure the City Council as well as the Fire Department will have heard from anyone interested in this topic.

Staff will be available at the August 7<sup>th</sup> City Council meeting to answer any questions you might have or to discuss any change in direction you may wish to take.

## Timeline

The Fire Department has been working with the Public Safety Committee to explore the possibility of implementing a “zero threshold” requirement for fire sprinklers in residential occupancies.

Below is the proposed schedule for the process, which includes Council review, public input, approval by Council, approval by State Building Code Council (SBCC), and implementation:

August 7, 2007	Introduction of process to Council regarding timeline for adoption and implementation
October 2, 2007	Presentation to the full Council (Presentation will include information on sprinklers and the proposed ordinance)
Late Sept/early Oct 2007	Report on Fee Study and Staffing Analysis*
October/November 2007	Begin public input (The process will include a public hearing, stakeholder forums, written comment, etc.)
January 2008	To Council for possible adoption and to SBCC for approval
First quarter 2008	Proposed implementation date, if approved.

\*A fee study and staffing analysis will be conducted concurrently. We want to ensure that we have adequate staff to address the increased workload, as well as provide for 100 percent cost recovery.



## CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000  
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### MEMORANDUM

**To:** David Ramsay, City Manager

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

**Date:** August 7, 2007

**Subject:** 2007 EMERGENCY SEWER PROGRAM – REJECT BIDS

#### RECOMMENDATION:

It is recommended that the City Council reject bids received for the construction of the 2007 Emergency Sewer Project (ESP). Additionally, it is recommended that the Council authorize staff to reevaluate and/or modify the plans and specifications, and again advertise for contractor bids on the project later this fall.

#### BACKGROUND DISCUSSION:

The original scope of this year's ESP project included the installation of sanitary sewer main in the following Kirkland neighborhoods (Attachments 1, 2, 3 & 4):

South Rose Hill Neighborhood –

- 1) 122<sup>nd</sup> Avenue NE between NE 73<sup>rd</sup> Street & NE 78<sup>th</sup> Street
- 2) NE 72<sup>nd</sup> Street between 124<sup>th</sup> Avenue NE & 126<sup>th</sup> Avenue NE, and 124<sup>th</sup> Avenue NE between NE 70<sup>th</sup> Street & NE 73<sup>rd</sup> Street
- 3) NE 72<sup>nd</sup> Street between 130<sup>th</sup> Avenue NE & end of cul-de-sac, and 130<sup>th</sup> Avenue NE between NE 73<sup>rd</sup> Street and NE 71<sup>st</sup> Court

Juanita Neighborhood –

- 4) 115<sup>th</sup> Ave NE between NE 112<sup>th</sup> Street & 113<sup>th</sup> Place NE

At their meeting of March 20, 2007, Council was presented with the history and a report on the level of resident support for the 2007 ESP - a program that is to provide nearly 80 new sewer connections together with the construction of 4,100 lineal feet of new sewer main. At that meeting Council approved an increase to the overall project budget by \$400,000, revising it from \$1,000,000 to \$1,400,000, and authorized staff to prepare the project for contractor bids. Individual assessments for the beneficiaries of the program were calculated to be approximately \$18,000 per connection, based on construction costs of \$1,000,000 and a total project cost of 1,400,000. Using historical costs that have been experienced in the emergency sewer program, the \$18,000 appeared to be an appropriate estimate for the assessments.

On June 20<sup>th</sup> bids were opened and only three bids were received. The lowest responsive bid was from DDJ Construction Company of Ravendale, Washington, in the amount of \$1,505,030.48, which is approximately 15% above the engineers estimate for the project. A list of all bids received is as follows:

<b>Contractor</b>	<b>Base Bid</b>
<i>Engineers Estimate</i>	<i>\$1,326,151.23</i>
DDJ	\$1,503,030.48
Kar_Vel	\$1,853,248.32
RL Alia	\$1,876,119.40

The lowest bid was approximately \$200,000 above the final engineer's estimate which was already higher than originally reported to Council in March based on a couple of factors, including: 1) one side street connections and 2) construction through a portion of private property in an area where all other utilities are underground. Also, based on feedback from the contractors, the current level of available utility projects throughout the entire region has resulted in worker shortages leading to much higher than anticipated bids. Most importantly, the lowest bid would result in an increase to the individual assessments to nearly \$25,000 – significantly above that discussed with property owners.

In addition to what staff believes to be a higher than normal bid (based on seasonal bidding increases) and the significantly higher individual assessments, a third issue has added to the staff recommendation to reject bids. In the spring of 2007, during the public outreach phase on another City project, unrelated to the ESP, a neighborhood meeting was held with the residents of the City's first Low Impact Development (LID) project – the NE 73<sup>rd</sup> Street Sidewalk (NW-0052). At that meeting inquiries were received regarding the possibility of providing sanitary sewer on that street in advance of the sidewalk construction. In order to ensure that all eight residents along the LID area were interested, an additional meeting was held on May 30, 2007, to inform the residents about the ESP program. It was also explained that the originally estimated \$18,000 assessment would be incurred by each beneficiary of the new sewer. There was positive feedback and a consensus was reached that the street should be included as part of the 2007 ESP. There was insufficient time to design and include the NE 73<sup>rd</sup> Street element in the 2007 program; however, with the rejection of bids staff will be in a position to incorporate the NE 73<sup>rd</sup> Street segment into a larger ESP project this fall.

Considering the prices received at this bid opening, and other recently opened bids, and in further consideration of delay increases that could be experienced, the engineer's estimate has been revised to reflect rising bid item costs and was updated to include the sewer main extension on NE 73<sup>rd</sup> Street. At this point, the total anticipated budget needs would be \$2.4 million. Given these factors, staff recommends the following:

- Reject the bids and reevaluate the project to find opportunities to reduce the cost;
- Conduct an open house in August allowing the ESP property owners to weigh-in on the increasing costs and newly revised assessment based on the latest cost estimate;
- Include NE 73<sup>rd</sup> Street in the contract to help reduce the overall assessment;
- Consider bidding the project as several schedules in order to evaluate and perhaps exclude a location or locations that may be driving up the project cost; and
- Advertise for bid in what will hopefully be a more competitive climate;

With Council's approval staff will move forward with the steps outlined above and return prior to the re-bid with an updated report on the status of the project. Under the current schedule, staff anticipates re-advertising later this fall/winter.

During the recent CIP discussions, Council asked for an update on the availability of sewer under the ESP (four successful programs prior to this year) and what remains to be completed in order to close-out the Program. In response, when the original report was delivered in 1998, approximately 1,500 properties were estimated to be on septic systems (Attachment 5), requiring approximately 87,000 feet of new sewer main. Since that time, the ESP program has installed approximately 17,500 feet of new main. By comparison, during the same general timeframe, development activity has installed approximately 48,000 feet of new sewer main (Attachments 6 & 7) mostly serving short-plats and subdivisions, etc. Unfortunately, the majority of the developer built sewer main has not served much of those areas of the City with septic systems. Of the nearly 48,000 feet of developer constructed sewer main only a third, or approximately 16,000 feet, has provided Kirkland residents an opportunity to directly connect to the city's sewer system. Therefore, with an original need for 87,000 feet of new sewer main, and with 17,500 feet of city built new main and 16,000 feet of developer constructed main completed over the past 8-years, there remains approximately 53,500 feet of sewer main still needing to be built in order to end the ESP. With an average of 9,000 feet being built per program year (4,500 feet by the city and 4,500 feet by developers on an every other year schedule), it is estimated that 6 to 8 more ESP's are needed to completely sewer the city, resulting in twelve (12) to sixteen (16) more years for the Program.

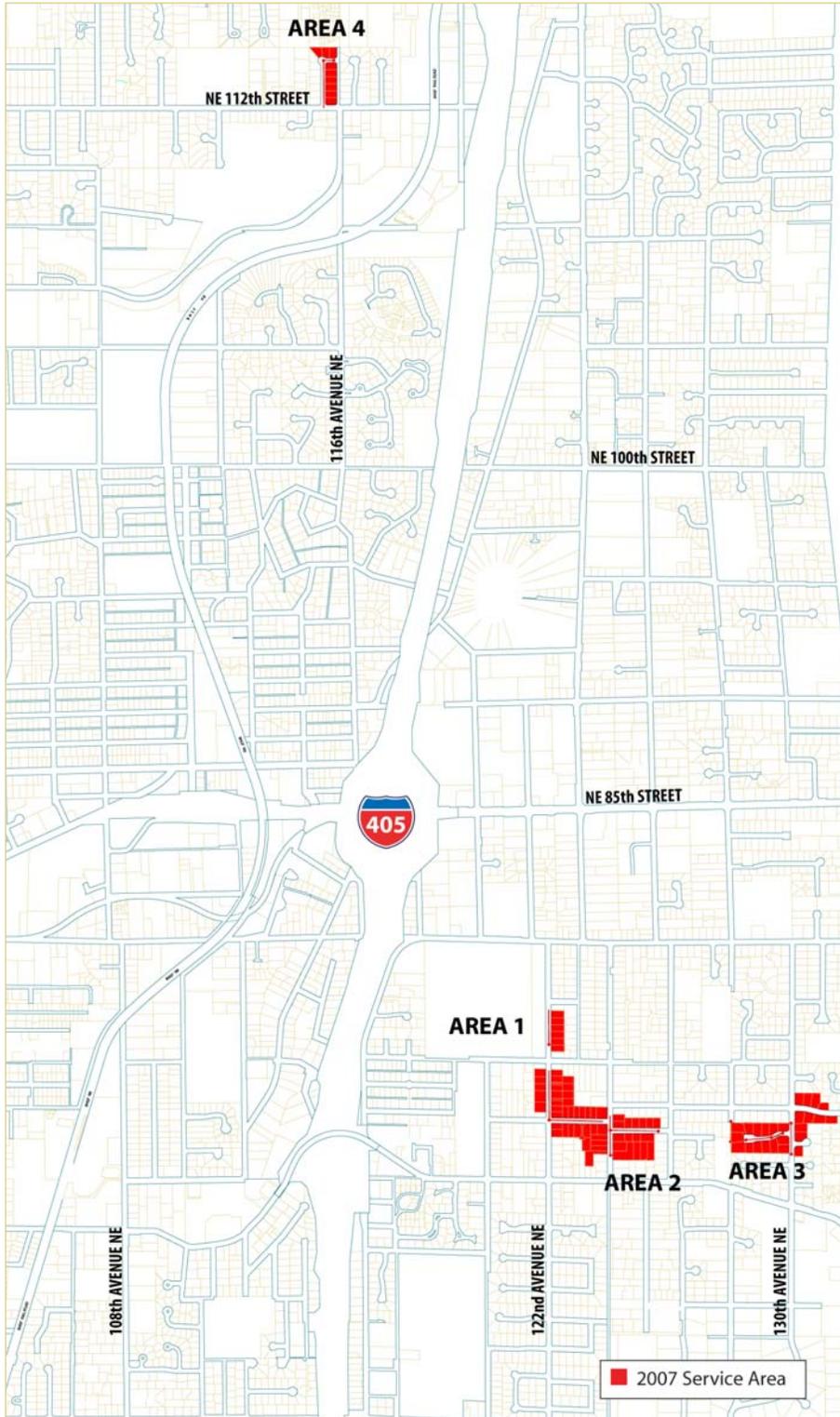
cc: Denise Pirolo, PE, Project Engineer  
Attachments: (7)



CITY OF KIRKLAND

# 2007 EMERGENCY SEWER PROGRAM

ATTACHMENT I





CITY OF KIRKLAND

# 2007 EMERGENCY SEWER PROGRAM

## ATTACHMENT 2



**LEGEND**

- REPORTED FAILURE
- SERVICE AREA
- PROPOSED SANITARY SEWER ALIGNMENT
- EXISTING SANITARY SEWER MAIN

Area I

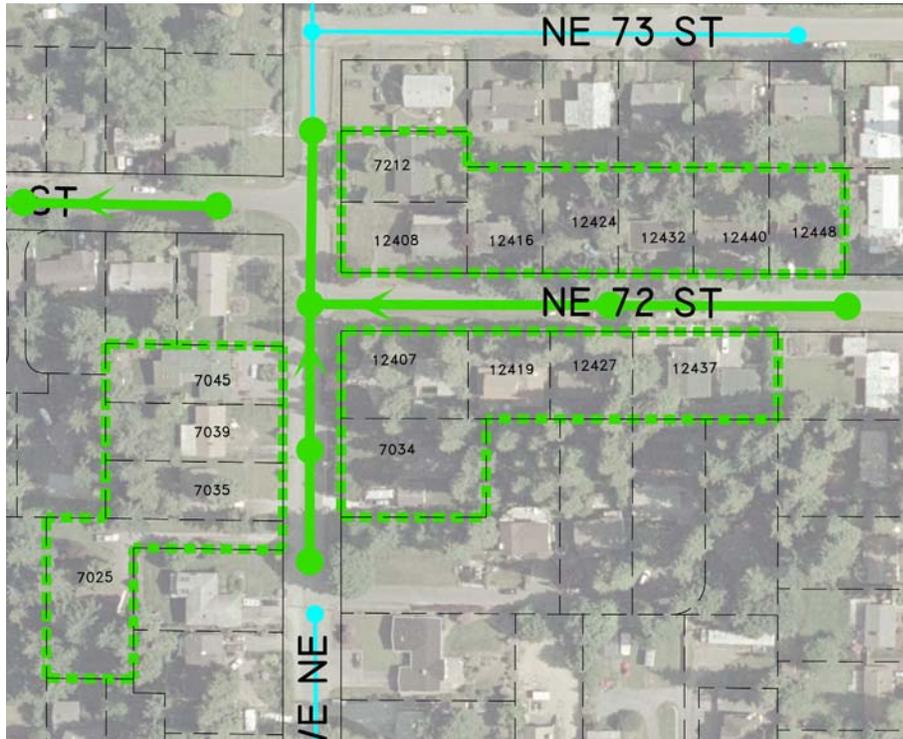




CITY OF KIRKLAND

# 2007 EMERGENCY SEWER PROGRAM

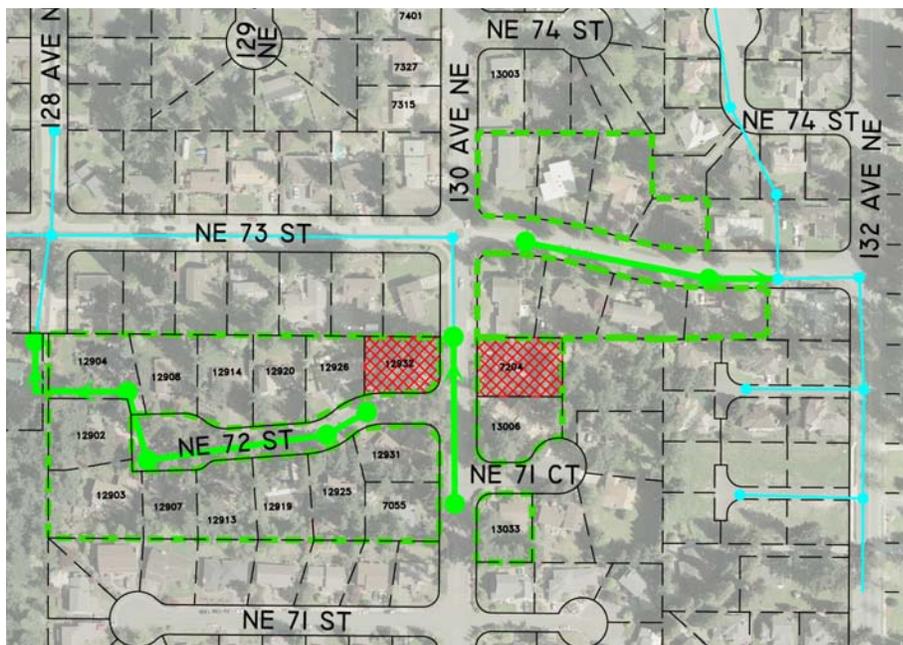
## ATTACHMENT 3



**LEGEND**

- REPORTED FAILURE
- SERVICE AREA
- PROPOSED SANITARY SEWER ALIGNMENT
- EXISTING SANITARY SEWER MAIN

Area 2



Area 3

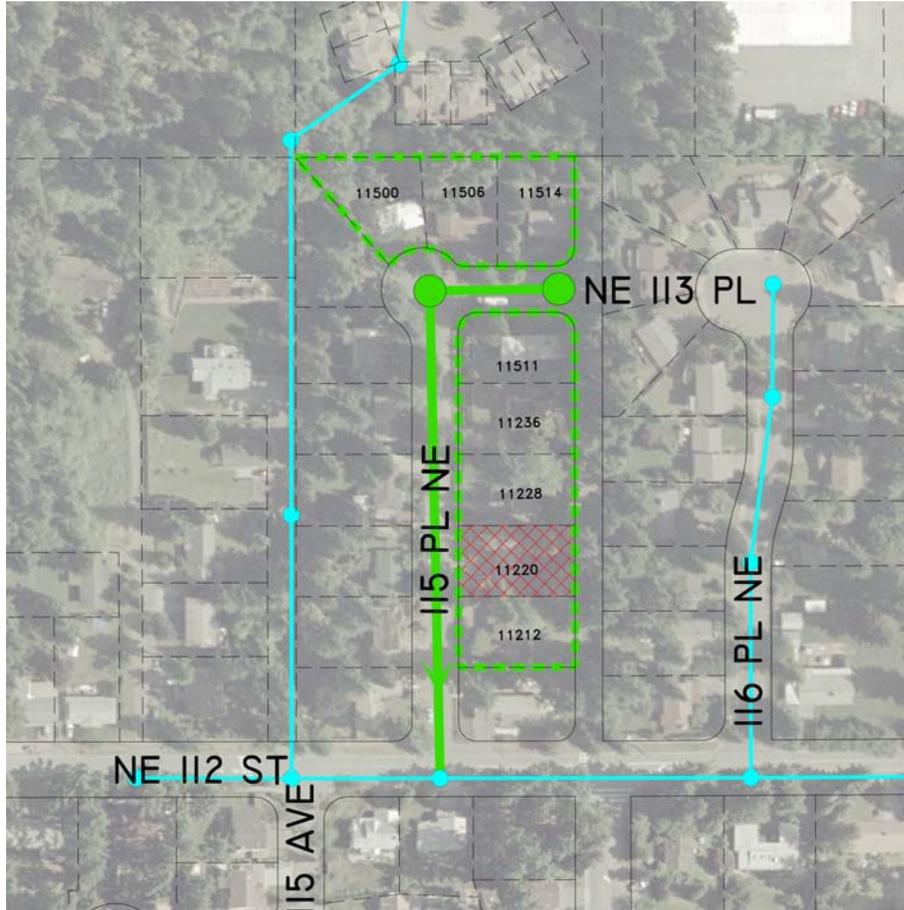




CITY OF KIRKLAND

# 2007 EMERGENCY SEWER PROGRAM

## ATTACHMENT 4



**LEGEND**

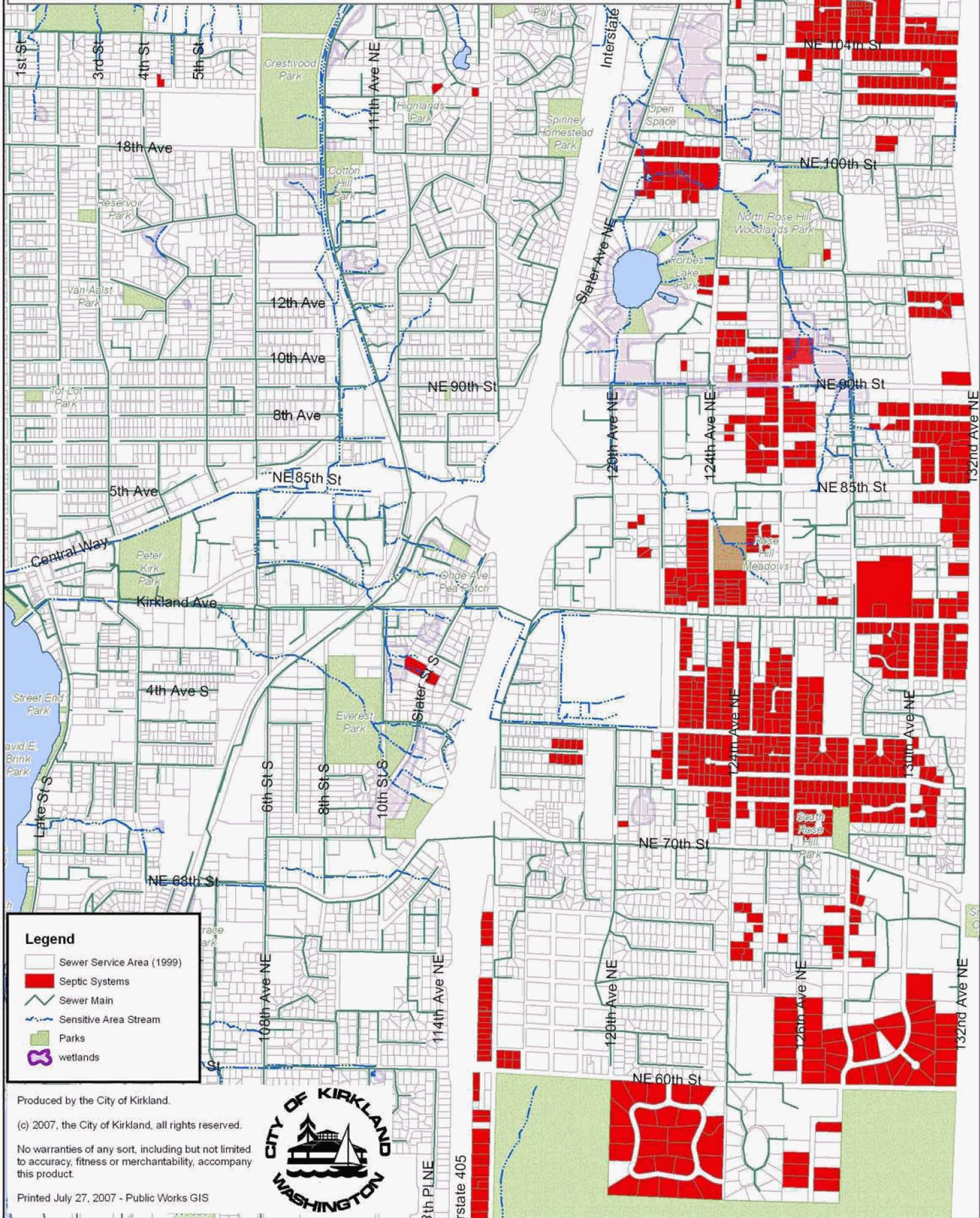
- REPORTED FAILURE
- SERVICE AREA
- PROPOSED SANITARY SEWER ALIGNMENT
- EXISTING SANITARY SEWER MAIN

**Area 4**



# Emergency Sewer Program Discussion 1999 Septic Systems

ATTACHMENT 5



### Legend

- Sewer Service Area (1999)
- Septic Systems
- Sewer Main
- Sensitive Area Stream
- Parks
- wetlands

Produced by the City of Kirkland.

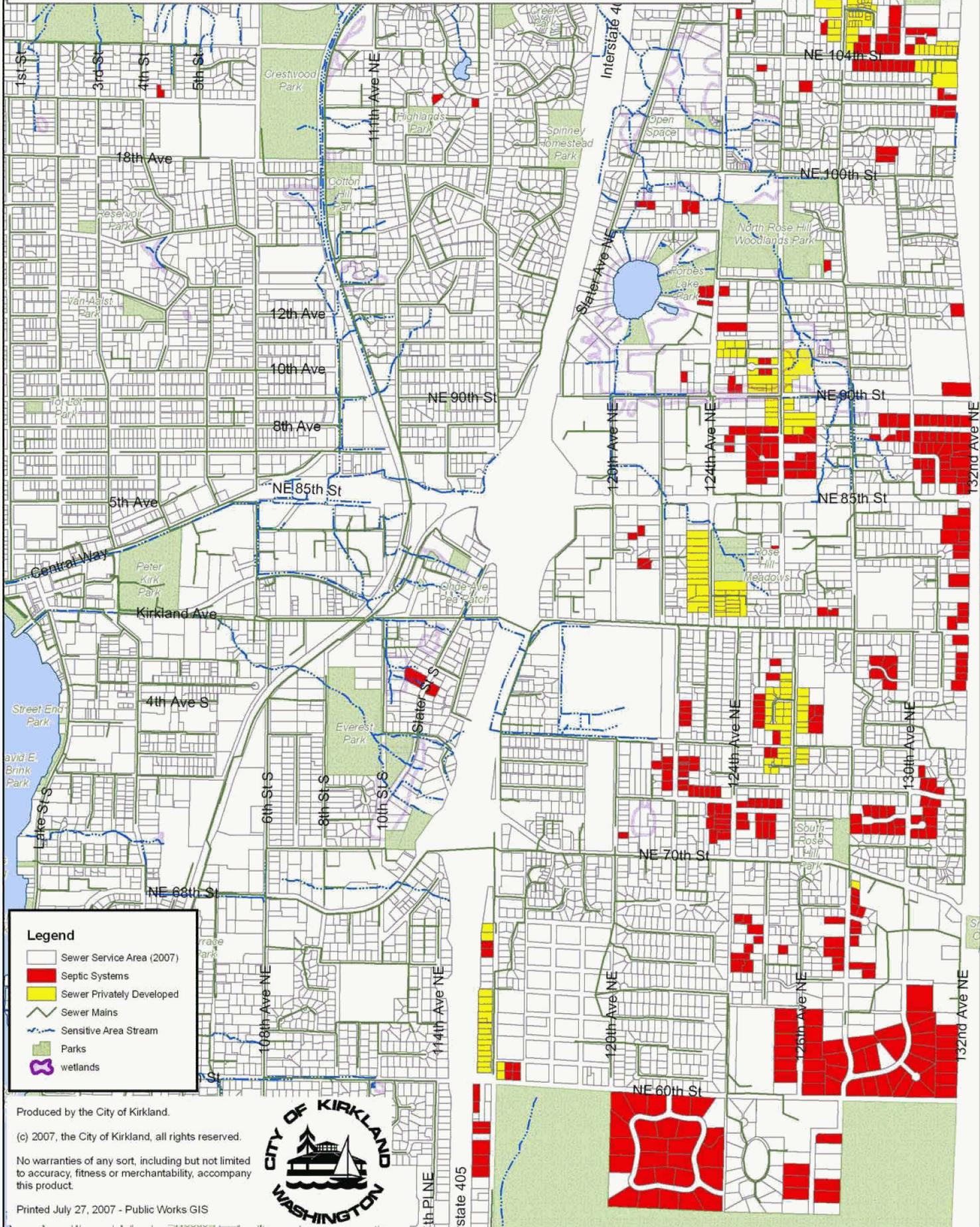
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Printed July 27, 2007 - Public Works GIS



# Emergency Sewer Program Discussion Sewer Installed By Private Development 1999-2007



**Legend**

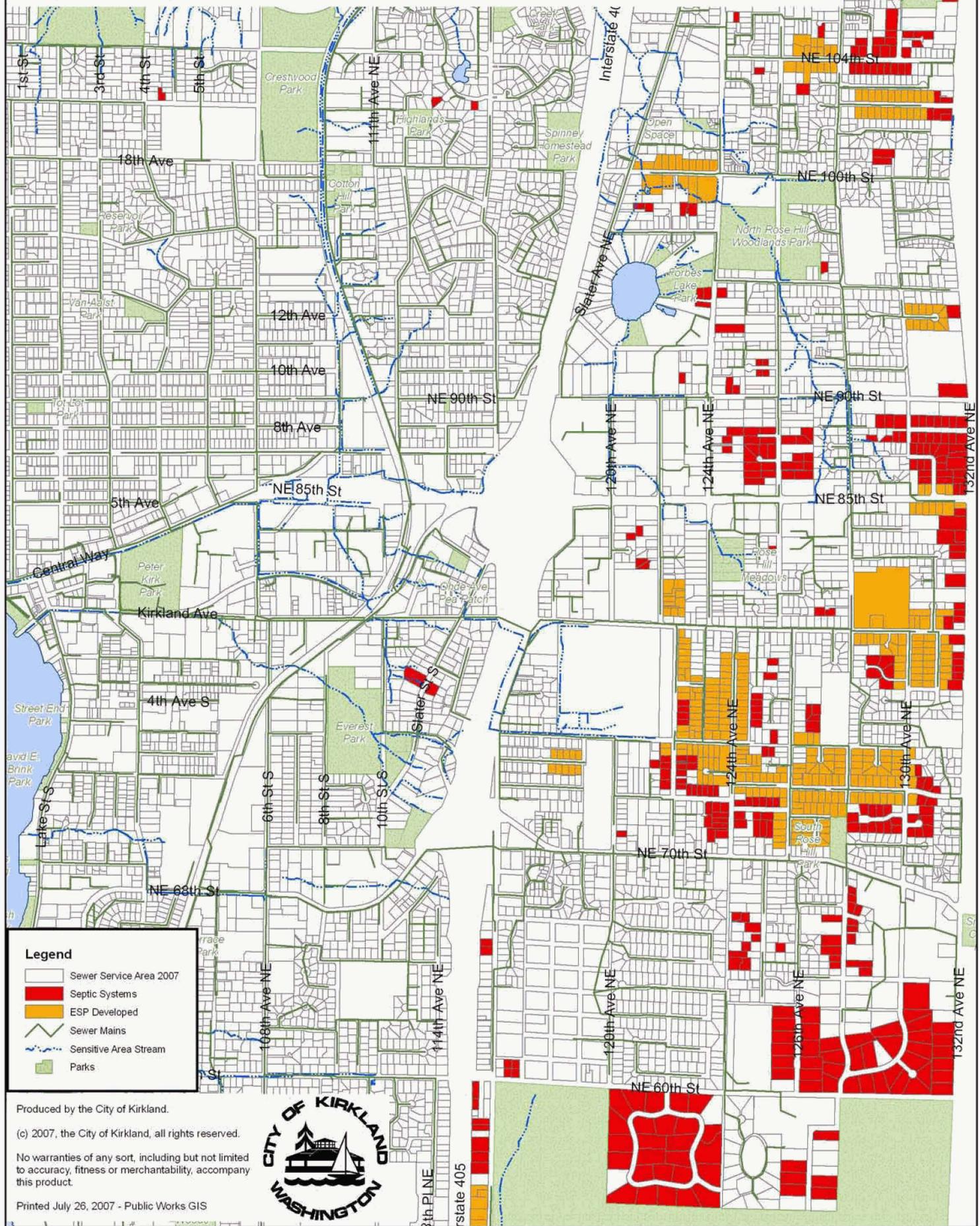
- Sewer Service Area (2007)
- Septic Systems
- Sewer Privately Developed
- Sewer Mains
- Sensitive Area Stream
- Parks
- wetlands

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# Emergency Sewer Program Discussion

## Sewer Installed By Emergency Sewer Program 1999-2007



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**CITY OF KIRKLAND**

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

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**DEPARTMENT OF FINANCE AND ADMINISTRATION  
MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** July 31, 2007

**Subject:** Parking Advisory Board Member Resignation and Appointment

RECOMMENDATION:

That Council acknowledge receipt of Jonathan Klitgaard's resignation from the Parking Advisory Board, approve the attached draft response, and approve a motion to appoint Jack Wherry as the new member to the remainder of the unexpired term, which ends March 31, 2009.

BACKGROUND DISCUSSION:

Mr. Klitgaard has resigned due to personal time conflicts which render him unable to complete his term as a member of the Parking Advisory Board. Council interviewed and selected Mr. Wherry as the alternate appointee for any future unanticipated vacancy within the following six-month timeframe at their special meeting in March 2007.

**From:** Jon Klitgaard  
**Sent:** Thursday, July 26, 2007 12:04 PM  
**To:** Kirkland City Council  
**Subject:** Official Resignation

When I started with the board just a few short months ago, I was eager to get involved with the issues that faced the city in regards to parking. At the time I was unaware of what was involved or the level of responsibility the position would require. I believe that I also misjudged my own interest level in the position. I have since discovered that city planning in regards to parking is just not something that inspires me very much. I find it almost impossible to dig into the issues involved, especially after working a 60 hour week at the restaurant. In light of this, I don't believe that it is effective or fair to you and your organization for me to continue to serve the Kirkland Parking Advisory Board. I believe that the board would be much better served by an individual passionate about parking and city planning issues. The parking board not only needs, but deserves an individual with this sort of interest level and dedication.

So please accept this as my resignation from the Kirkland Parking Advisory board. I'm sorry for any hindrance that I may have caused. Hopefully you will be able to quickly find a better suited individual for the position.

Sincerely,

Jonathan Klitgaard  
Cactus Restaurants  
425.893.9799 | F:425.822.7780  
121 Park Lane | Kirkland 98033  
[www.cactusrestaurants.com](http://www.cactusrestaurants.com)

**DRAFT**

August 7, 2007

Jonathan Klitgaard  
1325 – 6<sup>th</sup> Street  
Kirkland, Washington 98033

Dear Mr. Klitgaard:

We have regretfully received your letter of resignation from the Kirkland Parking Advisory Board.

The City Council appreciates your contributions to the board, 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**

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

---

**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
David Barnes, Project Planner

**Date:** July 24, 2007

**Subject:** VanBuskirk Right-of-way Vacation, File No. VAC07-00002

**RECOMMENDATION**

The Department of Planning and Community Development recommends that the City Council hold a public hearing and adopt a Resolution of Intent to Vacate granting a vacation of a portion of NE 97<sup>th</sup> Place right-of-way located between Slater Avenue NE and Interstate 405, subject to the following condition:

Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants shall:

1. Pay to the City as compensation for vacating the requested portion of right-of-way, the full appraised value of the subject site totaling \$210,000.
2. Submit to the City a copy of the recorded easement as requested by Washington State Department of Transportation.

**RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the vacation at a public hearing. Any interested person may participate in the public hearing by either or both submitting written comments to the City Council or by appearing in person, or through a representative, at the hearing and make oral comments directly to the City Council.

After the public hearing, the City Council shall, by motion approved by a majority of the entire membership in a roll call vote (per KMC 19.16.160), do one of the following:

- (a) Adopt an Ordinance granting the vacation; or
- (b) Adopt a motion denying the vacation; or
- (c) Adopt a resolution of intent to vacate stating that the City Council will, by Ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

Staff recommends option C above since monetary compensation is recommended.

The City may require that monetary compensation be paid to the City in an amount of up to one-half the appraised value for the vacated property, provided that compensation may be required in an amount of up to full appraised value if either the vacated area has been part of a dedicated public right-of-way for twenty five years or more; or if the subject property were acquired at a public expense. In this case, the NE 97<sup>th</sup> Place right-of-way was dedicated with the plat Burke and Farrar's Division 14 on July 11, 1911.

### **BACKGROUND DISCUSSION**

John VanBuskirk and Johal Karnail submitted a petition to vacate a 10,339 square foot portion of the NE 97<sup>th</sup> Place right-of-way located between Slater Avenue NE and Interstate 405. The vacation must be initiated by owners of more than two-thirds of the property abutting the right-of-way to be vacated. In this case, John VanBuskirk and Johal Karnail are the only owners that abut the proposed vacated right-of-way.

On the City Council adopted Resolution No. 4648 setting a public hearing date for the proposed vacation on July 17, 2007. The hearing was opened and continued to August 7, 2007 in order to provide adequate notice of hearing.

Enclosures:

Staff Advisory Report

Resolution of Intent to Vacate

cc: File No. VAC07-00002



## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

### ADVISORY REPORT

### FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**To:** Kirkland City Council

**From:** \_\_\_\_\_ Eric R. Shields, AICP, Planning Director

\_\_\_\_\_ David Barnes, Project Planner

**Date:** July 23, 2007

**File:** VANBUSKIRK RIGHT-OF-WAY VACATION, A portion of NE 97<sup>th</sup> PL, FILE NO. VAC07-00002

**Hearing Date and Place:** August 7, 2007  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

#### I. INTRODUCTION

##### A. APPLICATION

1. Applicant: John VanBuskirk and Johal Karnail
2. Site Location: The NE 97<sup>th</sup> PL right-of-way between Slater Avenue NE and Interstate 405. (see Attachment 1).
3. Request: The proposal is to vacate a 60 foot wide by 170.18 foot long section of the NE 97<sup>th</sup> PL right-of-way for a total of 10,339 square feet. (see Attachment 2).
4. Review Process: City Council conducts public hearing. Following the public hearing, the Council makes the final decision by motion approved by a majority of the entire membership in a roll call vote.
5. Summary of Key Issues: Compliance with right-of-way vacation criteria.

##### B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants shall
  - a. Pay to the City as compensation for vacating the requested portion of right-of-way, the full appraised value of the subject site totaling \$210,000 (see Conclusion II.C.3).
  - b. Submit to the City a copy of the recorded easement as requested by Washington State Department of Transportation (see Conclusion II.C.4).

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. **SITE DESCRIPTION**

#### 1. Site Development and Zoning:

##### a. Facts:

- (1) Size: The portion of the NE 97<sup>th</sup> PL right-of-way requested to be vacated is 60 feet wide by 170.18 feet long (10,339 square feet) and is located between Slater Avenue NE and Interstate 405.
- (2) Land Use: The right-of-way proposed to be vacated is undeveloped. The applicant to the south's property is undergoing development. The applicant to the north's property is vacant and was recently approved for a three lot short plat.
- (3) Zoning: RM 3.6 (Medium density residential zoning with a minimum lot area of 3,600 square feet).
- (4) Development Potential: The applicant's property to the south is approximately 44,788 square feet. The current development plans are to build 6 duplex structures. The proposed structures adjacent to the unopened portion of the NE 97<sup>th</sup> PL right of way require a 20 foot building setback. The development plans indicate a 6 foot setback from the current property line which abuts NE 97<sup>th</sup> Place. The vacation of the right-of-way would reduce the property line setback from the 20 foot front yard setback to a minimum 5 foot side yard setback. The street vacation would bring the development plans into conformance with regards to setback requirements and give the applicant additional land area for future improvements including an additional housing unit. The applicant's property to the north is currently vacant and this street vacation holds the possibility of an additional housing unit.
- (5) Terrain: The portion of right-of-way to be vacated slopes upward from the Slater Avenue NE right-of-way to the rear where it abuts a sound wall for Interstate 405.
- (6) Vegetation: The portion of right-of-way to be vacated contains many significant trees.

- ##### b. Conclusions: Size, Land Use, Zoning, Terrain, Vegetation and Development Potential are not constraining factors in the proposed street vacation application.

#### 2. Neighboring Development and Zoning:

- ##### a. Facts: The area of the proposed street vacation and adjoining site is surrounded by a developing site of duplex structures to the south and a vacant parcel that was recently approved for a three lot short plat to the north, both of which are in the RM 3.6 Zone. To the west is Interstate 405. To the east are vacant parcels in the PLA 17 Zone.
- ##### b. Conclusion: The neighboring development and zoning are not constraining factors in the proposed street vacation application.

### B. **PUBLIC COMMENT**

There were no written comments received by the Department of Planning and Community Development prior to writing this report.

## **KIRKLAND MUNICIPAL CODE – COMPLIANCE WITH STREET VACATION CRITERIA**

### 1. Street Vacation Criteria

#### a. Facts:

- (1) Section 19.16.130 of the Kirkland Municipal Code states: "Criteria for granting Street Vacation - The City Council may, in its discretion vacate a street, alley or public easement if it determines the vacation is in the public interest and that:
  - (a) The street, alley, or public easement is not currently necessary for travel or other street purposes, nor likely to be in the future; and
  - (b) No property will be denied all access as a result of the vacation.
- (2) The City Council may consider any other fact or issue it deems relevant when deciding whether to vacate a street, alley or public easement.
- (3) The property located to the south and the property to the north both take access from Slater Avenue NE. No other lots will be impacted by the proposed street vacation.
- (4) NE 97<sup>th</sup> PL is classified as a Neighborhood Access Street. Kirkland Zoning Code Chapter 110 requires that this type of street have a minimum pavement width of 28 feet if used for vehicular travel. This portion of NE 97<sup>th</sup> PL is an existing 60 foot-wide right-of-way. There are no plans to use or open this portion of right-of-way. The area to be vacated contains no improvements and is heavily vegetated with trees and grasses.
- (5) Approval of this street vacation would be consistent with similarly approved street vacations for unused right-of-ways.
- (6) The Public Works Department has recommended approval of the proposed street vacation (see Attachment 3, Development Standards).

- b. Conclusion: The proposed street vacation will not deny direct access to any lots and the proposed area to be vacated is not needed for right-of-way improvements.

### 2. Initiation of Vacation Procedure

#### a. Facts:

- (1) Section 19.16.030 of the Kirkland Municipal Code (Initiation of Proceedings) allows a vacation to be initiated by the City Council or by owners of more than two thirds of the property abutting the part of the street or alley to be vacated. The applicants represent all of the owners with properties abutting the proposed vacation.
  - (2) A petition signed by all the abutting property owners of the proposed street vacation has been submitted (see Attachment 4).
- b. Conclusion: The requirements of Section 19.16.030 have been met.

### 3. Street Vacation - Final Decision and Compensation

#### a. Facts:

- (1) Section 19.16.160 of the Kirkland Municipal Code indicates that following the public hearing, the City Council shall, by motion approved by a majority of the entire membership in a roll call vote, either (a) adopt an ordinance granting the vacation; or (b) adopt a motion denying the vacation, or (c) adopt a resolution of intent to vacate stating that the City Council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.
- (2) The City may require the following as conditions:
  - (a) Monetary compensation to be paid to the City in an amount of up to one-half the appraised value for the subject property; provided, that compensation may be required in an amount of up to full appraised value of the subject property if either of the following applies to the street vacation:
    - (i) It has been part of a dedicated public right-of-way for twenty five years or more; or
    - (ii) The subject property or portions thereof were acquired at public expense.
  - (b) The grant of a substitute public right-of-way which has value as right-of-way at least equal to the subject property; or
  - (c) Any combination of (a) and (b) above, provided that the total value of the combined conditions shall not total more than the maximum amount of monetary compensation allowed under subsection (2) (a) of this section.
- (3) The City has acquired an independent appraisal of the subject site from O'Connor Consulting Group, LLC concluding a fair market land value of \$20.31 per square foot (see Attachment 5).
- (4) The value of the right-of-way to be vacated is \$210,000 (10,339 square feet times \$20.31 per square foot).
- (5) The portion of NE 97<sup>th</sup> PL right-of-way was dedicated with the recording of the plat Burke and Farrar's Division 14 on July 11, 1911.
- (6) Since the right-of-way was dedicated more than 25 years ago, as required above, payment to the City of the full-appraised value of the subject site is required.

- b. Conclusion: The applicant should compensate the City \$210,000 (the full appraised value) for vacating the portion of the NE 97<sup>th</sup> PL right-of-way between Slater Avenue NE and the Interstate 405 right-of-way.

### 4. Street Vacation – Easements

a. Facts:

- (1) KMC Section 19.16.140 allows the City Council to reserve for the City any easement or the right to exercise and grant any easements for public utilities and services, pedestrian trail purposes; and any other type of easement relating to the City's right to control, use and manage rights-of-way.
- (2) The City has obtained a request from Washington State Department of Transportation regarding their need to retain a 20 foot-wide drainage easement over the entire length of the vacated right-of-way

b. Conclusion: Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants should submit to the City a copy of the recorded easement as requested by Washington State Department of Transportation.

**D. COMPREHENSIVE PLAN**

1. Fact: The subject property is located within the North Rose Hill Neighborhood. The North Rose Hill Neighborhood Land Use Map designates the subject property for medium-density residential use at 12 units per acre (see Attachment 6).
2. Conclusion: The vacation of the right-of-way would not change the Comprehensive Plan Land Use Designation.

**E. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

Street Vacations are categorically exempt from SEPA pursuant to WAC 197-77-800 (2)(h).

**III. APPENDICES**

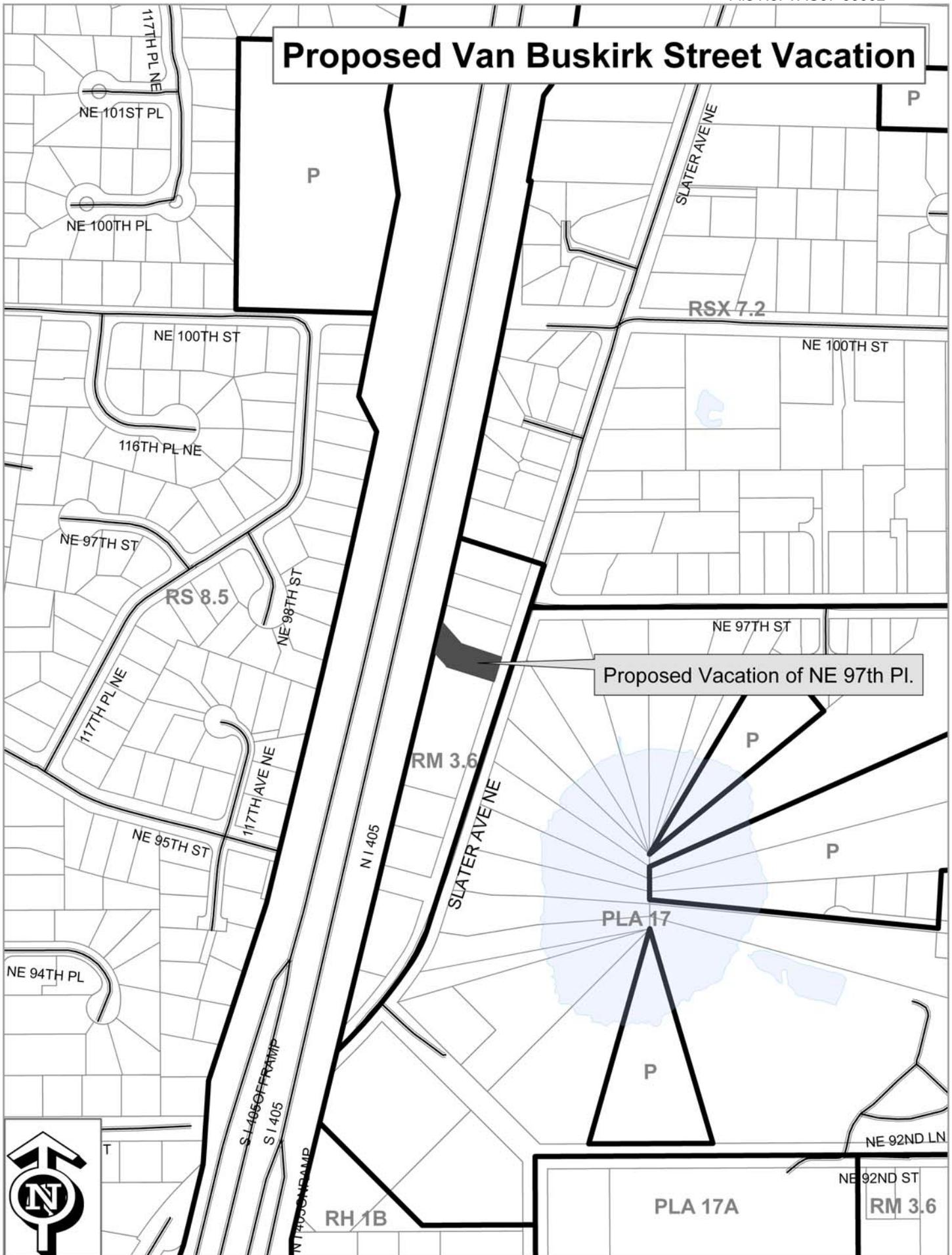
Attachments 1 through 6 are attached.

1. Vicinity Map
2. Site Map
3. Development Standards
4. Petition to Vacate Right-of-Way
5. Land Appraisal Report
6. North Rose Hill Neighborhood Land Use Map

**IV. PARTIES OF RECORD**

Applicant: John VanBuskirk  
Applicant: Johal Karnail  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

# Proposed Van Buskirk Street Vacation







CITY OF KIRKLAND  
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3800

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**PERMIT NO. : VAC07-00002**

**PRINT DATE: 7/24/2007**

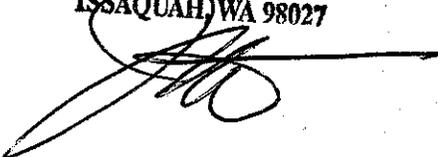
**PUBLIC WORKS DEPARTMENT CONDITIONS AS FOLLOWS:**

- 1) PUBLIC WORKS CONDITIONS:
- 2) A 20 foot wide storm easement is requested by WSDOT. This easement shall be located in the center of the vacation such that 10 feet encumbering each of the properties benefiting from the Vacation. If one of the benefiting owners takes over the entire vacation the 20 foot wide easement may be located anywhere within the 60 foot wide vacation.

City of Kirkland  
Planning and Community Development

**PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT**

We, the owners of two-thirds of the real property abutting the street, alley, or part thereof, or underlying the public easement, or part thereof, legally described on page 1 of this Petition, petition the City Council of the City of Kirkland to vacate this street, alley, public easement, or part thereof:

NAME	ADDRESS	LEGAL DESCRIPTION
<p>JAMAX ASSOCIATES LLC</p> <p><b>JAMAX ASSOCIATES, LLC.</b> 18709 SE 44 PL ISSAQUAH, WA 98027</p> 	9551 SLATER AVE NE	<p>LOTS 8 &amp; 9 BLK 47, BURKE &amp; FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14.</p>
<p>JOHAL KARNAIL S NILAKUMARI</p> <p><i>JT</i> Mehi Jhal</p>	N/A	<p>LOT 4 BLK 45, BURKE &amp; FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14</p>

*(Attach additional sheets if necessary)*

NOTE: If any petitioner is purchasing the property under a real estate contract, the signature of the contract seller is also required.



O'CONNOR  
CONSULTING  
GROUP, LLC

500 UNION STREET  
SUITE 650  
SEATTLE, WA 98101

June 1, 2007  
OCG Ref. No. 07-174

Mr. David Barnes  
City of Kirkland Planning and Development  
123 5<sup>th</sup> Ave  
Kirkland, WA 98033

RE: Appraisal of an unimproved street of NE 97<sup>th</sup> Place in Kirkland, WA

Dear Mr. Barnes:

In accordance with your request, we have written an appraisal in a *summary* format and formed an opinion of the Market Value of the Fee Simple interest in the above-referenced property. The subject is an unimproved street and based on the land area survey it represents approximately a total gross land area of 10,172 square feet, or 0.23 acres.

Mr. John Van Buskirk and Mr. Karnail S. Jihal who own sites located directly to the south and north intend to purchase this undeveloped land (street) to develop a duplex based on the RM 3.6 zoning. Jamax Associates (Mr. Van Buskirk) own the site to the south and they plan to build 12 Fee-Simple townhouse units in 6 separate duplex buildings.

The accompanying appraisal report identifies the subject property, describes the market for this type of property and presents the specific market data and analyses leading to our estimate of value. The report has been prepared to comply with the Standards of Professional Practice of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. It has also been prepared to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as revised, governing appraisals for federally related transactions.

As a result of the inspection, investigation, and analyses, it is our opinion that the Market Value for the subject, recognizing the Assumptions and Limiting Conditions contained in the following report is:

Value Premise  
"As Is" Market Value

Effective Date  
April 29, 2007

Market Value  
\$210,000

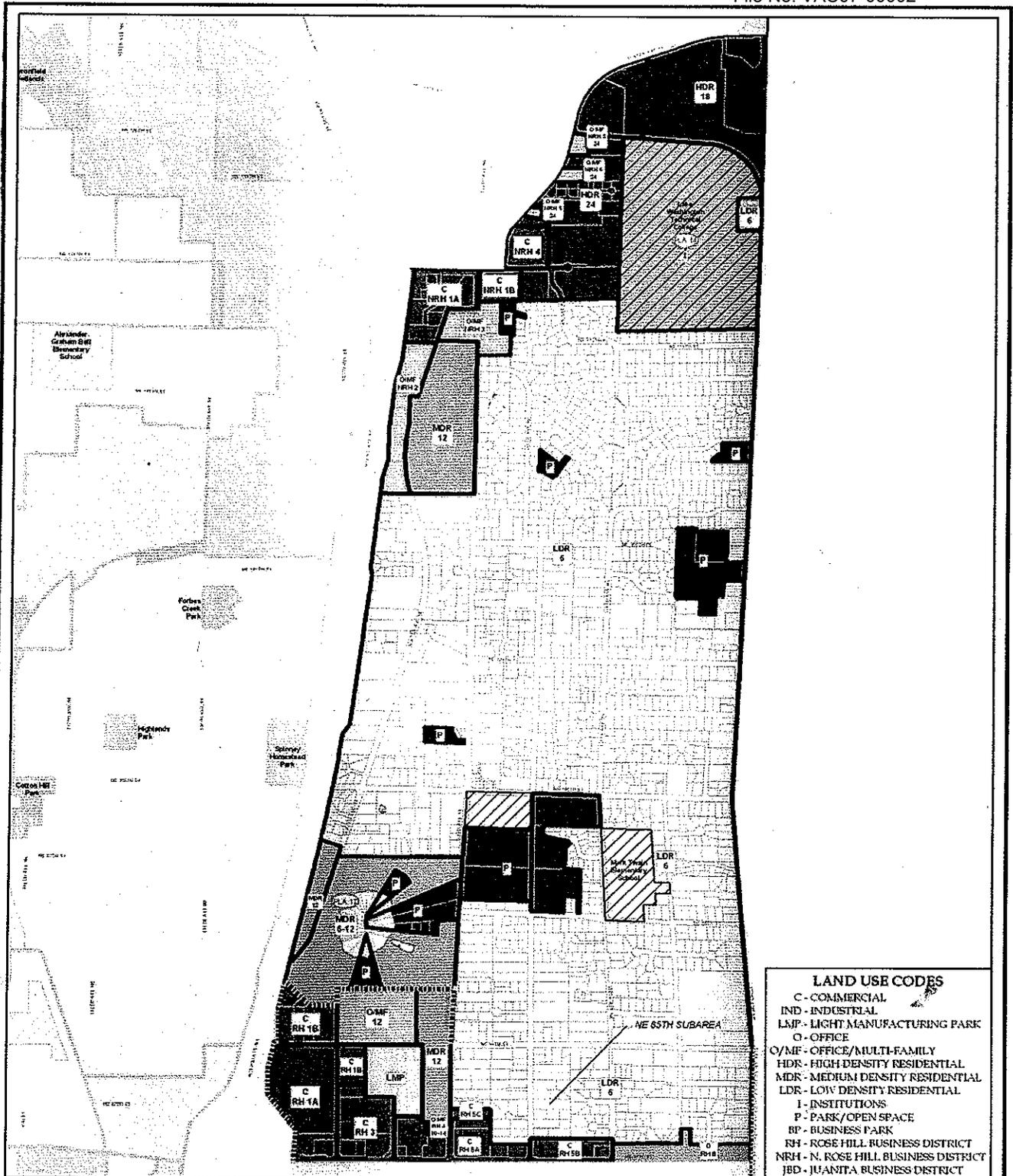
Thank you for the opportunity to work with you on this assignment.

Sincerely,

O'CONNOR CONSULTING GROUP, LLC

Brian R. O'Connor, MAI

  
Soryun Fitzpatrick, Associate



**LAND USE CODES**

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK/OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

# North Rose Hill Neighborhood Land Use Map

ORDINANCE NO. 2974  
ADOPTED by the Kirkland City Council  
December 14, 2004

LAND USE BOUNDARIES	PUBLIC FACILITIES
PLANNED AREA NUMBER	PARCEL BOUNDARIES
SUBAREA BOUNDARY	LAND USE CODE
TOTEM CENTER	DENSITY (UNITS/ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED  
INDICATES CLUSTERED LOW DENSITY



Figure NRH-4: North Rose Hill Land Use

RESOLUTION R-4658

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY John VanBuskirk and Johal Karnail, FILE NUMBER VAC07-00002.

WHEREAS, the City has received an application filed by John VanBuskirk and Johal Karnail to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4648, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, an Environmental Checklist was filed pursuant to the State Environmental Policies Act and applicable state guidelines and local implementing ordinances, which was reviewed by the Responsible Official of the City of Kirkland who issued a negative declaration of the proposed vacation; and

WHEREAS, this Environmental Checklist and Negative Declaration have been available and accompanied this application through the entire review process; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation.

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated;

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

Section 1. The Findings and Conclusions as set forth in the Recommendation of the Department of Planning

and Community Development contained in File Number VAC07-00002 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this resolution if within 90 days of the date of passage of this resolution the applicant or other person meets the following conditions:

(a) Pays to the City \$210,000 as compensation for vacating this portion of the right-of-way.

(b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development.

(c) Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants should submit to the City a copy of the recorded easement as requested by Washington State Department of Transportation.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

See Attachment 1 for legal description

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution:

- (a) Applicant;
- (b) Department of Planning and Community Development of the City of Kirkland;
- (c) Fire and Building Departments of the City of Kirkland;

- (d) Public Works Department of the City of Kirkland; and
- (e) The City Clerk for the City of Kirkland.

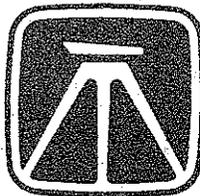
Passed by majority vote of the Kirkland City Council in open meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

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



# JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

07-25  
5/24/07

## ROAD VACATION NORTH ONE HALF NE 97<sup>TH</sup> PLACE

### LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 45, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION NO. 14, AS RECORDED IN VOLUME 20 OF PLATS, PAGE(S) 14, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THENCE SOUTH 17°45'17" WEST 30.00 FEET TO THE CENTERLINE OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE);

THENCE NORTH 72°14'43" WEST ALONG SAID CENTERLINE 109.07 FEET;

THENCE NORTH 41°01'43" WEST ALONG SAID CENTERLINE 61.14 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF I-405 WHOSE RADIAL CENTER BEARS NORTH 77°16'24" WEST 23,043.22 FEET;

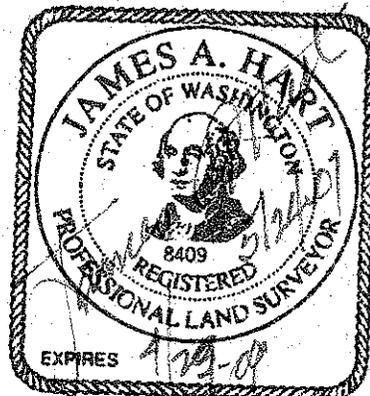
THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 00°05'32" AN ARC DISTANCE OF 37.06 FEET ALONG SAID RIGHT OF WAY TO THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE) AND THE SOUTHWESTERLY LINE OF LOT 4, BLOCK 45, OF SAID PLAT;

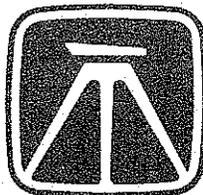
THENCE SOUTH 41°01'43" EAST ALONG THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 74.52 FEET;

THENCE SOUTH 72°14'43" EAST ALONG THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 100.69 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5,178 SQUARE FEET, MORE OR LESS.

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





# JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

07-25  
5/21/07

## ROAD VACATION SOUTH ONE HALF NE 97<sup>TH</sup> PLACE

### LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, BLOCK 47, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION NO. 14, AS RECORDED IN VOLUME 20 OF PLATS, PAGE(S) 14, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THENCE NORTH 17°45'17" EAST 30.00 FEET TO THE CENTERLINE OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE);

THENCE NORTH 72°14'43" WEST ALONG SAID CENTERLINE 109.07 FEET;

THENCE NORTH 41°01'43" WEST ALONG SAID CENTERLINE 61.14 FEET,

MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF I-405 WHOSE RADIAL CENTER BEARS NORTH 77°16'24" WEST 23,043.22 FEET;

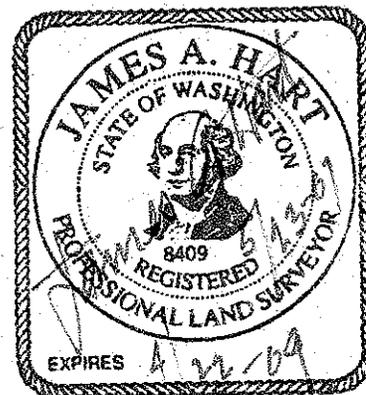
THENCE ALONG A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°05'31" AN ARC DISTANCE OF 37.02 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE) AND THE NORTHEASTERLY LINE OF LOT 9, BLOCK 47, OF SAID PLAT;

THENCE SOUTH 41°01'43" EAST ALONG THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 47.84 FEET;

THENCE SOUTH 72°14'43" EAST ALONG THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 117.45 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5,033 SQUARE FEET, MORE OR LESS.

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





**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** David Ramsay, City Manager

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

**Date:** July 24, 2007

**Subject:** GREENHOUSE GAS EMISSIONS REDUCTION TARGETS  
GREEN POWER PURCHASES

### RECOMMENDATION

It is recommended that Council proceed with the next step of the Mayors' Climate Protection Agreement by approving a resolution adopting Greenhouse Gas Emissions Reduction Targets for the municipal government and community. It is also recommended that the City participate in the Green Power Partnership through Puget Sound Energy starting in 2008.

### BACKGROUND DISCUSSION

By signing the Mayors' Climate Protection Agreement, the City of Kirkland committed to helping reverse global warming by reducing greenhouse gas emissions. To help accomplish that goal Kirkland joined the International Council for Local Environmental Initiatives (ICLEI) and began following the ICLEI milestones:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the City;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress.

Earlier this year, Public Works staff conducted greenhouse gas emissions inventories for Kirkland's municipal government and the Kirkland community. The results of these inventories were reported to Council at the Environmental Stewardship Study Session on May 8<sup>th</sup>. The next step in this process is establishing greenhouse gas emissions targets.

Memorandum to David Ramsay

July 24, 2007

Page 2 of 4

Emissions Targets

With the help of ICLEI and the Puget Sound Clean Air Agency, staff analyzed target options, taking into consideration the following:

- The goal in the Mayors' Agreement – 7% below 1990 levels by 2012 (Kyoto Protocol);
- Confidence in inventory data – most confident in 2005 data, especially for municipal operations;
- “What if” analyses using ICLEI software; and
- Targets set by other organizations (see table below).

<b>TABLE 1 CO<sub>2</sub> REDUCTION TARGETS – OTHER WASHINGTON JURISDICTIONS</b>		
JURISDICTION	% Below Baseline Emissions	TARGET YEAR
Seattle – Short Term	7% below 1990	2012
Seattle – Long Term	80% below 2007	2050
King County	80% below 2007	2050
Bellingham – Short Term Gov't	64% from 2000	2012
Bellingham – Long Term Gov't	70% from 2000	2020
Bellingham – Short Term Community	7% from 2000	2012
Bellingham – Long Term Community	28% from 2000	2020
Bellevue	7% below 1990	2012
Olympia	2% per year – until 1990 levels reached	-

Community data provided/collected has been more consistent after 2000 than what was provided for 1990 and 1990 data for municipal operations were not available. For these reasons, a goal related to 1990 emissions levels was not recommended.

Green Power

Staff also reviewed the impacts (both financial and on emissions) of becoming a Green Power Partner through Puget Sound Energy. Citizens have been inquiring about the City of Kirkland's intentions of investing in Green Power, joining the cities of Bellingham and Olympia. The Green Power Partnership is a program in which companies and agencies pay a premium for renewable energy generated from resources such as solar or wind. There is a detailed Green Power guide on the U. S. Environmental Protection Agency website: [http://www.epa.gov/greenpower/pdf/purchasing\\_guide\\_for\\_web.pdf](http://www.epa.gov/greenpower/pdf/purchasing_guide_for_web.pdf). The cost and carbon dioxide equivalent reductions related to purchasing Green Power for City facilities would initially be:

<b>TABLE 2 GREEN POWER PURCHASE</b>		
PERCENT PURCHASED	APPROX. COST	CO <sub>2</sub> REDUCTION
100% Facility Power (over 3 million kilowatt hours/year)	\$20,000/year	24%
50% Facility Power	\$10,000/year	12%
25% Facility Power	\$10,000/year	6%

Memorandum to David Ramsay

July 24, 2007

Page 3 of 4

The charge for Green Power purchases over 1 million kilowatt hours/year is \$0.006 per kilowatt hour. For purchases under 1 million kilowatt hours/year, the charge is \$0.0125 per kilowatt hour. Reducing dependence on energy of any variety is the most environmentally sound goal so staff will continue pursuing ways to reduce energy usage in facilities with equipment retrofits and behavioral changes independent of choices about purchasing Green Power. As usage decreases, the total cost of Green Power would decrease.

#### Options – Targets and Green Power

On June 6<sup>th</sup>, a workgroup comprised of Councilmembers (Mayor Lauinger, Councilmembers Burleigh and Hodgson), citizen-at-large Nona Ganz and staff met with Amy Shatzkin of ICLEI and Elizabeth Willmott, King County's Global Warming Coordinator to discuss target setting principles, staff recommendations and the Green Power Program. The workgroup unanimously supported a 20% reduction in 2005 emissions by 2020 for the community and municipal government. The workgroup also supported the very long-term goal of 80% below 2007 levels by 2050 to be consistent with other regional entities. The staff recommendation includes these two goals in addition to a mid-range goal of 10% below 2005 levels by 2012 as a bench-mark and motivation.

The workgroup generally supported purchase of Green Power to set an example and support development of sustainable energy. There was no consensus about the amount of power to purchase and if it would be recorded as a reduction in emissions. The staff recommendation is to invest in Green Power for City facilities at the rate of 50%, starting in 2008, and record it as a reduction in emissions. This option will give us an opportunity to achieve emissions reductions from ongoing retrofits and behavioral changes while supporting the development of additional sustainable energy sources. Both of these actions demonstrate leadership and commitment to the environment.

The table below describes the staff and workgroup recommended option as well as two others – one that provides an aggressive interim goal for government operations in conjunction with 100% purchase of Green Power for City facilities and another that offers no purchase of Green Power.

<b>TABLE 3</b>			
<b>GREENHOUSE GAS REDUCTION TARGETS &amp; GREEN POWER PURCHASE OPTIONS</b>			
<b>OPTION</b>	<b>GREENHOUSE GAS REDUCTION TARGETS</b>	<b>GREEN POWER</b>	<b>NOTES</b>
1	Community & Government: Primary: 20% below 2005 levels by 2020 Interim: 10% below 2005 levels by 2012 Long-term: 80% below 2007 levels by 2050	Yes – 50% of Facility Power	<b>Recommended Option</b> Consistent Messaging Behavior/Operation Changes Green Power Leader
2	Community: 20% below 2005 levels by 2020 Government: 25% below 2005 levels by 2012 Long-term: 80% below 2007 levels by 2050	Yes – 100% of Facility Power	Inconsistent Messaging Limits Options for Reduction Green Power Leader
3	Community and Government: Primary: 20% below 2005 levels by 2020 Interim: 10% below 2005 levels by 2012 Long-term: 80% below 2007 levels by 2050	No	Consistent Messaging Behavior/Operation Changes No Green Power Support

Memorandum to David Ramsay

July 24, 2007

Page 4 of 4

### Budget Impacts

If Option 1 or 2 is selected, staff will return to Council during the mid-biennial budget process with a funding request for the Green Power premium listed in Table 2. Budget impacts/requests related to other greenhouse gas reduction measures will be derived from the upcoming action plan. The action plan could call for policy changes; operational changes; public outreach; and, in some cases, cost increases in operational and/or capital budgets. These are aggressive goals and it is likely there will be costs associated with reaching them. Staff will return to Council with more detailed information in our action planning effort.

### CONCLUSION & NEXT STEPS

This process is consistent with the City Council's Environmental Stewardship Philosophy and the Natural Resource Management Plan. Ongoing efforts are coordinated through the Green Team, who will be increasingly involved in the creation of the greenhouse gas reduction action plan, which is the next step in this process (and the third ICLEI milestone). The Council/staff workgroup that has participated in the first two steps will be reassembled to kick off the action planning process. The action plan will incorporate operational/behavior changes, outreach, legislative goals, etc. so City experts in the various areas will be involved in its creation. We will also work with Communications Program Manager, Marie Stake, to increase community involvement in the process. Staff plans to return to Council in early 2008 with a proposed action plan. Please direct any questions to Erin Leonhart.

RESOLUTION R-4659A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
ADOPTING GREENHOUSE GAS REDUCTION TARGETS.

WHEREAS, the City Council adopted the Natural Resource Management Plan on August 5, 2003 which contains the following Guiding Principles:

Natural resources are considered to be community assets that significantly affect the quality of life in Kirkland. In fact, human survival is dependent upon healthy natural systems.

Natural resources exist in complex, interrelated systems that need to be managed comprehensively in order to maintain the viability of each.

WHEREAS, scientific consensus has developed that carbon dioxide and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, in 2006 the U.S. National Climatic Data Center confirmed clear evidence of human influences on climate due to changes in greenhouse gases; and

WHEREAS, the U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate Protection Agreement initiated by Seattle Mayor Nickels and signed by 540 mayors in the United States as of June 2007 including the City of Kirkland's Mayor committing the City of Kirkland to its three main parts:

- a. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- b. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and

- c. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution (reduce greenhouse gases to 7% below 1990 levels) by taking actions in our own operations and communities.

WHEREAS, the City Council authorized staff to join International Council for Local Environmental Initiatives (ICLEI), on behalf of the City of Kirkland, as a Full Member and participate in the Cities for Climate Protection Campaign. As a participant, the City of Kirkland pledged to take a leadership role in promoting public awareness about the causes and impacts of climate change by undertaking the Cities for Climate Protection Campaign's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the City;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress.

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents;

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

Section 1. The City of Kirkland hereby adopts the following Greenhouse Gas Reduction Targets:

- a. Emissions 20% below 2005 levels by 2020 for both the Kirkland community and municipal operations with an interim goal of 10% below 2005 levels by 2012; and
- b. Emissions 80% below 2005 levels by 2050.

Section 2. The Kirkland City Council directs staff to provide reports, at least biennially, outlining the greenhouse gas emission performance compared to set targets.

Section 3. The Kirkland City Council directs staff to develop a long term action plan that will lead to the targeted reductions in greenhouse gas emissions for municipal operations and the community through capital investment, operational changes, program development and public outreach.

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**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

## **MEMORANDUM**

**Date:** July 25, 2007

**To:** David Ramsay, City Manager

**From:** Paul Stewart, Deputy Planning Director

**Subject:** 2007 – 2009 Planning Work Program (MIS07-00026)

### **Recommendation**

Staff recommends the Council do the following:

- Approve the attached resolution (Exhibit A) adopting the revised 2007-2009 Planning Work Program.
- Authorize additional funding.
- Approve the revised neighborhood plan update schedule.

### **Background**

On July 17<sup>th</sup> 2007, the City Council reviewed a revised Planning Work Program. At that meeting the Council was in agreement with the proposed work program but expressed an interest in moving forward on the affordable housing regulations and inclusionary housing strategies sooner than the proposed work program had indicated (beginning in December after completion of the innovative housing regulations).

Currently, available staff resources have been devoted to work on the Innovative Housing Regulations which are being discussed by the Planning Commission. A public hearing on the regulations is scheduled before the Commission on September 13<sup>th</sup>, with a Council study session scheduled for October 16<sup>th</sup> and adoption by the Council targeted for November, 2007.

In order to move forward with work on the affordable housing regulations, either other projects would need to be deferred or additional resources would be necessary. Council requested staff explore the latter approach. If this is Council's interest, staff would request additional funding in the amount of \$18,000 for consulting services for permit review. This would enable us to utilize in-house staff for this effort by transferring current planning and permit review work to a consultant. Attached is the fiscal note from the Finance Department. The funding source for this is the Council's Special Project Reserve.

Memo to Dave Ramsay

July 26, 2007

Page 2 of 2

Staff would propose that we begin by meeting with ARCH to map out a strategy and an approach and then to prepare a background paper to bring to a Council meeting for discussion and direction in the fall. The background analysis will address the following:

- Summary of our current regulations on affordable housing.
- An analysis of the areas where no affordable housing standards exist (CBD, Juanita, etc.)
- Approaches to regulatory incentives (e.g. voluntary, mandatory, inclusionary, etc.)
- The legal context for these various strategies
- A discussion of what other communities are doing

As part of the discussion, a timeline and scope of work for the Planning Commission, Houghton Community Council and City Council would be identified.

Even with this approach, other efforts to promote affordable housing are in process. These include working with ARCH on an inventory of properties to identify candidates for preservation; coordinating with ARCH on priority housing strategies among ARCH members; and looking at the potential for a TOD/affordable housing development at the South Kirkland Park and Ride as part of the Lakeview Neighborhood Plan update.

The other issue relates to the neighborhood plan update schedule. Staff is recommending the Council approve the schedule that shows the Moss Bay and Everest neighborhood updates occurring after the Lakeview and Central Houghton updates.

CC Arthur Sullivan, ARCH  
Dorian Collins  
Dawn Nelson

---

## NEIGHBORHOOD PLAN UPDATE SCHEDULE

July 2007

**Note: Schedule Subject to Change**

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<b>Neighborhood Plan Implementation: Zoning Regulations &amp; Design Standards</b>
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Market and Norkirk Zoning Regulations	2007 (adopted)
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Market St Corridor Design Guidelines	2007 (adopted)
--------------------------------------	----------------

<b>Comprehensive Plan &amp; Neighborhood Plans</b>
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Lakeview	2007-2008
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Central Houghton	2008-2009
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Moss Bay & Everest	2009-2010
--------------------	-----------

North & South Juanita	2010 - 2011
-----------------------	-------------

Comprehensive Plan Chapters	2011-2012
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Bridle Trails & South Rose Hill	2013-2014
---------------------------------	-----------

Totem Lake	2014-2015
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North Rose Hill	2015-2016
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# FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Paul Stewart, Deputy Planning Director							
Description of Request							
Request for funding of \$18,000 for additional resources in the Planning Department to help with Affordable Housing Regulations. The funding will be used to hire consulting services to do permit review, freeing up City staff to work on the affordable housing regulations.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$18,000 from the Council Special Projects Reserve.</b> The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<b>Reserve</b>	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
	Council special Projects Reserve	309,960	15,000	0	18,000	276,960	250,000
	2007-08 Prior Authorized Uses includes \$15,000 for the Assistance League Eastside's School Bell Program.						
<b>Revenue/ Exp Savings</b>							
<b>Other Source</b>							
Other Information							

Prepared By	Sandi Hines, Financial Planning Manager	Date	July 26, 2007
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RESOLUTION R-4655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE 2007–2009 PLANNING WORK PROGRAM.

WHEREAS, the Kirkland City Council and the Kirkland Planning Commission met at a joint meeting on February 6, 2007, to discuss the proposed planning work program tasks and to set priorities; and

WHEREAS, the City Council met on July 17<sup>th</sup>, 2007 to review a revised 2007–2009 Planning Work Program along with proposed city-initiated amendments to the Comprehensive Plan and private amendment requests to amend the Plan; and

WHEREAS, the City Council met on August 7<sup>th</sup>, 2007 and established the rank order priority and schedule for the tasks shown on the Planning Work Program.

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

Section 1. The adopted Planning Work Program for the City of Kirkland shall be established as shown on Exhibit A to this resolution.

Section 2. This adopted Planning Work Program shall be used by the City staff and Planning Commission in scheduling work tasks and meeting and hearing calendars.

Section 3. A copy of this resolution shall be distributed to the Planning Commission, Parks Board, Transportation Commission, Design Review Board, Neighborhood Associations, the Chamber of Commerce and Houghton Community Council.

PASSED by majority vote of the Kirkland City Council in open meeting this 7<sup>th</sup> day of August, 2007.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of August, 2007.

\_\_\_\_\_  
Mayor

Attest:

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



				2007												2008				2009			
TASK		PROJECT MANAGER	2007 STAFF	J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th
<b>SPECIAL TASKS</b>																							
<b>9</b>	<b>Special Projects</b>		<b>.3 FTE</b>																				
	• DSP Update	McMahan																					
	• NE 85 <sup>th</sup> Action Team	Soloff																					
	• Economic Development	Shields																					
	• CTR/Concurrency/Impact Fees	Swan/PW																					
	• Downtown Transit Center	Stewart																					
<b>10</b>	<b>Database Management</b>	Goble	<b>.2 FTE</b>																				
<b>11</b>	<b>Regional Plans</b>	Shields/Stewart	<b>.1 FTE</b>																				
<b>13</b>	<b>Annexation</b>	Shields/Swan	<b>.8 FTE</b>																				

**CITY OF KIRKLAND**

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

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric Shields, AICP, Planning Director  
Patrice Tovar, AICP, Senior Planner

**Date:** July 25, 2007

**Subject:** Shoreline Master Program, File No. ZON06-00017, Subfile #3

**RECOMMENDATION**

Staff recommends that the City Council review the status of the project to update Kirkland's Shoreline Master Program and the related products that have been produced to date. At the regular meeting on August 7, staff will be prepared to briefly summarize the process, products and status and/or answer the Council's questions, if any.

**BACKGROUND DISCUSSION****Objectives for Updating the Shoreline Master Program**

The process is underway to update Kirkland's Shoreline Master Program, which was originally adopted in 1974. The primary objectives are to:

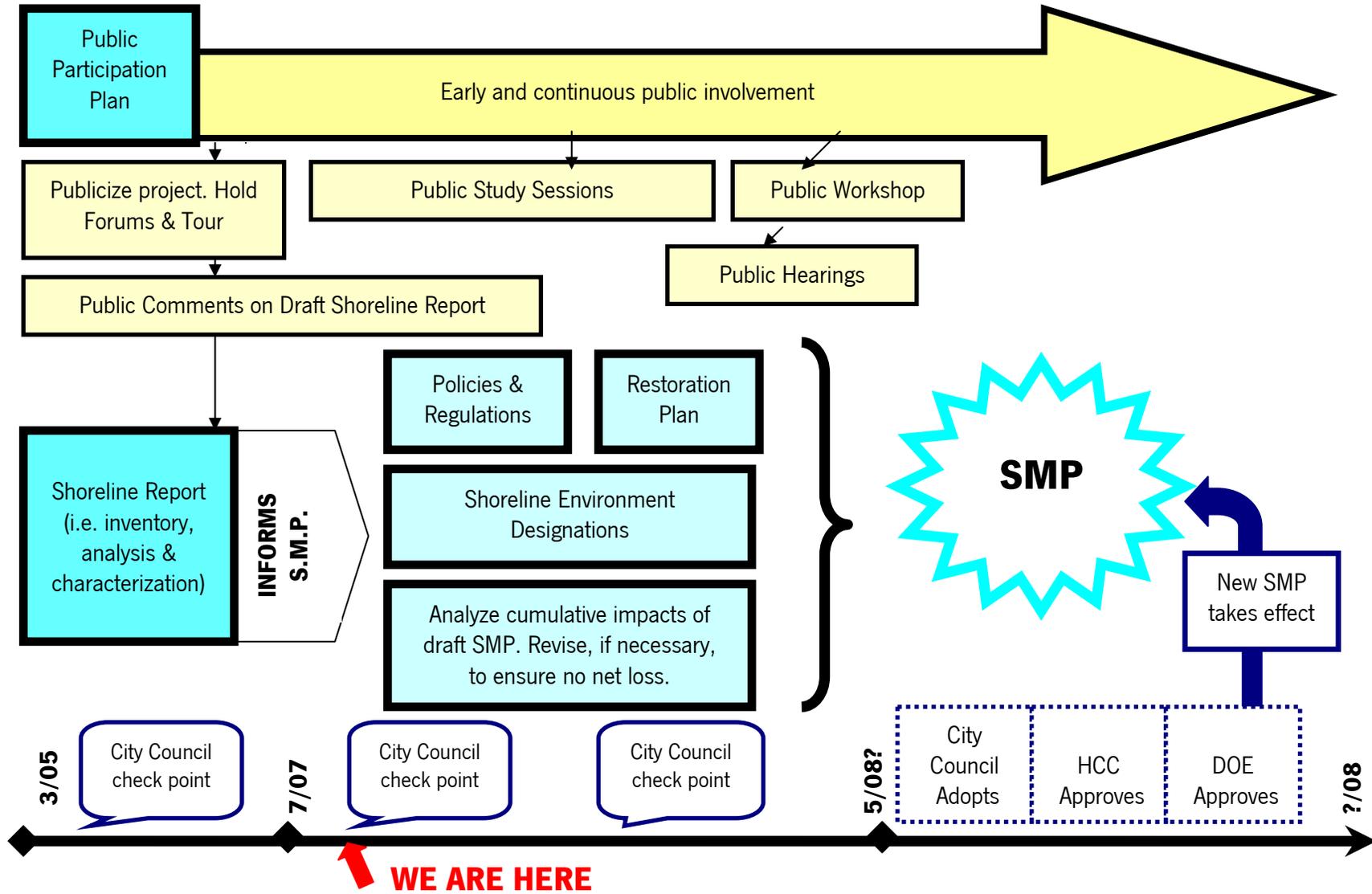
- Provide a healthy environment along the shoreline to enable current and future generations to enjoy using it.
- Provide a healthy environment along the shoreline to preserve fish and wildlife and their habitats.
- Protect the City's investments as well as those of property owners along and near the shoreline.
- Produce an updated Shoreline Master Program (SMP) that is supported by Kirkland's elected officials, citizens, property owners and businesses, the State of Washington, and other key interest groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.

Please refer to **Attachment 1** for more detail about Shoreline Master Programs and Washington State's Shoreline Management Act.

**The Shoreline Master Program Update Process**

The City Council last saw this project in April 2006, for review of the Public Participation Plan. The flowchart on the following page provides a broad overview of the process.

Memo to Dave Ramsay  
June 25, 2007  
Page 2 of 6



Memo to Dave Ramsay

July 25, 2007

Page 3 of 6

Implementation of the Public Participation Plan and coordination with other jurisdictions, agencies, and stakeholders occur throughout the process. See **Attachment 2** for a detailed chart that was prepared by the State to depict the steps involved in updating a Shoreline Master Program.

### **Phases One and Two**

The Public Participation Plan that was drafted in Phase One exceeds the public involvement requirements of the Shoreline Management Act and the Growth Management Act. The Department of Ecology granted preliminary approval of the Public Participation Plan in March 2006, and it was reviewed by the Planning Commission and the City Council in April 2006 and by the Houghton Community Council in May 2006. The Public Participation Plan documented a multitude of ideas for outreach to stakeholders, and the City has implemented most of them. However, some were not implemented because they did not prove to be feasible or would not have provided enough benefit to justify the cost. The Public Participation Plan has been modified and is included as **Attachment 3**. An article announcing the SMP Update and related events was published in the Kirkland Courier on September 1, 2006 (see **Attachment 4**). In addition, an introductory flyer was extensively posted, emailed, mailed, and televised beginning on September 1, 2006 (See **Attachment 5**).

Public forums and a shoreline tour were held on September 18 and 30 in 2006 to:

- Inform interested parties about why the update is required, what is needed, and what issues may be addressed.
- Find out what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project.
- Identify the City's and stakeholders' common interests in protecting the City's waterfront.

For the first two weeks in October 2006, videos of the forums and tour were broadcast on Kirkland's cable TV channel. **Attachment 6** is a report summarizing the forums' agenda and input received. Forum speakers' backgrounds are given in **Attachment 7**. **Attachment 8** is the flyer distributed to advertise the public shoreline tour, and **Attachment 9** is a report summarizing the tour. The forums and tour can be viewed in their entirety by opening the City's main webpage, selecting "Watch On Demand Programming," selecting "Kirkland Television – Special Programming," then selecting the desired event from the list.

An opportunity for public comment on the draft shoreline inventory, characterization, and analysis was held September 1 – October 15, 2006. The draft was presented at the forums and the opportunity for comment was widely advertised via mail, email, newspaper, TV, and posting on prominent public signs and at City facilities as well as on the City's Shoreline Master Program Update webpage. Staff finalized the draft into the Shoreline Analysis Report based on comments received from stakeholders and from DOE. A hard copy of the Final Shoreline Analysis Report will be distributed to each City Council member prior to the meeting on August 7<sup>th</sup>. The report and other SMP Update information are available electronically on CDs and also at

[http://www.ci.kirkland.wa.us/depart/Planning/Code\\_Updates/Shoreline\\_Master\\_Program.htm](http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Shoreline_Master_Program.htm).

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Staff has been coordinating closely with DOE, King County, and other jurisdictions, agencies, and stakeholders and will continue to do so throughout the process. The Shoreline Analysis Report covered the Lake Washington shoreline in Kirkland's Potential Annexation Area (Finn Hill) as well as within Kirkland's current boundaries. The Finn Hill shoreline is currently in King County. The County's SMP update is further along than Kirkland's. Since annexation may or may not occur, King County will take the lead on updating the Shoreline Master Program for the Potential Annexation Area. Kirkland will coordinate with the County throughout the process with the intent of incorporating the County's SMP for the Finn Hill shoreline if annexation takes place. In that event, further refinements to the PAA's SMP may need to be done at the time of the next SMP update, which is now required every seven years.

### **Phases Three through Five**

#### Policies and Regulations

The Planning Commission and Houghton Community Council will soon begin study sessions to draft general shoreline policies and consider general shoreline regulations. Staff anticipates that regulations for critical areas within the SMP jurisdiction will likely differ somewhat from those that apply in other areas of the City.

#### Shoreline Environment Designations

Next the Planning Commission and Houghton Community Council will work on designating Shoreline Environments. Each segment of the shoreline is designated as one of several types of shoreline environments that are described in the new State Guidelines, e.g. Shoreline Residential, High Intensity, Urban Conservancy, etc. Within the areas subject to the Shoreline Master Program, Environment Designations function much like zones do throughout the City. Shoreline Environment-specific policies and regulations will be drafted for each type of Shoreline Environment. The Shoreline Environments designated by Kirkland's current SMP can be seen on the first map in the Shoreline Analysis Report. The State requires each of the SMP components, including the Shoreline Environment Designations, to be based on the data and analysis provided in the Shoreline Analysis Report.

#### Cumulative Impacts Analysis

The new State guidelines require that new Shoreline Master Programs ensure no net loss of ecological functions. For example, SMP regulations would need to include standards that would require future shoreline development or redevelopment to avoid or mitigate any further degradation of fish and wildlife habitat beyond what is recorded in the recent shoreline inventory (which appears in the Shoreline Analysis Report). After the goals, policies, and regulations have been drafted, they will be tested as the City conducts a Cumulative Impacts Analysis to determine if Kirkland's updated SMP will meet the 'no net loss' requirement. The Cumulative Impacts Analysis will identify which, if any, goals/policies/regulations need to be revised to meet the "no net loss" requirement.

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### Restoration Plan

Apart from preventing net loss of shoreline ecological functions, the new SMP is also required to include a Restoration Plan. There is no requirement or expectation from DOE that the Kirkland shoreline is to be restored to pre-settlement conditions. So, in this case, the State guidelines use the term "restoration" loosely to describe actions ranging from complete rehabilitation, e.g. replacing a bulkhead with a softened, natural edge (some gently-sloping beach and some native vegetation), to any ecologically helpful action, e. g. removing some invasive non-native plants, planting some native plants, or making the portion of the dock closest to land narrower to reduce shade in the near-shore (where juvenile Chinook salmon are attacked by predator fish in shady areas). Staff is working with a consultant to create a quantitative method for ranking sites with potential for ecological enhancement. Unlike the 'no net loss' requirement that will be addressed through regulations, the restoration plan will rely on some combination of incentives, public projects, volunteers, and non-profit programs for implementation.

### Public Workshop and Hearing(s), Houghton Community Council Role, and City Council Briefings

In an effort to engage and inform members of the public that may not attend the study sessions or follow progress of the project on the City's SMP webpage, staff will hold a public workshop prior to the public hearing.

With regard to the public hearing, some jurisdictions have tried holding separate public hearings for SMP components as each component has been drafted. Although that would seem to be a good way to break the Shoreline Master Program into manageable "bites," this may not be the best approach. This is because most of the components must be completed and considered as a whole to determine if they will be sufficient - when combined - to meet State requirements and accomplish the community's goals. Also, it would be prudent to conduct the public hearing on a draft SMP that has already been revised per Ecology's comments, and DOE will not conduct their informal review of the SMP draft until all the components can be considered together. As a result, staff anticipates that it would be most productive and efficient for the Houghton Community Council and Planning Commission to hold their public hearings after Phases Three and Four, when the components will have been drafted and preliminarily reviewed by DOE. At the same time, the Planning Commission provides ample opportunity at their study sessions for public comment on each component.

Staff intends to work through the SMP tasks with the Houghton Community Council at the same level and the same pace as the Planning Commission. It is hoped that this approach will produce a draft SMP that is consistent with the Houghton Community Council's interests and receive HCC support.

Staff will brief the City Council periodically, as shown on the chart on Page Two of this memorandum. The purpose will be to keep the Council informed of the projects' progress and direction and will offer an opportunity for City Council input.

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Please feel free to contact me at [ptovar@ci.kirkland.wa.us](mailto:ptovar@ci.kirkland.wa.us) or (425) 587-3259 for further information or clarifications.

### **ATTACHMENTS**

1. History and Explanation of the Shoreline Management Act and Shoreline Master Programs
2. Shoreline Master Program Planning Process (chart prepared by DOE)
3. Public Participation Program for the Kirkland Shoreline Master Program Update
4. Article appearing in the Kirkland Courier on September 1, 2006
5. Introductory Flyer
6. Public Shoreline Forum Report
7. Public Shoreline Forum Speakers
8. Public Shoreline Tour Flyer
9. Public Shoreline Tour Report

cc: File No. ZON06-00017, Sub-file #3

SMPccMemoStatusAug2007

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## **History and Explanation of the Shoreline Management Act and Shoreline Master Programs**

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by the public in a 1972 referendum. The overarching goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The statute is found in RCW 90.58.

Under the SMA each city and county with "shorelines of the state" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic and environmental needs of the community. Lake Washington is a "shoreline of the state" and Kirkland adopted a SMP in the mid-1970's.

The Shoreline Master Program includes both policies and regulations, most of which appear in Kirkland's Comprehensive Plan and Zoning Code, respectively, as well as in the SMP document. The policies and regulations apply to Lake Washington and within 200 feet landward from the edge of Lake Washington and its associated wetlands. See the Shoreline Analysis Report maps to view where the SMP applies in Kirkland.

State statute requires the City to update the Kirkland Shoreline Master Program to be consistent with new state guidelines<sup>1</sup>. The new guidelines and more information about SMPs are available at [http://www.ecy.wa.gov/programs/sea/sma/st\\_guide/SMP/index.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/SMP/index.html)

Kirkland's SMP Update is on the adopted planning work program and has been funded in part by a one-time service package in the City's budget and in part by a grant from the Department of Ecology (DOE). The DOE grant requires that the new draft SMP be complete by July 1, 2007. To maximize efficiency and quality, staff has been coordinating closely with DOE and with King County and other jurisdictions that share the Lake Washington shoreline or are working on their SMP update and will continue to do so throughout the process.

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<sup>1</sup> State Shoreline Master Program (SMP) Guidelines are standards which local government must follow in drafting their master program. The Guidelines translate the broad policies of RCW 90.58.020 into standards for regulation of shoreline uses. The state legislature directed Ecology in 1995 to update the state's guidelines, which had not been revised since 1972 and were showing their age. The department proposed a first draft in 1999 and eventually adopted a substantially revised draft in 2000 that was challenged in court.

Then-Governor Gary Locke and former Attorney General Christine Gregoire cosponsored a year-long mediation effort in 2002 that culminated in a third draft, which was issued for public comment in July 2002. That proposal had the endorsement of the Association of Washington Business (representing a coalition of business organizations, cities and counties), the Washington Aggregates & Concrete Association, the Washington Environmental Council (WEC) and other environmental organizations – all of whom were parties to the lawsuit. The final version was adopted December 17, 2003.

<b>SHORELINE MASTER PROGRAM PLANNING PROCESS</b>		
<b>SMP UPDATE PROCESS</b>	<b>SPECIFIC PLANNING TASKS</b>	<b>PRODUCTS</b>
<b>Phase 1: Preliminary Shoreline Jurisdiction, Public Participation Plan &amp; Shoreline Inventory</b>	Task 1.1: Identify preliminary shoreline jurisdiction - shorelines & shorelands Task 1.2: Develop public participation program (citizen, technical, Ecology, other stakeholders) Task 1.3: Conduct shoreline inventory – existing land uses, public access, environmental conditions Task 1.4: Demonstrate how Phase 1 complies with Guidelines	Product 1.1: Preliminary map of local shorelines subject to the SMP Product 1.2: Public participation plan Product 1.3: Complete shoreline inventory Product 1.3.1: Draft list of inventory data sources Product 1.3.2: Digital working maps of inventory information Product 1.4: Documentation in SMP submittal checklist
<b>Phase 2: Shoreline Analysis &amp; Characterization</b>	Task 2.1: Conduct preliminary shoreline inventory analysis Task 2.1.1: Characterize ecosystem-wide processes Task 2.1.2: Characterize shoreline functions; reach analysis Task 2.1.3: Analyze shoreline use and public access Task 2.1.4: Conduct visioning process to develop recommendations based on SMA policy & the characterization Task 2.2: Prepare final shoreline characterization Task 2.3: Prepare draft recommendations report Task 2.4: Demonstrate how Phase 2 complies with Guidelines	Product 2.1 (Tasks 2.1.1 & 2.1.2): Draft characterization of ecosystem-wide processes & functions; reaches Product 2.1.3: Draft shoreline use & public access analysis Product 2.1.4: Shoreline strategy for shoreline uses, public access, resource protection & restoration Product 2.2: Final shoreline characterization; accompanying map portfolio & GIS data Product 2.3: Draft report with recommended actions for translating inventory findings into policies & regulations Product 2.4: Documentation in SMP submittal checklist
<b>Phase 3: Shoreline Environment Designation, Policy &amp; Regulation Development</b>	Task 3.1: Develop general goals & policies (optional regulations) Task 3.2: Develop environment designations & environment-specific policies & regulations Task 3.3: Develop shoreline use & modification policies, regulations & standards Task 3.4: Develop administration provisions Task 3.5: Demonstrate how Phase 3 complies with Guidelines	Product 3.1: Draft goals & policies (optional general regulations) Product 3.2: Draft environment designations & environment-specific policies & regulations Product 3.3: Draft shoreline use & modification policies, regulations & standards Product 3.4: Draft administration provisions Product 3.5: Final report demonstrating how characterization is reflected in updated SMP policies, regulations, environment designations & restoration strategies; documentation in SMP submittal checklist
<b>Phase 4: Cumulative Impacts Analysis &amp; Restoration Plan; Revisiting Phase 3 Products as Necessary</b>	Task 4.1: Prepare cumulative impacts analysis demonstrating how SMP provides environmental protection & no net loss of ecological functions Task 4.2: Prepare restoration policies, objectives, priorities & timelines Task 4.3: Revisit environment designation, policies & regulations as necessary to achieve no net loss of ecological functions; finalize shoreline jurisdiction Task 4.4: Demonstrate how Phase 4 complies with Guidelines	Product 4.1: Cumulative impacts analysis showing how the SMP will achieve no net loss through its policies, regulations & mitigation standards Product 4.2: Restoration plan Product 4.3: Revised designations, policies & regulations to address findings of cumulative impacts analysis; a report indicating how revisions achieve no net loss of ecological functions; finalized jurisdiction, including map(s) Product 4.4: Documentation in SMP submittal checklist
<b>Phase 5: Local Approval</b>	Task 5.1: Assemble complete draft SMP Task 5.2: Informal Ecology review of draft SMP documents Task 5.3: Complete SEPA review, documentation Task 5.4: Provide GMA 60-day notice of intent to adopt Task 5.5: Hold public hearing Task 5.6: Prepare responsiveness summary Task 5.7: Locally adopt the draft SMP & prepare submittal to Ecology Task 5.8: Demonstrate how Phase 5 complies with Guidelines	Product 5.1: Final draft SMP Product 5.2: Ecology response following informal review Product 5.3: SEPA products (checklist, MDNS/EIS; SEPA notice) Product 5.4: Evidence of compliance with GMA notice requirements Product 5.5: Public hearing record Product 5.6: Responsiveness summary responding to comments received during public review period Product 5.7: Complete Ecology submittal package Product 5.8: Documentation in SMP submittal checklist
<b>Phase 6: State Approval</b>	Task 6.1: Provide public notice & opportunity for comment; respond to comments received Task 6.2: Prepare decision packet to include: findings & conclusions; transmittal letter; conditions of approval (if any); & responsiveness summary Task 6.3: Work with local government to finalize local adoption	Product 6.1: Responsiveness summary Product 6.2: Decision package submitted to local government Product 6.3: Adoption of Final SMP incorporating any Ecology conditions of approval; updated SMP takes effect



## PUBLIC PARTICIPATION PLAN

**ATTACHMENT 3**  
**KIRKLAND S.M.P. UPDATE**  
**PUBLIC PARTICIPATION PLAN**

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Text of Applicable Sections of the Washington Administrative Code (WAC) and Revised Code of Washington (RCW)	7

**Note:** The schedule for the Public Participation Plan may be revised if adjustments become necessary due to unforeseen circumstances/issues. However, the City understands that the 2005-2007 DOE grant funds are to be spent prior to July 1, 2007.

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**KIRKLAND S.M.P. UPDATE**  
**PUBLIC PARTICIPATION PLAN**

**Public Participation Plan Goal:**

To build support for timely adoption of a high quality SMP Update by fostering a culture of shoreline stewardship in as many stakeholders as possible and gaining informed consent of the remaining stakeholders.

**Guiding Principles:**

- Continually communicate the purpose, scope, objectives, and build trust in the public process.
- Define and effectively communicate the roles and interests of all participants.
- Balance the people who represent others with people who represent themselves.
- Make a special effort to include the under-represented and hard-to-reach.
- Recognize and overcome barriers: physical, communication, economic, language, ethnic & social.
- Involve elected & appointed Kirkland officials, affected departments, and neighboring jurisdictions.
- Deal openly with conflict and imbalances of knowledge in order to maximize public input.
- Balance proactive and reactive techniques to ensure input is representative and inclusive.
- Maintain a tone that fosters creativity and encourages civility and mutual respect among all parties.
- Address both agreement on validity of the facts and understanding of varied opinions and values.
- Keep all written communication clear, concise, objective, and free of technical jargon.
- Address in written materials
  - Relevant existing policy and procedure, history of the issues and past City initiatives, and new requirements
  - Alternative approaches to resolving issues, and their respective advantages & disadvantages
  - Basics of the process, e.g., schedule, decision milestones, progress, and opportunities for involvement
- Use media regularly to provide general information to the public at large.
- Distribute information/feedback regularly to participants and at intervals to interested/affected parties.
- Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives.
- Use public input, follow-up, and assess by:
  - Informing affected/interested parties of outcomes
  - Evaluating process to identify successes and shortcomings, and communicate results to participants
  - Evaluating the project's effects on community relationships and on perceptions of effectiveness of City processes

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### **Basis**

The Public Participation Plan has been designed to:

- ▶ Comply with Washington State requirements and guidance (see attachment for applicable RCWs and WACs);
- ▶ Follow the recommendations of the International Association of Public Participation (IAP2); Hans Bleiker, founder of the Institute for Participatory Management and Planning; Marcia Wagoner of Pacific Rim Resources; and Jim Reid, former King County Planning Director and current Puget Sound area mediator of land use, environmental, and transportation disputes; and
- ▶ Build on the experiences, observations and suggestions of colleagues in Kirkland and several other Puget Sound region cities and counties, the WRIA 8 Outreach Committee, and the Shared Salmon Strategy.

Based on the International Association of Public Participation's "Public Participation Spectrum" of levels of public participation, the SMP Update should use ACTIVE PARTICIPATION: at the INVOLVEMENT level (see **Attachment 2**).

Public Participation Goal: To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.

Promise to the Public: We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

### Example Tools:

- ▶ **WORKSHOP** (an informal public meeting that may include a presentation and exhibits but ends with interactive working groups)
  - Tips:
    - Know how you plan to use public input before you hold the workshop
    - Conduct training in advance with small group facilitators. Each should receive a list of instructions, especially where procedures involve weighting/ranking of factors or criteria
  - Advantages:
    - Excellent for discussions on criteria or analysis of alternatives
    - Fosters small group or one-to-one communication
    - Ability to draw on other team members to answer difficult questions
    - Builds credibility
    - Maximizes feedback obtained from participants
    - Fosters public ownership in solving the problem
  - Possible drawbacks:
    - Hostile participants may resist what they perceive to be the "divide and conquer" strategy of breaking into small groups
    - Several small-group facilitators are necessary
- ▶ **DELIBERATE POLLING** (measures informed opinion on an issue)
  - Do not expect or encourage participants to develop a shared view
  - Hire a facilitator experienced in this technique
  - Advantages:
    - Can tell decision-makers what the public would think if they had more time and information
    - Exposure to different backgrounds, arguments, and views
  - Possible drawback: Resource intensive

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### Outline and Schedule

1. Clearly define the scope of public influence over the decision.
  - a. Compare new SMP requirements to Kirkland's current SMP
  - b. Contact my counterparts in 'early adopter' cities about their experiences
  - c. Confirm that this Public Participation Plan is the best fit
  - ▶ Introduce project to City elected/appointed officials and get 'head nod' approval of Public Participation Plan
  - ▶ If City officials request revisions, send amended version to DOE for approval
2. Identify stakeholders, their perceptions, and their issues of concern.
  - a. Study process and identify stakeholders involved in successfully adopting the original Kirkland SMP
  - b. Develop a comprehensive list of stakeholders & send out an early "heads up"
  - c. Create a web page linked to the City's homepage, set up listserve, have public notice signs installed in key locations
  - d. Create project title/slogan and logo for easy, positive recognition by stakeholders
  - e. Produce an illustrated postcard/flyer to announce the project and to gauge stakeholders' values and issues
  - f. Distribute flyer/postcard by e-mailing/ mailing to stakeholder list, and by posting it on signs, in public buildings – including Teen Center, Sr. Center, & library, kiosks, in Kirkland Courier, Seattle Times, PI, on 2 cable channels, Surface Water div.'s quarterly newsletter, stakeholder groups' newsletters, schools
  - g. Study feedback to identify areas of common ground and diverging interests
3. Organize events to educate stakeholders to establish a common base of knowledge
  - a. Bring in outside speaker(s) (*check into WRIA Outreach Committee, DOE, and KC*)
  - b. Clearly convey the "problem to be solved"/opportunity as well as the scope and opportunities for stakeholder influence.
  - c. Tell the story of Lake Washington and involve people that were involved in the successful adoption of the original Kirkland SMP.
  - e. Make it fun and easy to participate
  - f. Broadcast informational video tapes on the two local cable TV channels
4. Hold a professionally facilitated forum to explore and document stakeholders' views
  - a. Invite the entire list
  - b. Record results
  - c. Base direction of draft recommendations on input received
5. Standard series of study sessions and public hearings
  - a. Held by the Kirkland Planning Commission and Houghton Community Council
  - b. Strive to keep information flowing both ways via the website to help those people who will not attend the meetings to remain engaged
  - c. Brief the City Council at key points during the process
  - d. Send an early draft of each SMP component to Ecology for review as it becomes available. Allow 2.5 months for Ecology review and revisit components as necessary when Ecology comments are received.
  - e. Hold a public workshop prior to the public hearings
6. Following City Council action, distribute to stakeholders the City Council's response to input

March '06 – September '06

Sept '06 – June '07

July - Dec. 2007

June '08

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**Methods**

1. A flier/postcard to introduce the project to the public at large and to all potentially affected/interested individuals and groups will:
  - a. Remain posted at City buildings, KC Kirkland library, kiosks, on the 2 local cable TV stations, and on the City website homepage through project completion; and
  - b. Be mailed/e-mailed once directly to affected/potentially interested parties within and beyond Kirkland; and
  - c. Be inserted once in all Kirkland utility billings.
2. Early in the process, potentially affected/interested parties will be polled by an experienced facilitator to gauge public opinions on specific issues and to identify additional issues.
3. Fact sheets and newsletters/progress reports will be distributed at intervals via e-mail, project web page, list serve and mailing list.
4. Articles about the project will periodically appear in the *Kirkland Update*, widely-read community newspaper published monthly, possibly in the quarterly stewardship newsletter distributed by Kirkland's Surface Water Division, and in the newsletters of local schools.
5. For broad outreach, public forums/workshops will be held at key intervals to inform the public and to gain proactive and reactive stakeholder input.
6. On an ongoing basis, the project manager will speak with individual stakeholders by telephone, e-mail, or in person to exchange information.
7. A series of study meetings culminating in a public hearing will be held by the Kirkland Planning Commission and also independently by the Houghton Community Council.
8. Meeting/workshop announcements will be posted on strategically placed signboards in Kirkland rights-of-way, at City buildings (City Hall, Parks and Community Services Department, Senior Center, Teen Center, North Kirkland Community Center), the King County Kirkland library, kiosks, on the 2 local cable TV stations, on the Kirkland SMP Update webpage which will be linked to the City website, listserv, and in newspapers.

All communications will include contact information for additional project information.

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**ATTACHMENT**

**State Rule (W.A.C.) Requirements for Public Involvement, Communication, and Coordination**

1. Document public involvement throughout SMP development process.
  - a. WAC 173-26-201(3)(b)(i)
  - b. WAC 173-26-090 and 100
  - c. For SSWS, see WAC 173-26-251(3)(a)
  
2. Document communication with state agencies and affected Indian tribes throughout SMP development.
  - a. WAC 173-26-201(3)(b)(ii) and (iii)
  - b. WAC 173-26-100(3)
  - c. For SSWS, see WAC 173-26-251(3)(a)

**The text of the WAC sections cited above and the WAC and RCW sections they refer to are included below:**

**WAC 173-26-201(3)(b)(i)**

**(b) Participation process.**

(i) **Participation requirements.** Local government shall comply with the provisions of RCW [90.58.130](#) which states [in its entirety]:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

*(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and*

*(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."*

Additionally, the provisions of WAC [173-26-100](#) apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW [36.70A.140](#) also apply.

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At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

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**WAC 173-26-100 Local process for approving/amending shoreline master programs.**

Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter [36.70A](#) RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC [365-195-600](#).

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
  - (a) Reference to the authority(s) under which the action(s) is proposed;
  - (b) A statement or summary of the proposed changes to the master program;
  - (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
  - (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
- (5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW [36.70A.106](#);
- (6) Comply with chapter [43.21C](#) RCW, the State Environmental Policy Act; and
- (7) Approve the proposal.

[Statutory Authority: RCW [90.58.140](#)(3) and [90.581.200](#). 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

**RCW 36.70A.140**

**Comprehensive plans – Ensure public participation.**

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion,

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communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. [1995 c 347 § 107; 1990 1st ex.s. c 17 § 14.]

**WAC 365-195-600 Public participation.**

(l) **Requirements.** Each county and city planning under the act shall establish procedures for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive plan or development regulations invalid if the spirit of the procedures is observed.

(2) **Recommendations for meeting requirements.** The recommendations made in this subsection are intended as a list of possible choices, but it is recognized that meaningful public participation can be accomplished without using all of the suggestions made here or by adopting other methods.

(a) Public involvement in plan and regulation development.

(i) In designing its public participation program, each planning jurisdiction should endeavor to involve the broadest cross-section of the community, so that groups not previously involved in planning become involved. The programs should include efforts to explain that citizen input is an essential part of the planning process and provide a framework for advising citizens about timelines for steps in the process and when citizen input will be sought.

(ii) Visioning. The public should be involved at the earliest possible time in the process of comprehensive planning under the act. This should begin with a visioning process in which the public is invited to participate in a broad definition of the kind of future to be sought for the community. The results of this process should then be incorporated into the plan features, including, but not limited to, locally adopted levels of service and densities selected for commercial, industrial, and residential development.

(iii) Planning commission. In the process of plan development, full use should be made of the planning commission as a liaison with the public.

(iv) Public meetings on draft plan. Once the plan is completed in draft form, or as parts of it are drafted, a series of public meetings or workshops should be held at various locations throughout the jurisdiction to obtain public reaction and suggestions.

(v) Public hearings. When the final draft of the plan has been completed, at least one public hearing should be held prior to the presentation of the final draft to the legislative authority of the jurisdiction adopting it. When the plan is proposed for adoption, the legislative authority should conduct another public hearing prior to voting on adoption.

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(vi) Written comment. At each stage of the process when public input is sought, opportunity should be provided to make written comment.

(vii) Communication programs and information services. Each jurisdiction should make every effort to collect and disseminate public information explaining the act and the process involved in complying with it. In addition, locally relevant information packets and brochures should be developed and disseminated. Planners should actively seek to appear before community groups to explain the act and the plan development process.

(viii) Proposals and alternatives. Whenever public input is sought on proposals and alternatives, the relevant drafts should be reproduced and made available to interested persons.

(ix) Notice. Notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media. Notice should be published in a newspaper of general circulation at least one week in advance of any public hearing. When appropriate, notices should announce the availability of relevant draft documents on request.

(x) All meetings and hearings to which the public is invited should be free and open. At hearings all persons desiring to speak should be allowed to do so, consistent with time constraints.

(xi) Consideration of and response to public comments. All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

(xii) Every effort should be made to incorporate public involvement efforts into the SEPA process.

(xiii) Except for the visioning effort, the same steps should precede the adoption of development regulations as was used for the comprehensive plan.

(b) Continuous public involvement. The planning commission should monitor development of both the plan and the development regulations. After these are adopted, the commission should monitor compliance. The commission should report to the city or county at least annually on possible amendments to the plan or development regulations. In addition at least annually, the commission should convene a public meeting to provide information on how implementation is progressing and to receive public input on changes that may be needed. When any amendments are proposed for adoption, the same public hearing procedure should be followed as attended initial adoption. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-600, filed 11/17/92, effective 12/18/92.]

### **RCW 36.70A.106**

#### **Comprehensive plans – Development regulations – Transmittal to state – Amendments – Expedited review.**

(1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed

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comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3)(a) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

(b) Each county and city planning under this chapter may request expedited review for any amendments for permanent changes to a development regulation. Upon receiving a request for expedited review, and after consultation with other state agencies, the department may grant expedited review if the department determines that expedited review does not compromise the state's ability to provide timely comments related to compliance with the goals and requirements of this chapter or on other matters of state interest. Cities and counties may adopt amendments for permanent changes to a development regulation immediately following the granting of the request for expedited review by the department. [2004 c 197 § 1; 1991 sp.s. c 32 § 8.]

**RCW 36.70A.040**

**Who must plan – Summary of requirements – Development regulations must implement comprehensive plans.**

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform to all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform to all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

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(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW [36.70A.210](#); (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW [36.70A.170](#) and [36.70A.060](#); (c) the county shall designate and take other actions related to urban growth areas under RCW [36.70A.110](#); (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW [36.70A.210](#); (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW [36.70A.060](#) within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW [36.70A.110](#); and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW [36.70A.210](#); (b) the county and each city located within the county shall adopt development regulations under RCW [36.70A.060](#) conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW [36.70A.110](#); and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it

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is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter [47.80](#) RCW no later than December 31, 2000. [2000 c 36 § 1; 1998 c 171 § 1; 1995 c 400 § 1; 1993 sp.s. c 6 § 1; 1990 1st ex.s. c 17 § 4.]

**WAC 173-26-090 Periodic review – Public involvement encouraged – Amendment of comprehensive plans, development regulations and master programs.** Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW [90.58.080](#) and any applicable guidelines issued by the department. When the amendment is consistent with chapter [90.58](#) RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW [90.58.130](#) shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter [36.70A](#) RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW [36.70A.130](#). Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. [Statutory Authority: RCW [90.58.140](#)(3) and [\[90.58\].200](#). 96-20-075 (Order 95-17), § 173-26-090, filed 9/30/96, effective 10/31/96.]

**RCW 90.58.080**  
**Timetable for local governments to develop or amend master programs – Review of master programs – Grants.**

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

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(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until seven years after the applicable date provided by subsection (2)(a)(iii) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section.

(4) Local governments shall conduct a review of their master programs at least once every seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(b) To assure consistency of the master program with the local government's comprehensive plan and

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development regulations adopted under chapter [36.70A](#) RCW, if applicable, and other local requirements.

(5) Local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW [90.58.250](#), subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6)(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003. [2003 c 262 § 2; 1995 c 347 § 305; 1974 ex.s. c 61 § 1; 1971 ex.s. c 286 § 8.]

### **RCW 90.58.130**

#### **Involvement of all persons and entities having interest, means.**

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local

agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 ex.s. c 286 § 13.]

### **RCW 36.70A.130**

#### **Comprehensive plans – Review – Amendments.**

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW [36.70A.040](#) shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW [36.70A.040](#), an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW [36.70A.035](#) and [36.70A.140](#) that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsection (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter [90.58](#) RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; and

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(iv) Until June 30, 2006, the designation of recreational lands under RCW [36.70A.1701](#). A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform to this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW [36.70A.110](#) shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW [36.70A.215](#).

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsection (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

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(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW [36.70A.040](#)(1). Only those counties and cities in compliance with the schedules in this section and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW [43.155.050](#) and [70.146.030](#). A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is deemed to be making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW [43.17.250](#).

(8)(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section.

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section.

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW [43.155.050](#) and [70.146.030](#).

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW [43.155.050](#) and [70.146.030](#). A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards

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compliance. [2005 c 423 § 6; 2005 c 294 § 2; 2002 c 320 § 1; 1997 c 429 § 10; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

**NOTES:**

**Reviser's note:** This section was amended by 2005 c 294 § 2 and by 2005 c 423 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW [1.12.025](#)(2). For rule of construction, see RCW [1.12.025](#)(1).

**Intent – Effective date – 2005 c 423:** See notes following RCW [36.70A.030](#).

**Intent – 2005 c 294:** "The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts." [2005 c 294 § 1.]

**Effective date – 2005 c 294:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 5, 2005]." [2005 c 294 § 3.]

**WAC 173-26-251(3)(a)**

(3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

**WAC 173-26-201(3)(b)(ii)**

(3) **Steps in preparing and amending a master program.**

(b) **Participation process.**

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

# CITY UPDATE

## Help to Shape the Future of Kirkland's Lake Washington Waterfront

Do you enjoy Kirkland's waterfront? If so, please participate in updating the City's shoreline policies and development standards.

### WHY THE UPDATE?

Like most cities and counties in Washington State, Kirkland adopted its shoreline policies and standards over 20 years ago. Our waterfront, along with our knowledge of how to maintain a healthy shoreline, has changed a lot as Kirkland has grown. For these reasons the law requires that Kirkland's shoreline policies and standards (aka Shoreline Master Program)

be updated according to State guidelines.

### WHAT MIGHT CHANGE?

The overall goal will not change: Enable current and future generations to enjoy using the shoreline while preserving environmental quality. Because Kirkland's shoreline is mostly developed, a likely topic will be a review of alternative approaches for design of shoreline structures such as docks, boat houses and bulkheads (i.e. seawalls) when they are remodeled or replaced.

We will also review land uses that are allowed along the shoreline, such as hotels, restaurants, stores, offices and residences, to be sure that these types of development will still be appropriate when properties redevelop.

These are some of the main topics that have been identified so far.

Everyone who is interested in the Lake Washington shoreline from Yarrow Bay to Saint Edwards

Park is urged to participate in further defining and addressing the issues.

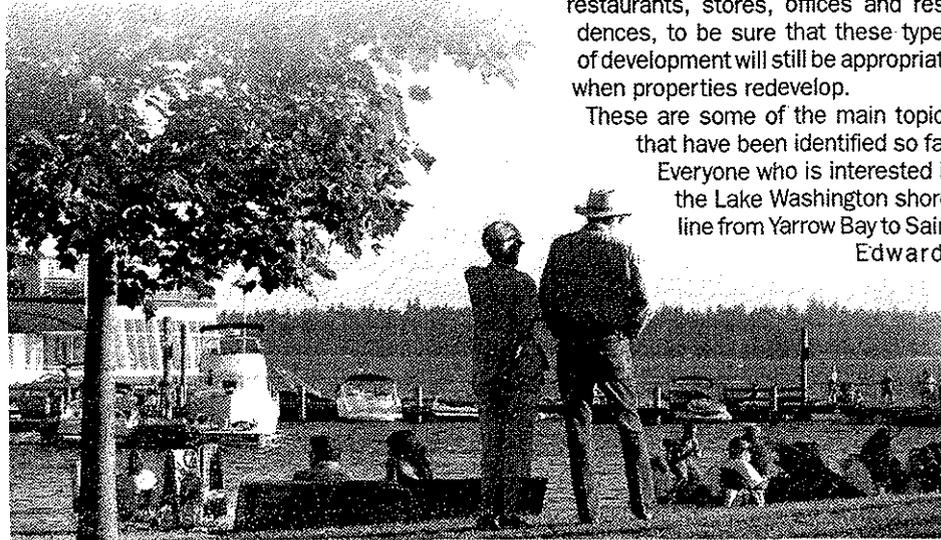
### HOW AND WHEN CAN I GET INVOLVED?

Learn more and give your opinions at a public forum on Monday, September 18 from 6:30 PM - 9:15 PM OR on Saturday, September 30, from 8:30 AM - 11:15 AM. The Sept. 18 and Sept. 30 forums are identical, so you need only attend one. Location: the Council Chambers at Kirkland City Hall, 123 Fifth Avenue. The forums will be videotaped for later broadcast on TV channels 21 or 75.

Attend the tour of watershed-friendly shorelines following the forum on Sept. 30, from 1 - 4 PM to see examples of innovative design, construction, and landscaping methods. Tour bus departs from the north side of City Hall. See tour broadcasted later on TV channels 21 or 75.

Find out about future public meetings and project status by contacting project manager Patrice Tovar at ptovar@ci.kirkland.wa.us or (425) 587-3259. She will add you to the distribution list if you will provide an email or postal address. Or use the internet Shoreline Master Program link at www.ci.kirkland.wa.us, or see the signs in shoreline parks and other prominent locations, or TV channels 21 or 75.

Send your input anytime to the project manager by e-mailing to ptovar@ci.kirkland.wa.us or mailing to Patrice Tovar, Department of Planning and Community Development, 123 Fifth Avenue, Kirkland, WA 98033.



123 Fifth Avenue • Kirkland  
425.587.3000  
www.ci.kirkland.wa.us

### CITY COUNCIL MAYOR

JAMES L. LAUNGER  
DEPUTY MAYOR

JOAN McBRIDE

### COUNCILMEMBER

DAVE ASHER • JESSICA GR  
MARY-ALYCE BURLEIC  
TOM HODGSON • BOB STI

### EVENTS & MEETINGS SEPTEMBER 2006

**City Council Meeting**  
September 5th, 7:30 pm  
City Hall

**2nd Annual Jewel on the Lake Op**  
September 9th, 10:00 am  
Juanita Beach Park

**S. Rose Hill/Bridle Trails Neigh**  
September 12th, 7:00 pm  
Lake Washington Methodist Ch  
WEB: www.rosetrails.org

**Kirkland Alliance of Neighbor**  
September 13th, 7:00 pm  
Heritage Hall

ATTACHMENT 4  
S.M.P. July 25, 2007



# Shoreline Master Program Update

*Be Informed  
and Involved...*

You are encouraged to participate in the process to update Kirkland's policies and regulations for shoreline use and development also known as the Shoreline Master Program. In Kirkland and the potential annexation area to the north, the Shoreline Master Program applies to land within 200 feet of Lake Washington's ordinary high water mark and within wetlands connected to Juanita Bay and Yarrow Bay.



Since most of that land has already been developed, the updated policies and regulations will mainly affect shoreline property owners when they change or add structures within the shoreline area. Shoreline development and use regulations address bulk and dimensional characteristics, site planning, vegetation conservation, shoreline stabilization, docks and moorage, public access, views and aesthetics.

The current shoreline regulations were adopted over 20 years ago. They need to be updated to fit current conditions and the community's vision for the future, as well as to be consistent with new State guidelines for Shoreline Master Programs.

## PUBLIC FORUM

September 18, 2006 (Monday)  
6:30 PM – 9:15 PM

OR

September 30, 2006 (Saturday)  
8:30 AM – 11:15 AM

**Location:** Council Chambers in Kirkland City Hall, 123 Fifth Ave.

The Sept. 18 and Sept. 30 forums are identical, so you need only attend one. The forums will be videotaped for later broadcast on TV channels 21 or 75. *To help us accommodate everyone with interest, please RSVP to the project manager (see panel to the right).*

## PUBLIC TOUR

September 30, 2006 (Saturday)  
1:00 PM – 4:00 PM

Attend the tour of water-shed-friendly shorelines to see examples of innovative design, construction, and landscaping methods for waterfront properties.

**Tour bus departs from the north side of City Hall.** See the tour broadcasted later on TV channels 21 or 75. *To help us accommodate everyone with interest, please RSVP to the tour coordinator at [dnatelson@gmail.com](mailto:dnatelson@gmail.com) or (425) 226-7180*

## DIRECTIONS TO KIRKLAND CITY HALL:

123 Fifth Avenue  
Kirkland, WA 98033

Kirkland City Hall is located just north of downtown Kirkland on Fifth Avenue, one block east of Market Street.

**From I-405:** Take Exit 18 and follow the Kirkland signs. Go down hill on 85<sup>th</sup> headed west toward Lake Washington. At the third traffic light from I-405, turn right (north) onto Third Street, proceed two blocks then turn left (west) onto Fifth Avenue. City Hall is located two blocks west at 123 Fifth Avenue.

## Website

Learn more and sign up to receive e-mail updates on the Shoreline Master Program at:

[http://www.ci.kirkland.wa.us/depart/Planning/Plans\\_and\\_Projects/Shoreline\\_Master\\_Pogram.htm](http://www.ci.kirkland.wa.us/depart/Planning/Plans_and_Projects/Shoreline_Master_Pogram.htm)

## REVIEW AND COMMENT ON THE DRAFT SHORELINE INVENTORY

The shoreline inventory is a first step in the Shoreline Master Program update. This document is available at the project website (see above) for public review and comment from September 1 – October 15, 2006. Hard copies available upon request from the project manager (see below)

## QUESTIONS? SPECIAL NEEDS?

Contact **Patrice Tovar**  
*Project Manager*  
[ptovar@ci.kirkland.wa.us](mailto:ptovar@ci.kirkland.wa.us)  
P: (425) 587-3225  
F: (425) 587-3232  
Department of Planning and Community Development  
123 Fifth Avenue  
Kirkland, WA 98033

## COMMENTS?

Submit your comments to the project manager (see above) in writing via e-mail, mail, or fax.

**PLEASE PASS THIS INFORMATION ON TO ANYONE WHO MAY BE INTERESTED.**

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
**Updating the Shoreline Master Program**

## **THE PUBLIC FORUMS**

Monday, 18 September 2006, 7:00 – 9:15 p.m.  
Saturday, 30 September 2006, 9:00 – 11:15 a.m.

# **SUMMARY**

## **OF KEY THEMES, ISSUES AND CITIZENS' SUGGESTIONS**

by Jim Reid, The Falconer Group, Facilitator of the Forums

### **THE FORUM'S GOALS**

These were the primary goals of the two public forums sponsored by Kirkland's Department of Planning and Community Development to introduce to the public the update of the City's Shoreline Master Program: 1) Hear from the City about why this project is required and needed and what issues it may address; 2) Advise the City on what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project; and 3) Identify the City's and stakeholders' common interests in protecting the City's waterfront.

### **WHO ATTENDED THE FORUMS?**

In total 28 citizens attended the two forums, 14 at each one. Of these, three people live on Lake Washington and one lives outside the City in its Potential Annexation Area (PAA). At the Saturday morning forum over half the audience identified themselves as residents of the City for more than thirty years.

### **THE FORUMS' AGENDA**

To understand the process used at each forum to present information and solicit citizens' perspectives, opinions and recommendations, please see the forum agendas that are attached at the back of this document.

**KEY INTERESTS THE UPDATE SHOULD ACHIEVE**

Staff articulated for the citizens these five primary interests of the City:

- Provide a healthy environment along the shoreline to enable current and future generations to enjoy using it.
- Provide a healthy environment along the shoreline to preserve fish and wildlife and their habitats.
- Protect the City's investments as well as those of property owners along and near the shoreline.
- Produce an updated Shoreline Master Program (SMP) that is supported by Kirkland's elected officials, citizens, property owners and businesses, the State of Washington, and other key interest groups with an interest in the shoreline.
- In updating the SMP, efficiently achieve the mandates of the State.

At the forums there was citizen support of these interests. The people attending the forums articulated these additional interests and goals (there was no effort made to achieve consensus on these):

- Provide education, incentives and outreach to motivate or enable homeowners, property owners to be partners in implementing the updated SMP.
- Encourage restoration and coordinate ecological enhancement/restoration of City-owned properties with that on adjacent private waterfront properties.
- The City should proactively take actions to facilitate substantial changes for ecological improvement along the Kirkland waterfront, rather than wait for a few owners to voluntarily make improvements in a piecemeal fashion. Consider working with a group of owners of contiguous properties to facilitate efforts to ecologically improve a section of shoreline.
- Offer flexibility in design or design options for achieving the mandates of the SMP; e.g., when bulkheads are removed, allow for some of the new slope to be land, rather than requiring that it all become lake. Also consider reducing setbacks from the street to increase the setback from the lake.
- Simplify processes or ensure City permitting rules, regulations and requirements do not make it more difficult to achieve the goals and objectives of the SMP. Explore the possibility of the City providing sample plans for preferred dock designs.
- Recognize differences in the shoreline to ensure that solutions are tailored to individual and unique circumstances and conditions.
- Coordinate with other local and regional governments to ensure consistent rules and requirements, and to benefit from others' efforts that have proven successful. A "process" example: the City could learn from the Department of Ecology's adoption of Port Townsend's SMP. A "design" example: Mercer Island provides preferred dock design plans to assist anyone who is building a dock.

**ISSUES TO ADDRESS IN THE SMP UPDATE**

These are issues (and, perhaps, potential solutions) that were suggested during the forums for inclusion in the SMP update:

1. Address stormwater impacts on water quality and shorelines, particularly turbidity following storms and the impacts of vehicular oil and other pollution that drains untreated effluents into Lake Washington.

2. Encourage “low impact” development practices to decrease adverse impacts in areas that are outside the SMP but impact it.
3. Educate boaters about the impacts on fish and water quality of tossing their garbage into the water.
4. Manage milfoil and other invasive aquatic vegetation.
5. Address the impacts of construction activities on water quality and the shoreline.
6. Assess the City’s zoning requirements, such as those pertaining to how far from the street a house must be, to ensure that we are not inhibiting efforts to restore shorelines on private property.
7. To improve Lake Washington’s water quality, the City should charge more for moorage at marinas on the lake and offer free “pumping” services. Improving moorage and related dock services could attract overnight boats and benefit Kirkland’s economy.
8. Enhance habitat for fish and wildlife. For example, when the City takes down trees in public parks, make sure to replace them, particularly if they are close to the shoreline and, therefore, provide shading for fish.
9. Work with the State to find the funding for public education.
10. Work with other jurisdictions, such as Seattle, to assess impacts on the shorelines from activities across the lake (e.g., milfoil and litter), and join together to reduce those impacts.
11. Provide a wider range of incentives for people to restore their shorelines or engage in other activities which help achieve the City’s goals for preserving and protecting the shoreline.
12. With redevelopment or new construction, require a “softer front” on the shoreline.

#### **WHAT STAKEHOLDERS VALUE ABOUT THE LAKEFRONT**

The citizens who attended the two forums said that they most value these qualities and characteristics of Kirkland’s Lake Washington waterfront:

1. Great public access to the lake.
2. Good water quality.
3. A fairly low percentage of the waterfront has bulkheads, considering that it is “urban” lake.

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
**Updating the Shoreline Master Program**

**PUBLIC FORUM**

Monday, 18 September 2006

6:30 – 9:15 p.m.

Kirkland City Hall 123 Fifth Avenue

**THE FORUM’S GOALS:**

1. Hear from the City about why this project is required and needed and what issues it may address.
2. Advise the City on what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project.
3. Identify the City’s and stakeholders’ common interests in protecting the City’s waterfront.

\* \* \* \* \*

**6:30 – 7:00 p.m.**

- *Refreshments will be available for your enjoyment.*
- *Materials describing the plan update process and substantive issues will also be available, as will cards upon which you can write questions or comments about the issues and process. During the meeting some of these questions will be addressed. Those that are not due to lack of time will be included in the meeting summary and considered when finalizing the project’s scope.*

\* \* \* \* \*

I.	<b>7:00</b>	Welcome, Introductions, Review Goals and Agenda	Jim Reid, Facilitator
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II.	<b>7:10</b>	Why Update the Shoreline Master Plan Now?	Mayor Jim Lauinger
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- III. **7:15** Presentations: Issues and Challenges in Protecting Kirkland's Shoreline
- *How has Kirkland's shoreline changed?* Michael Cogle
  - *What benefits can a shoreline provide?* Michael
  - *How well is Kirkland's shoreline providing those benefits?* Patrice Tovar
  - *From experiences around Lake Washington and elsewhere, what changes in managing shorelines have helped improve fish and wildlife habitat?* Amy Myers
  - *What might the City do to increase Kirkland's shoreline benefits?* Patrice
  - *What process does the City envision to update the SMP, including involving key stakeholders in defining issues, problems and potential solutions?* Patrice/Joe Burcar
- 8:00** Break
- IV. **8:10** Stakeholders' Questions, Concerns and Advice Everyone
- *Are there any questions about what the panelists said to clarify or elaborate on their remarks?*
  - *What is important to you about the City's waterfront?*
  - *What issues do you advise the City to consider during the update of the SMP?*
- V. **9:05** Summarize Key Themes from Tonight's Discussion
- *What were some of the key themes of the discussion, including our common interests.*
- VI. **9:10** Next Steps in Our Process Patrice Tovar,  
Project Manager
- 9:15** Adjourn

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
**Updating the Shoreline Master Program**

# PUBLIC FORUM

Saturday, 30 September 2006  
8:30 – 11:15 a.m.  
Kirkland City Hall 123 Fifth Avenue

## THE FORUM'S GOALS:

1. Hear from the City about why this project is required and needed and what issues it may address.
2. Advise the City on what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project.
3. Identify the City's and stakeholders' common interests in protecting the City's waterfront.

\* \* \* \* \*

### **8:30 – 9:00 a.m.**

- *Refreshments will be available for your enjoyment.*
- *Materials describing the plan update process and substantive issues will also be available, as will cards upon which you can write questions or comments about the issues and process. During the meeting some of these questions will be addressed. Those that are not due to lack of time will be included in the meeting summary and considered when finalizing the project's scope.*

\* \* \* \* \*

- |     |             |   |                          |
|-----|-------------|---|--------------------------|
| I.  | <b>9:00</b> | Welcome, Introductions, Review Goals and Agenda | Jim Reid,<br>Facilitator |
| II. | <b>9:10</b> | Why Update the Shoreline Master Plan Now?       | Mayor Jim Lauinger       |

- III. **9:15** Presentations: Issues and Challenges in Protecting Kirkland's Shoreline
- *How has Kirkland's shoreline changed?* Michael Cogle
  - *What benefits can a shoreline provide?* Patrice Tovar
  - *How well is Kirkland's shoreline providing those benefits?* Dan Nickel
  - *From experiences around Lake Washington and elsewhere, what changes in managing shorelines have helped improve fish and wildlife habitat?*
  - *What might the City do to increase Kirkland's shoreline benefits?* Patrice
  - *What process does the City envision to update the SMP, including involving key stakeholders in defining issues, problems and potential solutions?* Patrice/Joe Burcar
- 10:00** Break
- IV. **10:10** Stakeholders' Questions, Concerns and Advice Everyone
- *Are there any questions about what the panelists said to clarify or elaborate on their remarks?*
  - *What is important to you about the City's waterfront?*
  - *What issues do you advise the City to consider during the update of the SMP?*
- V. **11:05** Summarize Key Themes from Tonight's Discussion **Error! Reference source not found.**
- *What were some of the key themes of the discussion, including the common interests of the City and stakeholders?*
- VI. **11:10** Next Steps in Our Process Patrice Tovar,  
Project Manager
- 11:15** Adjourn

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**Updating the Shoreline Master Program****PUBLIC FORUM****BIOGRAPHIES OF TONIGHT'S PANELISTS**

**PATRICE TOVAR** has been a professional planner for the City of Kirkland for 17 years. For the last nine she has specialized in long-range environmental planning. She has served as project manager for the City's Critical Areas Ordinance update and Natural Resources Management Plan. She is a member of the City's Interdepartmental Natural Resources Management Team that coordinates Kirkland's environmental policies, programs and codes. Patrice represented Kirkland in a multi-stakeholder process that developed the Sammamish/Lake Washington/Cedar River Watershed (WRIA 8) salmon conservation plan.

A graduate of Stanford University and the University of Washington, one of her degrees is in Landscape Architecture. In addition to her public service, Patrice has worked for private landscape architecture, planning and engineering firms.

**MICHAEL COGLE** is the City of Kirkland's manager of Park Planning and Development. For the past several years he has overseen all City parks projects funded by the 2002 Kirkland Park Bond, including the completion earlier this year of the Juanita Beach Park Master Plan. Michael has served in the City's Parks and Community Services Department for over twenty-three years.

**AMY MYERS**, Wetland/Wildlife Biologist at The Watershed Company, received Bachelor of Science degrees in Zoology and Environmental Science from Washington State University in 1997. She has over nine years of experience in environmental consulting, providing expertise in Biological Evaluation (BE) preparation, shoreline inventories, critical area regulations review and preparation, and wetland study and permitting support.

**JOE BURCAR** serves as a shoreline planner within the Shorelands and Environmental Assistance (SEA) Program of the Washington State Department of Ecology at its northwest regional office in Bellevue. He is responsible for reviewing shoreline permits within King County and helping implement and maintain the Shoreline Master Program. In addition to his work for DOE, Joe teaches the Shoreline Management class in the State Coastal Training Program.

Joe was born and raised in Gig Harbor. He has a strong connection to Puget Sound through his heritage—his grandfather was a commercial fisherman—and through sports—he has been a competitive sailboat racer for over twenty-five years. He is a graduate of the Huxley College of Environmental Studies at Western Washington University. Before coming to Ecology, Joe worked for the Island County Planning Department, Washington State Department of Fish and Wildlife and City of Tacoma.

## **ATTACHMENT 7**

Page 1 of 1

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### **Updating the Shoreline Master Program**

## **PUBLIC FORUM**

### **BIOGRAPHIES OF TONIGHT'S PANELISTS**

**PATRICE TOVAR** has been a professional planner for the City of Kirkland for 17 years. For the last nine she has specialized in long-range environmental planning. She has served as project manager for the City's Critical Areas Ordinance update and Natural Resources Management Plan. She is a member of the City's Interdepartmental Natural Resources Management Team that coordinates Kirkland's environmental policies, programs and codes. Patrice represented Kirkland in a multi-stakeholder process that developed the Sammamish/Lake Washington/Cedar River Watershed (WRIA 8) salmon conservation plan.

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## Tour of Innovative Shoreline Design

After the City of Kirkland Shoreline Masterplan Update Forum  
**Saturday, September 30, 2006, 1-4pm**  
Tour begins and ends at Kirkland City Hall

*See great examples of living with the lake, not just on it*

See on-site examples some of the recommended changes in the way we design and build our shorelines by attending the “fieldtrip” portion of the forum. Attendees of the tour will visit lakeshore properties to see

- where older designs which once employed vertical wall bulkheads or rip-rap have been replaced by terraced coves and beaches
- shorelines that are now more accessible and safer for the family and pets
- how proposed changes enhance wildlife
- shoreline plantings that add interest to the yard without sacrificing views
- innovative design and construction methods that have reduced impacts to Sensitive areas (steep slopes) when trying to access the shoreline
- and learn from the experiences of other shoreline property owners

**To register or for further information, please contact Debbie Natelson at [dnatelson@gmail.com](mailto:dnatelson@gmail.com) or 425-503-9024.**



ATTACHMENT <u>8</u>
<u>S.M.P. July 25, 2007</u>

**Report on the**  
***Tour of Innovative Shoreline Design***  
**September 30, 2006**

**City of Kirkland**  
**Shoreline Master Program Update**



**Prepared by**  
**Deborah Natelson, coordinator of tour**

***Public Outreach \* Environmental Education \* Community Involvement***  
***Shoreline Stewardship***

dnatelson@gmail.com 425-503-9024

On September 30<sup>th</sup>, 2006 twenty-three people participated in a *Tour of Innovative Shoreline Design* along the Lake Washington waterfront. The three-hour tour featured two residential shorelines and one public dock and swimming beach. Attendees were shoreline property owners, including members of the Shoreline Property Owners & Contractors Association known as SPOCA; land-use planners; environmental engineers; landscape designers; fisheries biologists; environmental educators; members of the Audubon Society; and staff videographers and other citizens.

The intent of the tour was to show examples of the types of development that are likely to be considered during Kirkland's Shoreline Master Program Update. Most of Kirkland and the potential annexation areas' shorelines are already developed, so the updates to the plan that might affect shoreline property owners and lakeshore businesses are those involving shoreline structures like docks, boat houses, and bulkheads. With this in mind, the City of Kirkland wanted to offer some good – and already built – examples of alternative designs and construction methods.

Updates to the Shoreline Master Program will also have to consider construction within and access to the lake through environmentally sensitive areas such as steep slopes, wooded greenbelts, and areas prone to landslides. The Tour of Innovative Shoreline also provided examples of design and construction methods that minimized impacts to sensitive areas.

It is important to be aware of the innovative designs and construction methods featured on the tour because they illustrate many of our State and Federal agencies' newer requirements. The requirements have been changing to better protect Chinook salmon, which were officially listed as a threatened species. Since Chinook rear their young along Lake Washington's shoreline, fish-friendly designs and construction methods will be an issue for consideration as Kirkland updates the Shoreline Master Program. Attention to this issue will be necessary to meet the community's objectives for environmental stewardship and for a timely and predictable permit process, as well as the City's legal responsibilities under the US Endangered Species Act

Potential concerns about proposed changes to the Shoreline Master Program held by shoreline property owners and businesses are:

- Will changes limit my access to the water?
- What will my shoreline look like aesthetically?
- Will my views be blocked or compromised?
- Will my use of boats be denied?
- Do we have a way of assessing the benefits of these changes?

The shoreline design tour was designed to address these concerns.

## **Bios: Tour Coordinator and Invited Speakers**

**Deborah Natelson** has nearly 20 years experience in environmental education and community

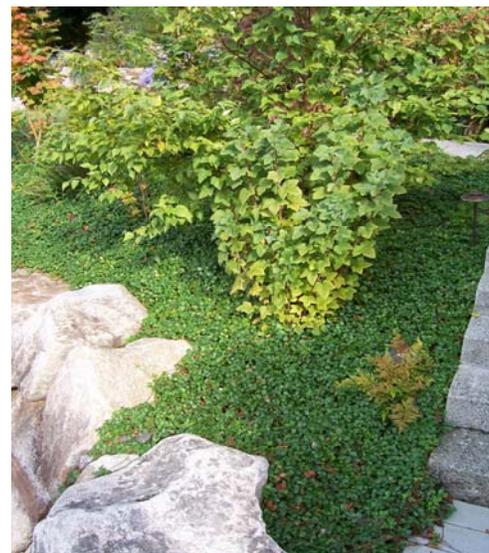
Deborah Natelson

*Public Outreach \* Shoreline Stewardship \* Environmental Education \* Community Involvement*

involvement. She received her Bachelors in Marine Biology from Brown University and her Masters in Landscape Architecture from the University of Washington. She recently served as the Education and Stewardship Coordinator for WRIA 8, the Lake Washington/Cedar/Sammamish Watershed (within which Kirkland lies) developing outreach strategies for the recently adopted *Chinook Salmon Conservation Plan*. During this tenure, Debbie developed and conducted a series of workshops for shoreline property owners along Lakes Washington and Sammamish. The focus of these “Lakeside Living” workshops was on shoreline landscape design; docks; bulkheads and alternative design opportunities. Debbie has also conducted many workshops on natural yard care for the King County Natural Yard Care Neighborhoods programs.

**Dan Nickel**, Environmental Engineer at The Watershed Company, received a Bachelor of Science degree in Biology from Pacific Lutheran University in 1993 and a Masters of Science degree in Environmental Science from the University of Washington’s Civil and Environmental Engineering Program in 2000. He has been working for The Watershed Company since 2001, providing expertise in the assessment and design of semi-natural shorelines in urban areas, permitting under the Endangered Species Act, including the preparation of biological evaluations, shoreline inventories, critical area regulations review and preparation, and stream/wetland reconnaissance and delineation.

**Julian (Jules) Durant**, an environmental design-build consultant, speaker, and designer has worked with The Hendrikus Group for over 15 years. As Director of their Soils Division, Jules has not only pioneered new approaches to designing with engineered soils, but has been working towards raising public awareness about the important role of soils in shoreline design and construction. He has won national acclaim for his designs that integrate planting, theater style lighting design, stone work and masonry, along with sustainable ways of working with soil. Jules has developed practical strategies for soil-based restoration and reforestation efforts for individual home owners, communities, and professional colleagues alike. He has over 30 years “hands-on” experience in construction, grading, irrigation, erosion control, as well as project management and estimation.



Deborah Natelson

*Public Outreach \* Shoreline Stewardship \* Environmental Education \* Community Involvement*

## THE TOUR

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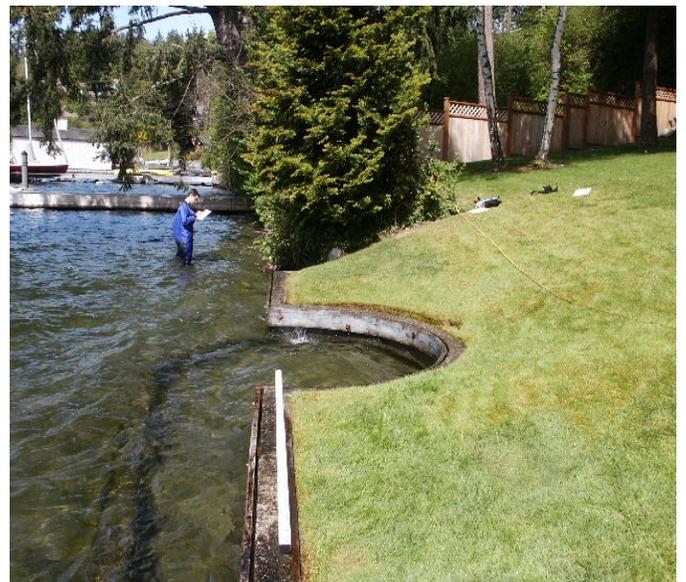
**Site 1: A uniquely large double lot in with over 200 feet of continuous shoreline, Bellevue.** Shoreline Design and Biological Evaluation by The Watershed Co.

This impressive makeover demonstrated a winning combination of creative vision, innovative design, and skillful craftsmanship. Seeing the site before and after renovation, it's hard to believe it is the same yard. Though the homeowners had a luxurious amount of lakeshore footage, they felt frustrated that most of it was underutilized for their family's needs. They simply wanted a lakeshore yard that was safe for young children "and anyone wanting to swim along their beach without being slammed into the bulkhead." They also needed a shoreline that was safe for their dogs; provided easy access to the water; and easy access for small boats.



### Pre-existing Conditions:

- Deteriorating wood and concrete bulkhead
- Failing storm sewer line with broken sewer pipe and concrete rubble
- No safe access to water, especially for young children and pets
- Deep water with steep drop off (as typically results from vertical wall bulkheads)
- Violent wave action exacerbated by vertical wall bulkhead (nothing to absorb wave energy causing increased in amplitude and scouring action)
- Expansive lawn extending down to waters edge, but underutilized since steeply sloped (challenge for children playing ball as it would roll directly into lake without any



Deborah Natelson

*Public Outreach \* Shoreline Stewardship \* Environmental Education \* Community Involvement*

buffer)

- Lack of privacy, like living in fish bowl
- Typical, but uninteresting looking lakeshore yard
- Lack of fall color
- Lack of wildlife

**Site features provided by redevelopment:**

- 1 The traditional concrete vertical-wall bulkhead was removed and replaced with a gradually sloping gravelly beach
- 2 The beach access with shallow gradual slope created safe access for young children and pets
- 3 The yard (much of which was formerly considered unusable by owners) was pulled back from the shoreline to create two distinct coves, each with a different look and feel: one more formal, bordered by dry-stack stone walls; one a sandy, more recreational “beach”
- 4 A native vegetative buffer was installed along the shore
- 5 The addition of a nurse log, cedar stumps, and shoreline vegetation provided habitat for wildlife and effectively softened the hard edges produced by the rocky coves and walls
- 6 Efforts were made to retain as many of the large existing trees as possible and to prevent damage to their root systems during construction
- 7 The gravity fed storm sewer line on this property was also upgraded.



**A nurse log supports lush vegetation**



## **QUESTIONS ASKED BY TOUR PARTICIPANTS**

**What was the cost of this redevelopment?** (from a Kirkland shoreline property owner)

*Owner said the cost was in upwards of \$200,000, closer to \$250,000. However, she pointed out that this was for a double-sized lot, included many upland improvements such as an outdoor shower and all the plumbing necessary to bring water down to this level, lighting, electrical, fireplace, stone steps, hand laid dry-stack wall, and complete landscaping along shore and whole backyard. This price also included architectural design services, environmental and engineering consulting, and permit fees.*

The consensus from the crowd of tour participants was that this was a very good deal. They expected it to have cost more and considered it excellent value for all the amenities provided.



**How the shoreline survived the past years big storms? Was the yard in place for more than a year?** (by a concerned Juanita Bay resident)

*Yes, the yard has been in place since 2001. All were pleased to hear that the shoreline stood the test of Mother Nature. No storm damage and no erosion that they can detect.*

**What would owners do differently (if anything)?** (from a Kirkland shoreline property owner)

*Nothing that really had to do with the shoreline design. Owners' only change would be to site the fireplace located up above such that it faced out toward the lake more.*

**Would they have liked a larger, more contiguous beach?** (by Kitty Nelson, fisheries biologist for NOAA, the National Oceanic & Atmospheric Administration)

Initially (during the planning phase), the owners thought they wanted a more traditional flatter yard, but did not feel it was worth sacrificing the large trees along the shore to make a continuous beach. To save the trees required dividing the shore up into two separate areas, one a flat sandy beach, the other a beach cove enclosed by a more formal *dry-stack stone wall*.

After construction and finding out how enormously useful these “outdoor living rooms” became, owners had no regrets about not having a large continuous beach – or a flatter “sport court” type of yard. A bigger beach would not have been worth losing the big conifers that “add such character to the yard.” Owner claimed that none of the installed or maintained vegetation has in any way impacted their views.



Two very different coves were created along the shore, one a sandy beach cove, the other a more formal lakeshore garden, bordered with a dry-stack wall and mature canopy of trees

**How do you quantify the benefit environmentally? It is obvious to us that this design serves the needs of you, the homeowners quite well, but how do you measure benefits to the environment that the Shoreline Master Plan is trying to achieve? Is it even possible? Do you count fish or what? Do you see more turtles? See more wildlife?** (by Kirkland shoreline property owner and member of SPOCA, the Shoreline Property Owners & Contractors Association member.)

This question generated various responses.

Debbie Natelson, the shoreline tour coordinator and Kitty Nelson both offered some insight. They described some of the **needs of juvenile salmon that share the lakeshore with human homeowners**. Young salmon, which rear along the shorelines of Lake Washington for months as they make their way out to sea need:

- shallow water at the shoreline to provide protection from predators
- small substrate size such as sand or gravel; large rocks harbor predators
- removal or minimization of
  - armored dock pilings where predators lurk
  - elements that cause sharp shade/shadow lines which force young salmon out into deeper water where predators reside

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- shoreline vegetation to provide a source of food (native invertebrates and leaf litter), shade, and shelter

Dan Nickel, the environmental engineer for this project agreed that it may appear somewhat subjective, but there are “more easily measurable ways of defining benefits” when dealing with docks and overwater structures. Parameters like the amount of light transmission through a dock surface; reduction in sharp shade and shadow lines; and spacing between pilings can be measured for these structures. The results are influenced by design.

We can measure benefits to the environment by the amount of changes in habitat generated by shoreline designs. By knowing the habitat needs of juvenile salmon and other aquatic life, we can assess the effectiveness of shoreline design by the habit features they produce – or prevent. For example, if a vertical wall bulkhead results in a steeply sloping beach with deep water and violent wave action, but a terraced cove produces a shallow sloping beach favored by young salmon, then we can measure the benefit to the environment in terms of the desired habitat features that result from our shoreline design practices.

**How does one go about planning for shoreline design? With so many decisions, how do you avoid being overwhelmed?** (by a Kirkland resident with a lakeshore lot he has yet to build upon). The toursite host replied, You have to decide upfront what your needs and priorities are and then work from there. For example, in their case they were looking for safety for children and pets, preserving existing vegetation, and increasing the use of their sadly underutilized yard. Having clear goals in mind made the design decisions easier to reach.

### **Overall Tour Participant Response**

- Visitors were rather impressed by the stylish design and extreme usability afforded by the new layout of the redeveloped shoreline.
- They liked the creative reallocation of the space and the possibilities afforded by departure from typical yard design (continuous lawn extending all the way to water’s edge).
- Tour participants were pleasantly surprised by the variety and appeal of the native vegetation planted along the shoreline.
- They were also impressed by size of shoreline, but this site had the luxury of being a double lot, providing 210 feet of continuous shoreline. While impressive, tour participants noted that this was not typical of most Kirkland lots.



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## Site 2. A steep site along a heavily wooded bluff above Lake Washington, Medina. Shoreline Design and Construction by The Hendrikus Group

As development pressures increase there will be more of a tendency to try to build along sensitive areas, especially steep/landslide prone slopes. Some of Kirklands' potential annexation areas fall into this category.

Tour Site 2 is *on* Lake Washington, but the house is located at the top of a very steep and heavily wooded bluff. Properties like that typically gain water access via staircases that switchback widely across the face of the bluff (in order to accommodate the steep grade), or via a tracked tram that cuts a permanent swath of woody (slope-holding) vegetation below the tracks and cab. The impacts posed by these types of shoreline access are not only physical, but visual as well. The City of Medina has been concerned about the amount of visual clutter that development and access to lakeshore could produce.



The Medina tour site provided an example of shoreline access that has been attained with minimal physical or visual disturbance. This access was achieved by the combination of a suspended cable car and a foot path/stair system that “floats” over the terrain rather than having been carved into the slope.

As in the first tour property, this site also provided an example of a lakeside lawn and vertical-wall bulkhead replaced by a sandy beach cove. The shoreline area here was smaller in scale however, perhaps more typical of a Kirkland area yard.

### Little Cable Car in the Woods



The standard means of travel that the family employs to get up and down from the lake is a motorized cable car, which had been part of the site for many years. The cable car does not ride along the slope on tracks as is typical of many tram systems but instead, is suspended in the air, snaking through the canopy of the trees, leaving shrubs and roots intact on the slope below. Vegetative clearing has been limited to just the landing areas at top and bottom of the bluff, plus a small “aerial tunnel” (about 10' in diameter) up in the canopy of the trees, to give clearance to the cable and passenger car.

Though native vegetation such as cascara, ferns, and snowberry are planted under the tram, some of the tour attendees noticed that there was also lot of ivy carpeting the

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ground as well. The property owners -- previously unaware of ivy's invasive nature -- are pleased by the success of the natives that were planted as an alternative ground cover along their hillside and are now receptive to trying to introduce more of these in lieu of ivy

### **The Living Staircase**

While the cable car has been on the site for many years, the owners of Site 2 recently wanted to install a non-motorized trail system to provide them with backup access should there be a power failure or mechanical breakdown. A traditional stair system would not be permitted through such sensitive areas.

In order to get a variance the designers had to demonstrate that the proposed access system would not:

- Significantly reduce slope vegetation
- Cause additional runoff
- Cause slope/soil erosion
- Contribute to a catastrophic event such as a landslide

The alternative access design was to construct a stairway system that effectively “floated” along existing contours rather than altering the grade. Difficulty or sacrifices would be borne by humans and not the land. This design also employed the use of engineered soils that are designed to completely absorb runoff and avoid erosion.

- The top section of the slope was constructed of grated aluminum treads, that allowed the maximum amount of light and water to pass through, thus enabling plants to quickly grow underneath and reduce the amount of soil disturbance.
- Wooden steps following the rest of the slope similarly had to conform to the existing contours. The aim was to have humans accommodate nature instead reengineering nature for people's convenience.
- Each step is almost like a small raised planter
- The treads of each step were filled with the engineered soils specifically designed to increase infiltration and be completely non-erosive. This “Living Soil,” as described by the designers/contractors, was also engineered to grow plants quickly which in turn, would further stabilize the slope

The resulting staircase occupies a much narrower footprint and is more akin to a goat trail than a typical hillside staircase. As it is much steeper than more traditional lakeside stairways, we wondered how the tour participants would react. While there was some huffing and puffing on the ascent back to the top, most of the tour-goers appreciated it as a great form of exercise (that they didn't have to pay a healthclub to use). Participants appreciated the visual unobtrusiveness and apparent reduced impact

### **Renovation at the water's edge**

Like the tour hosts of Site 1, the owners of Tour Site 2 have young children and pets so safer access to the water was an important issue. They also had a failing retaining wall and an underutilized yard with lawn extending to the water's edge.



At the water's edge, the soggy, unhealthy lawn and deteriorated vertical-wall bulkhead were removed and replaced with:

- A shallow grade gravelly cove
- A sandy beach
- Steep drop-off corrected; bottom substrate regraded and replaced with size and texture preferred by juvenile salmon (this sand or gravel will have to be replenished periodically)
- Submerged rock ledges, installed to help absorb energy and keep substrate in place
- Native overhanging vegetation planted along edge with tree snags for enhanced habitat
- Stone stairs leading up to a new mid-level lawn that is organically maintained

In order to build a cove and beach, both the property owners at Site 1 and Site 2 had to agree to pull back the shoreline. This at first may be perceived as “giving up land,” but owners soon appreciate that they are instead, gaining a much more useful landscape. It is different than a traditional lakeside lawn, but in both cases proved to be much more useful.

### **Design elements used to prevent erosion and minimize soil disruption**

Julian Durant, the co-designer and builder of Site 2 renovations reiterated to tour participants that successful implementation of the proposed shoreline designs hinged upon the **use of good soil**, which was incorporated



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in everything from the top of the bluff down to the rocks lining the beach cove. This was necessary to prevent erosion, increase infiltration, and enable the plants on slope to grow quickly and further stabilize the slope.



**Vegetation softens rockscapes adding color and style to garden**

### **Softening hardscapes with vegetation**

The owners of this site, although they could not be present, wanted people to know how great a difference the addition of vegetation around the rock boulders made. Upon first seeing the cove built, but devoid of any vegetation, they thought to themselves, “Oh no, what have we done? Did we just ruin our property?” The rockery plants became established quickly, due to the addition of specially engineered soils and then the owners became enthralled with their new shoreline landscape.



### **Protecting Shoreline Vegetation**

Saving the big leaf maple at the shoreline was an important goal of the design. The tree could have been damaged during the process of removing the bulkhead and constructing the stone cove. Preserving this majestic tree was achieved by a variety of techniques:

- 1 Protecting roots (especially small hair roots) from damage
- 2 Keeping backhoes and excavation equipment away from roots
- 3 Reducing stress on roots and tree during construction by keeping the temperature cool and constant (e.g. use cool wet burlap to cover roots on hot dry days)
- 4 Further protecting with mulch/compost layer (insulation and microbial action helps to fight disease and pests that could prey upon weakened immune system)

## **Questions and comments posed by the tour participants**

**Should dock material also be made out of metal like the aluminum staircase at top of slope?**  
(by a Juanita Bay shoreline condominium resident)

This question was referred to Kitty Nelson. While she did not recommend docks be made of aluminum per se, she did advise that the most important considerations in designing a dock are that they:

- Be as “invisible” as possible to fish and other wildlife
- Maximize light permeability
- Reduce sharp shade lines which force young salmon out into deeper predator laden waters, increasing the clearance between the dock water’s surface, by avoiding the use of vertical fascia boards, and by using open decking surface
- Increase the span between pilings

**Will the geotextile fabrics used under the imported soil help to prevent sink holes and are they muskrat proof?** (by the same Juanita Bay resident). Julian Durant, confirmed that they could, though some might require the additional of metal mesh.

**Do you need a permit to make shoreline changes below Ordinary High Water Mark or is it just outside of your property line?** (a Kirkland resident who has not yet begun construction or design on his shoreline property). Dan and Julian both reiterated that permits are necessary for changes below OHWM. Dan also explained that for Lake Washington, OHWM is a manmade designation set by the US Army Corps of Engineers, as they control the water level at the Chittendon Locks. Whereas in Lake Sammamish, OHWM varies with the natural hydrograph.

**Should we add large boulders and stones to the shoreline – and would we need a permit to do so?** (Kirkland shoreline resident) They were advised to always ask the City before making changes to the shoreline and that a permit would be required for changes-- including additions of rock – made below Ordinary High Water Mark.

Debbie Natelson tried to clarify some of **the confusion about the benefit or problems associated with large rocks or boulders**. Large rocks at the water’s edge, like riprap or a rock bulkhead sited below OHWM provide perfect hiding places for predator species such as bass and sculpin. These fish prey heavily on juvenile salmon, especially threatened Chinook. However, Dan Nickel added that large rocks are, a good thing to have further out, under the water as they help in absorbing some of the wave energy.

**Why all the emphasis on salmon? Why not on other species such as ducks?** (by another member of SPOCA, who is also a Kirkland shoreline owner). Kitty Nelson explained that Chinook salmon have been listed as “Threatened” under the Federal Endangered Species Act. And thus, governments are legally required to try to protect them. She also mentioned that Steelhead Trout would soon be similarly protected due to their threatened status.



Kitty further provided homeowners with the five most important elements that NOAA is looking for when submitting shoreline development plans for review. She encouraged applicants to address these conditions within the first 30 of the shore:

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1. Shallow gradient-- provide conditions that maintain or produce it
2. Small substrate such as sand or gravel
3. Avoid big rocks such as riprap where predators can lurk
4. Site bulkheads up high, above the splash zone and OHWM
5. Overhanging native vegetation at the waters edge to provide hiding places for juvenile fish and a source of food (bugs and leaf litter)

**Speaking of predators, do bass prefer non-native plants such as the white water lilies she sees off her shore?** (from a Kirkland shoreline resident). Kitty Nelson explained that invasive predator species such as bass, do indeed associate with non-native plant species. Therefore, make efforts to remove invasive plants and replace with natives. The native water lily for Lake Washington is the smaller yellow flowered variety.

With reference to non-native plants, Kirkland resident and former City Council member commented **that some of the vegetation around the rock cove was not native, though she was relieved that none of it was invasive.**

### Overall Tour Participant Response

- The cable car provided an access solution that was aesthetically pleasing and fun
- The stairs, though steep, were worth the extra work in terms of the reduced environmental and visual impact
- The cove was an attractive landscape feature and made the shoreline seem more useful

### **SITE 3. Public Dock & Swimming Beach, Road End Beach Park, Town of Yarrow Point**, designed by Jongejan, Gerrard, and McNeal.



The tour concluded with a brief visit to the public dock and swimming beach known as Road End Park on the northwest tip of Yarrow Point. The Town built the dock and beach largely to accommodate the shoreline access needs of residents who live within Yarrow Point, but not on the water. Located at the site of the old ferry dock (though no remnants were left of dock), the new dock employed the use of alternative decking materials which allowed wider spacing of decking and more light transmission.

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The dock features:

- A high-tech fiberglass deck materials that is lighter than traditional wood decking, requiring less substructure
- Easy on feet, non skid yet no splinters
- Low maintenance
- Greater light permeability through wider slat width and thinner decking
- Dock surface built higher up off the lake surface, allowing more light to enter below
- Vertical fascia boards that would normally be an undesirable feature because of the shadows that they cast, but the height of the dock (4') off the water surface made this less of a problem.
- A wider width than what NOAA would prefer, but since it serves as a public dock it needed to accommodate many more users. It is appropriate for it to be wider.
- No dark shadows or sharp shade lines below
- Pilings spaced farther apart



The net effect of this dock has been to reduce the areas where predators would typically lurk beneath it and the conditions that force salmon out into deeper water (where other predators lie).

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Tour participants appeared to be impressed with the aesthetics of the dock; the clean lines, and obvious low maintenance. A good contrast has been offered where the fiberglass decking is directly adjacent to the traditional wood decking (with closer spacing between the deck boards). Since the first 30 feet of nearshore is the most critical area for juvenile salmon, it was less important to extend the fiberglass decking beyond this point. However,



nails protruding up from the weathered wood decking contrasted the smooth fiberglass decking where users could safely walk

barefoot. Visitors could also see that the design changes did not limit boat access or any uses typically associated with docks, including swimming. As it was the end of the day of a busy tour, less questions and conversation occurred at this tour site.



As we returned back to Kirkland City Hall many of the attendees mentioned how much they enjoyed the tour and thanked us for the opportunity to see and experience some other shoreline possibilities. Some of the participants

commented that the tour provided some options that they didn't even know existed. On the whole, they found the Tour of Innovative Shoreline Design to be inspirational.

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Tracy Burrows, Intergovernmental Relations Manager

**Date:** July 27, 2007

**Subject:** Formation of NORCOM to Provide Regional Emergency Communications Services

**Recommendation:** Staff recommends that the City Council authorize the City Manager to sign the Interlocal Agreement forming NORCOM as a separate legal entity providing consolidated emergency communications services.

**Background**

Public safety dispatch in East King County is characterized by extensive replication of administrative and operating structures within a relatively small geographic area. There are six different police dispatch agencies (Bellevue, Bothell, Issaquah, Kirkland, Redmond, and the King County Sheriff's Office) that serve the area. While fire/EMS dispatch is essentially regionalized through contracts with the Bellevue Communications Center, the contract model has proven to have disadvantages over a partnership model of dispatch operations.

In the interest of the enhanced efficiencies and improved service levels that could be realized with a regional partnership approach to dispatch, in 2004 the members of the NORCOM Steering Committee entered into a Joint Powers Agreement to complete a Business and Services Plan for the joint operation of a public safety communication center. Since that time, the Steering Committee has worked cooperatively in the interest of the continuation of high quality public safety communication services in the region.

The Steering Committee crafted a Statement of Operating Values and Principles (SOVP) for the development and operation of a regional dispatch agency. In the spirit of those values and principles, the Committee has completed work on a Business and Services Plan and Technology Strategy that establish:

- The services to be provided by the regional dispatch agency
- The recommended governance model for the agency
- The relationship between subscribers to and owners of the regional agency, including a recommended fee structure,
- The appropriate model for the administration of the regional agency,
- The location of the agency and the principles for a lease agreement,
- Staffing levels and a cost estimate for implementation of the regional agency,
- A technology strategy for CAD, RMS, and mobile technology for the agency,

- The start-up and transition costs associated with implementation,
- The Interlocal Agreement, By-Laws and Articles of Incorporation forming NORCOM, and
- An implementation plan, including next steps and a recommended timeframe.

## **Goals of Regionalized Dispatch**

### *Level of Service*

There are a number of goals that can be achieved through the regionalization of dispatch services. First and foremost are the advances in communications level of service that are made possible through a partnership effort. Improved communications services depend on the collaboration of member agencies. Under NORCOM, the operating services boards will meet regularly to define and refine shared service protocols and to collaborate on level of service improvements. In many instances, response times will be enhanced because of the elimination of the transfer of Fire/EMS calls between dispatch agencies. Both police and fire services will develop their respective integrated records management systems (RMS), so that first responders will have real time access to regional information through a single records system. Member agencies will also realize level of service improvements with the implementation of integrated Computer-Aided Dispatch (CAD), mobile, and RMS.

### *Efficiency and Cost Avoidance*

There are a number of efficiencies associated with regional dispatch. Rather than duplicating administrative structures and facilities at multiple dispatch centers, regionalization allows for the member agencies to realize economies of scale. NORCOM's initial efficiencies are modest because fire dispatch operations are already consolidated under a contract model. Over time, as NORCOM attracts additional partners, it is anticipated that the operations will become more cost-efficient.

Long-term cost avoidance is an important factor in regionalization. Dispatch technology is becoming increasingly complex and expensive to maintain and replace. By sharing the costs of technology among the partner agencies, regionalization eliminates the need to acquire and maintain multiple dispatch systems. Over the long-term, the partners avoid millions of dollars in costs associated with technology replacement.

### *Higher Degree of Decision-Making and Control*

NORCOM offers its partner agencies a higher level of decision-making and control over dispatch functions. Under the NORCOM governance model, all partners have a voice and vote. The voting procedures give both the smaller and the larger jurisdictions the ability to meaningfully shape the operational and policy decisions made by the agency. Elected officials from each of the partner agencies also play an important oversight role for the organization.

### *Greater Certainty and Ability to Control Costs*

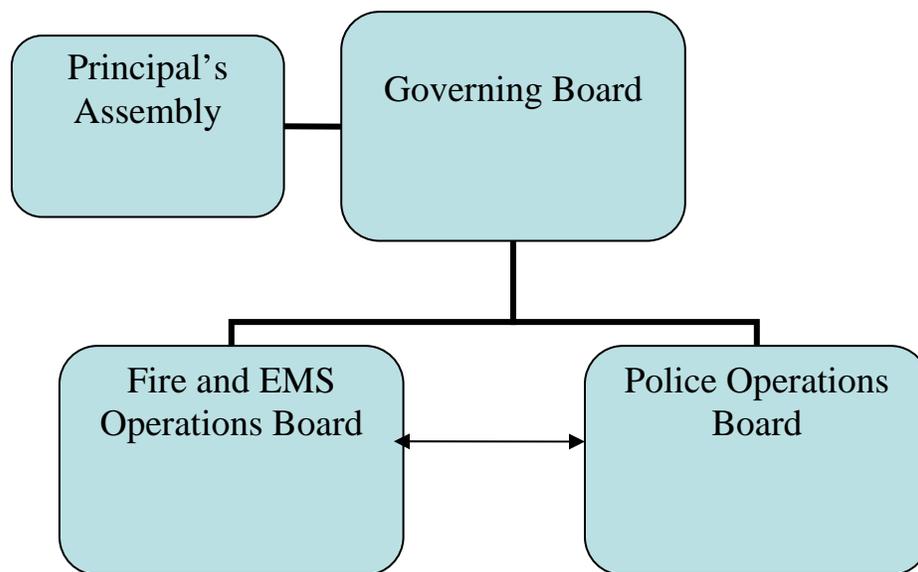
The NORCOM partnership model also offers its member jurisdictions greater certainty to determine the nature and cost of future dispatch operations. Absent NORCOM, the agencies that currently contract with

Bellevue for dispatch services will face higher contract costs without the ability to control the overall dispatch budget. Bellevue has indicated that it will not continue to offer dispatch services for the marginal cost of offering the service. Under a full cost recovery model at the Bellevue Communications Center, each contracting agency would likely face contract fees that equal or exceed the NORCOM user fee costs. This full cost recovery contract approach would have significant disadvantages – most notably higher costs without the decision-making control over operations and budget.

### **Governance Model**

The NORCOM governance model establishes NORCOM as a separate legal entity formed as a non-profit corporation whose members are public agencies and governed by a board on which all principals are represented.

#### ***NORCOM Governance Organization***



#### *Governance Boards and Principal's Assembly*

The basic NORCOM structure is quite similar to many other multi-jurisdictional dispatch operations. Specifically, there is a Governing Board on which all Principals participate, and which oversees the Agency policies and budgets. The Governing Board is composed of the Chief Executive Officer from each Member agency (i.e., City Manager of a city formed as a council-city manager city; the Fire Chief of a Fire District; or in case of a “strong-mayor city,” the Mayor).

To provide oversight, each Principal will designate one member of its legislative body to represent it at the annual Principal's Assembly. The purpose of the Assembly is to review: the agency's annual report; the prospective year's work program; and the proposed budget policy for the next year. Assembly representatives will advise the Governing Board on these issues.

In addition, there are two operational advisory boards—one for fire and EMS agencies, and a second for police agencies. On these Service Boards sit representatives from both “Principal” and “non-owner”

(referred to as “Subscriber”) agencies. The Service Boards provide advice to the Governance Board and to the Executive Director of the agency. The two service boards meet regularly both separately, and together as a united “Joint Operating Board.”

### *Voting*

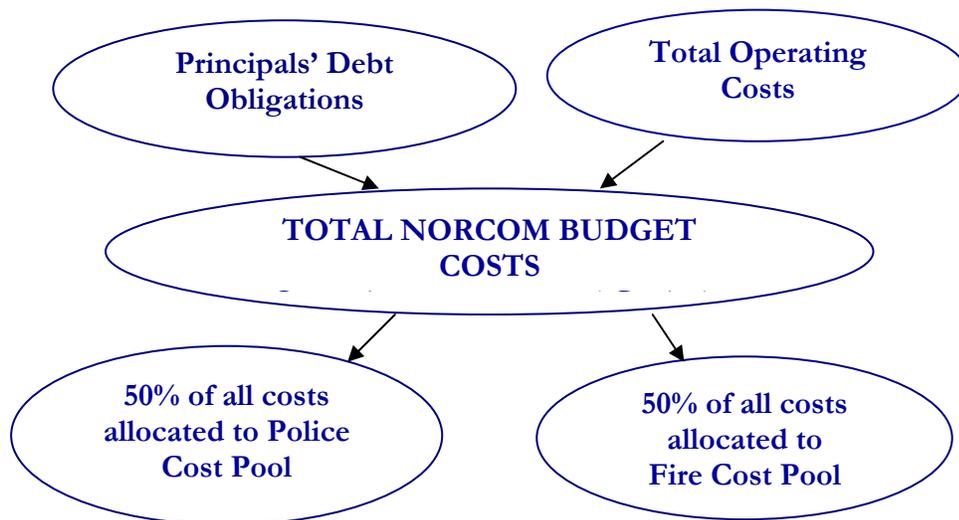
NORCOM’s significant financial and operational decisions require a Supermajority Vote, which means securing affirmative votes of: (1) not less than two-thirds of all Members of the Governing Board in number; **and** (2) not less than two-thirds of the Weighted Vote of all Members of the Governing Board.

Supermajority vote decisions include approval of the annual budget and user fees and the addition of a new principal.

For routine operational decisions, the NORCOM Governing Board strives to operate by consensus. Otherwise (except for decisions that require a supermajority vote) all Board decisions require a simple majority vote for approval; *unless a* Governing Board Member, in advance of a vote, calls for a two prong majority vote, in which case the item shall require a majority vote by number and a majority vote by weight for approval.

### **User Fees**

NORCOM’s budget is allocated into two separate cost pools – 50% of the operating budget is allocated to police and 50% of the operating budget is allocated to fire. The 50/50 split was determined by a rough average of two factors – the staffing allocated to each discipline and the volume of calls attributed to each discipline.



NORCOM user fees are assessed based on each agency’s percentage of the total police or fire call volume.

### **For Fire:**

Kirkland's Fire User Fee =  
[(Kirkland's Share of Total Fire Calls) X (Fire's Share of the Operating Budget)] – Cost Smoothing Rebate +  
Kirkland Fire's share of the NORCOM Start-Up Costs

### **For Police:**

Kirkland's Police User Fee =  
[(Kirkland's Share of Total Police Calls) X (Police's Share of the Operating Budget)] – Cost Smoothing  
Rebate + Kirkland Police's Share of the NORCOM Start-Up Costs

### **For Both Police and Fire:**

- In calculating user fees, the operating budget is adjusted to account for any revenues or grants that NORCOM receives.
- Start-Up Costs represent any debt-financed improvements or assets that the NORCOM governing board approves. Kirkland has the option of paying our share of the debt in a lump-sum or financed over time as part of our user fee.
- The Cost Smoothing Rebate goes into effect when NORCOM becomes fully operational. It represents a credit against our user fees that will lower our overall fees for the first 7 years of NORCOM operations.
- Both Principals and Subscribers pay their share of the start-up costs or other debt that NORCOM incurs. The share is based on their share of either police or fire call volume.
- Any agency can elect to pay a premium for special services that are not included in NORCOM's base level of service. This cost would be added to the user fee.
- Call volume is based on a two-year rolling average to even out any unusual spikes in call volume history.

### **Operating Costs**

#### *Staffing*

NORCOM's annual operating costs are largely determined by its staffing plan. The staffing plan is designed to provide an outstanding level of service to support public safety services in the region. The following table shows the overall staffing plan for the agency:

<b>Staff Position</b>	<b>FTE's</b>
Executive & Asst. Director	2
Supervisors	7
Dispatchers	37
Call Takers	29
Informational Technology	7
Finance	2
HR/Training	2
Administrative Support	3

### *Facility Costs*

Another component of the operating cost is the facility lease. NORCOM will be located at Bellevue City Hall in the 911 Communications Center located on the 7<sup>th</sup> floor. The existing footprint of the center is approximately 11,841 net square feet. Space is available for reconfigurations within this footprint if NORCOM chooses to expand the number of dispatch consoles and/or accept other agencies into the group in the future.

The lease agreement will separate as many of the building functions as operationally practical to allow NORCOM full autonomy and responsibility for the parts of the building under their control. The rent charges to NORCOM are currently proposed at \$27.00/square foot per year. These figures represent estimates including all maintenance and operations costs for the space, utilities, preventive and routine repair and maintenance, parking garage operating costs, site/landscape maintenance, amenities and support systems, an additional charge for 24hour/7 day week services, a share of central building systems and redundant emergency systems and major maintenance costs.

### *Reserve Funds*

NORCOM will have two reserve funds incorporated into the operating budget: an Operating Contingency Reserve Fund and a Capital Equipment Replacement Fund. Initial reserve levels are established in the agency budget and can be adjusted by the Governing Board. To help fund the operating contingency, there is a six percent surcharge for agencies that choose to be subscribers rather than principals. This surcharge on subscriber fees will be allocated to the operating contingency reserve. The initial capital equipment fund level is based on the current replacement rates for the communications assets that will be acquired by NORCOM.

### *Cost Smoothing*

The estimated annual operating costs NORCOM are less than the existing combined costs of the Bellevue and Kirkland dispatch operations, based on the proposed NORCOM staffing plan. However, under NORCOM, there is a shifting of costs from the current providers of dispatch services to the current dispatch customers.

Currently, Bellevue charges its dispatch customers on a rough marginal cost basis. Its dispatch center is a sunk cost—Bellevue must have a dispatch center to serve its own needs. The revenue from the contracts with Fire and EMS customers covers the marginal costs of providing the contracted services and helps

defray a portion (but not all) of the sunk overhead costs. Likewise, Kirkland charges its customers based on the staffing costs of providing dispatch services, but this charge does not capture all of the overhead costs of running a dispatch center.

As a stand-alone operation, NORCOM will be charging principals and customers based on their share of the costs of the overall operation – including dispatch staff and administrative overhead. For Kirkland, this translates into higher costs for fire dispatch as the City transitions from a contract model to a partnership model. Under this model, Bellevue realizes significant savings. To ease the transition from the contract to the partnership model, the NORCOM steering committee developed the Cost Smoothing Rebate.

The purpose of the Smoothing Rebate is to ease into a full cost sharing model for all initial principals and subscribers of NORCOM by having a portion of the savings that Bellevue will receive from transitioning from its current role as a dispatch service provider to its new role as a member of NORCOM contributed to smoothing.

- Initial principal and subscribing members of NORCOM *other than Bellevue* will receive a credit against their NORCOM user fees that will lower their overall NORCOM fees in each of the first seven years of NORCOM's service operation. *Bellevue's NORCOM user fees will be correspondingly higher* in each of the first seven years of NORCOM service operations.
- The Smoothing comes from Bellevue sharing a portion of the savings it expects to receive by joining NORCOM as compared to the costs Bellevue would incur as a dispatch service provider if NORCOM were not formed. The total amount of Smoothing Rebate is \$5.5 million. This is the amount to be paid to participants *other than Bellevue* over 7 years. The \$5.5 million is the total of the seven yearly contributions from Bellevue, where Bellevue contributes 100% of its projected annual savings in Year 1 to Smoothing and then decreases that annual contribution in each of the following six years by roughly equivalent amounts to reach zero by year 8 of NORCOM service operations.
- Because fire agencies are expected to experience greater cost increases than police agencies as a result of joining NORCOM, the total Smoothing Rebate is allocated 70% to fire agencies and 30% to police agencies. Within each group (fire agencies or police agencies), the Smoothing is distributed based on call volume of each individual agency.

The table below shows each of the agencies operating costs in Year 1 of NORCOM operation compared to the current contract costs. In Year 1, Kirkland's operating costs go up by \$171,073. In future years, Kirkland's costs increase at a rate that is slightly higher than inflation until Year 8 when the City will have assumed its full share of the dispatch center costs and user fees will rise at the rate of inflation. It should be noted that NORCOM will become more cost-efficient if and when additional principals or subscribers join the agency. This could lower each agencies share of the operating costs below what is anticipated in the current financial model.

### NORCOM Operating Costs

Summary of All Agencies	Net Costs per 2006 Contract	Year 1	Inc/(Dec) vs. Current Cost
Bellevue Fire	\$652,398	1,706,717	\$1,054,319
Bellevue Police	3,203,586	2,149,267	(\$1,054,319)
<b>Bellevue Total</b>	<b>3,855,984</b>	<b>3,855,984</b>	<b>(\$0)</b>
Bothell Fire	122,003	169,078	\$47,075
Clyde Hill Police	65,000	54,900	(\$10,100)
Duvall Fire	32,191	36,282	\$4,091
Eastside Fire and Rescue	339,234	340,685	\$1,451
Fall City Fire	24,383	27,231	\$2,848
<b>Kirkland Fire</b>	<b>215,888</b>	<b>270,098</b>	<b>\$54,210</b>
<b>Kirkland Police</b>	<b>905,553</b>	<b>1,022,416</b>	<b>\$116,863</b>
<b>Kirkland Total</b>	<b>1,121,441</b>	<b>1,292,514</b>	<b>\$171,073</b>
Medina Police	56,870	61,772	\$4,902
Mercer Island Fire	105,326	86,436	(\$18,890)
Mercer Island Police	215,366	407,022	\$191,656
<b>Mercer Island Total</b>	<b>320,692</b>	<b>493,458</b>	<b>\$172,766</b>
Northshore Fire	99,927	130,938	\$31,011
Redmond Fire	350,899	381,907	\$31,008
Shoreline Fire District	243,587	338,511	\$94,924
Skykomish Fire	8,221	12,212	\$3,991
Snoqualmie Fire	16,702	27,784	\$11,082
Snoqualmie Pass Fire	6,749	9,446	\$2,697
Woodinville FLSD	126,966	158,051	\$31,085
<b>Total</b>	<b>\$6,790,849</b>	<b>\$7,390,754</b>	<b>\$599,905</b>

% Increase over prior year

8.83%

### *Retained Costs*

The current costs in the table above reflect the marginal costs of dispatch services at the City of Kirkland. The NORCOM costs reflect similar dispatch services. There are also City of Kirkland costs that are retained after NORCOM goes into operation, primarily fixed supervision and overhead costs and the costs to perform non-dispatch activities currently done by the City's dispatch staff that will not be provided by NORCOM, as discussed below. These costs are currently funded by the City and will continue after NORCOM forms. When these costs are added to the projected NORCOM costs, the overall cost is slightly higher than the current budget. Approximately half of Kirkland's retained costs are attributable to the providing off hours

police records and jail monitoring. If the dispatch staff were to move to NORCOM, these functions would have to be covered by other staff – either records staff or corrections officers. Other retained costs, such as supervision, that are currently funded by the City provide an opportunity for the reallocation of resources to increase effectiveness and efficiency of the department.

As part of the 2007-2008 budget process, the City Council approved the addition of 5 correction officer FTEs, bringing the total corrections FTEs to 11 (10 corrections officers and 1 supervisor), to make progress on staffing the City's jail 24/7. The recently completed jail staffing analysis identifies that a total of 14.5 FTEs is needed to provide 24/7 jail coverage, with the half FTE provided using overtime, resulting in a net need for 3 additional corrections officers. As part of the earlier analysis of the retained costs associated with records functions that would remain with the City once NORCOM forms, two staffing options were identified:

- 6 records staff (5 records technicians and 1 supervisor) with a total cost of \$376,000, or
- 4 corrections officers with a total cost of \$258,000.

The recommended approach is to add 4 corrections officers to meet those needs and to complete the transition to a minimum of 2 officers on duty 24/7 at the jail and will provide capacity to absorb some of the records functions currently performed by dispatch staff (an eliminate the overtime element which presents an operational challenge). The peak demands for these records functions occur between 6 am and 10 pm, which are met during business hours by existing staff. Using corrections staff to meet needs results in less than ideal coverage during the 5 pm to 10 pm period, which could result in the need for additional records staff, if the workload volume cannot be handled by corrections staff and NORCOM does not provide selected records services. However, this need is dependent on the final outcome of contract negotiations and further definition of NORCOM services.

Since the original projections were presented, refinements have been made to the Police staffing projections associated with annexation which have a bearing on this discussion. The revised Police staffing needs include the addition of 4 records technicians and 3 corrections officers. If the 4 corrections officers described earlier are added to meet the NORCOM needs, these FTEs would also be sufficient to meet the City's needs with annexation (given the current jail configuration). However, it is expected that the 4 records technicians will be required to meet the peak workload generated by annexation and provide coverage during the 5 pm to 10 pm period (coverage from 10 pm to 6 am would continue to be provided by corrections staff). If annexation does not occur, there may still be a need to add records technicians during the peak period, depending on what records-related services NORCOM will provide. Once the final NORCOM service configuration is set and the annexation decision is known, further analysis of records staffing needs will be conducted, including an evaluation of whether Kirkland could contract to provide selected services to other NORCOM agencies with similar needs (such as Mercer Island and Medina).

### **Start-Up and Transition Costs**

In addition to the annual operating costs, there are start-up and transition costs associated with NORCOM. The one-time start-up costs include the costs of technology, asset transfer and establishing a back-up facility.

#### *Start-Up Technology*

The Steering Committee has completed a technology strategy for NORCOM that includes the following requirements:

- One Computer Aided Dispatch (CAD) system for both Fire and Police to perform tasks such as call receipt, incident entry, dispatching, unit and incident status monitoring, messaging, address verification and other functions.
- One Records Management System for each of Fire or Police to function as the primary data management system for the public safety agencies. The separate RMS systems are tailored to meet each discipline's specific needs. For Fire agencies, this system typically helps agencies track incident history, manage assets, perform inspections, track building occupancy and satisfy state and federal reporting requirements. Both RMS systems must integrate with the selected CAD system
- A public safety mobile data system consisting of three components: 1) software to prepare call/mapping data and field personnel messages for wireless transmission, 2) wireless connectivity to facilitate the data transmission, and 3) hardware, primarily in the form of Mobile Data Computers (MDCs) and servers, to support this functionality.
- Other peripheral technologies that require integration with CAD, RMS, and/or mobile must be considered for each affected agency.

The estimated cost of this technology is \$5.1 million. NORCOM has received \$750,000 in state funding for the technology and has significant technology grant requests pending. These pending grant requests include a \$2.7 million COPS Grant, a \$1.0 million UASI Grant, and a \$0.4 million Federal appropriation. The following table shows the allocation of the technology costs by agency – the first column shows the allocation without any additional grant funds and the second column shows the allocation if all outstanding grant applications are approved. NORCOM should receive grant notifications by the end of September.

**Start-Up Technology Costs**

<b>Summary of All Agencies</b>	<b>Technology less \$750k Grant</b>	<b>Technology less \$4.85m Grant</b>
Bellevue Fire	526,490	26,334
Bellevue Police	1,053,580	52,698
<b>Bellevue Total</b>	<b>1,580,070</b>	<b>79,032</b>
Bothell Fire	138,707	6,938
Clyde Hill Police	39,214	1,961
Duvall Fire	29,765	1,489
Eastside Fire and Rescue	279,489	13,979
Fall City Fire	22,340	1,117
<b>Kirkland Fire</b>	<b>221,581</b>	<b>11,083</b>
<b>Kirkland Police</b>	<b>730,291</b>	<b>36,527</b>
<b>Kirkland Total</b>	<b>951,872</b>	<b>47,610</b>
Medina Police	44,122	2,207
Mercer Island Fire	70,910	3,547
Mercer Island Police	290,728	14,542
<b>Mercer Island Total</b>	<b>361,638</b>	<b>18,088</b>
Northshore Fire	107,419	5,373
Redmond Fire	313,307	15,671
Shoreline Fire District	277,706	13,890
Skykomish Fire	10,019	501
Snoqualmie Fire	22,794	1,140
Snoqualmie Pass Fire	7,749	388
Woodinville FLSD	129,661	6,485
	<b>\$4,315,870</b>	<b>\$215,870</b>

*Asset Acquisition*

In order to reduce the cost of starting up a new consolidated emergency communications services dispatch operation, NORCOM will acquire from Bellevue and Kirkland communications center assets that are currently used by these cities in their respective dispatch operations. These assets include dispatch consoles, radio equipment, computers and other hardware. NORCOM will acquire the assets at prices based on a straight-line depreciation of the value of the assets at the time of acquisition. The timing of acquisition of the equipment will be such as will facilitate both the timely start-up of NORCOM services and transition of dispatch service provision from these city dispatch operations to NORCOM. Principals will have the option to pay for the assets up front or over a period of not to exceed seven (7) years.

*Back-Up Facility*

National standards require that NORCOM has a backup facility located in a facility separate from the primary facility at Bellevue City Hall. There are a wide-range of options for the provision of back-up services. The Steering Committee recommends that NORCOM establish and implement an initial back-up operations plan that provides for back-up dispatch at a basic level of service for a limited duration of time. This back-up level of service could be enhanced over time as funding becomes available. The initial back-up operations plan could be accomplished through (1) a partnership relationship with an existing communications center; or (2) the use of Bellevue's Fire Station #3 with some limited investments in technology upgrades. The success of option (1) depends on identifying an existing communications center with the capacity and resources to implement the back-up relationship.

A recent Bellevue back-up study estimated the start-up costs for implementing a functional stand-alone back-up at Fire Station 3 at between \$500,000 and \$700,000. The costs of a partnership back-up relationship with an existing center are likely to be significantly less. These costs would include the cost of establishing the 911 switch, which would likely qualify for King County E-911 funding. There may be additional costs of a back-up partnership that could include the purchase of additional radio equipment and consoles if needed. Because the final determination on a back-up configuration has not been made, the back-up start-up costs have been determined not to exceed \$500,000 for budgetary planning purposes.

*Summary of Start-Up Costs*

Summary of All Agencies	Technology less \$750k Grant	Asset Transfer	Backup Facility	Total
Bellevue Fire	526,490	\$173,753	\$60,995	761,238
Bellevue Police	1,053,580	347,704	122,059	1,523,343
<b>Bellevue Total</b>	<b>1,580,070</b>	<b>521,456</b>	<b>183,054</b>	<b>2,284,580</b>
Bothell Fire	138,707	45,776	16,069	200,553
Clyde Hill Police	39,214	12,941	4,543	56,699
Duvall Fire	29,765	9,823	3,448	43,036
Eastside Fire and Rescue	279,489	92,237	32,379	404,106
Fall City Fire	22,340	7,373	2,588	32,300
Kirkland Fire	221,581	73,126	25,670	320,378
Kirkland Police	730,291	241,011	84,605	1,055,908
<b>Kirkland Total</b>	<b>951,872</b>	<b>314,138</b>	<b>110,276</b>	<b>1,376,286</b>
Medina Police	44,122	14,561	5,112	63,795
Mercer Island Fire	70,910	23,402	8,215	102,527
Mercer Island Police	290,728	95,946	33,681	420,355
<b>Mercer Island Total</b>	<b>361,638</b>	<b>119,348</b>	<b>41,896</b>	<b>522,882</b>
Northshore Fire	107,419	35,450	12,445	155,313
Redmond Fire	313,307	103,398	36,297	453,002
Shoreline Fire District	277,706	91,649	32,173	401,527
Skykomish Fire	10,019	3,306	1,161	14,486
Snoqualmie Fire	22,794	7,522	2,641	32,957
Snoqualmie Pass Fire	7,749	2,557	898	11,204
Woodinville FLSD	129,661	42,791	15,021	187,473
	<b>\$4,315,870</b>	<b>\$1,424,328</b>	<b>\$500,000</b>	<b>\$6,240,198</b>

Depending on the success of NORCOM's technology grant applications and the cost of the selected back-up option, Kirkland's one-time start-up costs could be significantly lower than depicted in the above table. Because these are one-time start up costs associated with establishing a new agency, they are suitable to be funded through reserves.

### *Transition Costs*

In addition to start-up costs, there are one-time transition costs that will fund NORCOM's work between the time that the agency is formed and the time that it goes into full operation with newly integrated technology in mid-2009. The largest portion of these costs can be attributed to the Executive Director and the technology staff associated with the major technology system implementation. There are also costs associated with labor negotiations and facility modifications. The following table summarizes the allocation of transition costs by agency.

<b>Summary of All Agencies</b>	<b>2007 Transition Estimates</b>	<b>2008 Transition Estimates</b>	<b>2009 Transition Estimates</b>	<b>Total</b>
Bellevue Fire	25,618	100,641	41,171	167,430
Bellevue Police	51,265	201,397	82,390	335,052
<b>Bellevue Total</b>	<b>76,882</b>	<b>302,038</b>	<b>123,561</b>	<b>502,482</b>
Bothell Fire	6,749	26,515	10,847	44,111
Clyde Hill Police	1,908	7,496	3,067	12,471
Duvall Fire	1,448	5,690	2,328	9,466
Eastside Fire and Rescue	13,599	53,426	21,856	88,881
Fall City Fire	1,087	4,270	1,747	7,104
<b>Kirkland Fire</b>	<b>10,782</b>	<b>42,356</b>	<b>17,328</b>	<b>70,466</b>
<b>Kirkland Police</b>	<b>35,534</b>	<b>139,599</b>	<b>57,109</b>	<b>232,242</b>
<b>Kirkland Total</b>	<b>46,316</b>	<b>181,955</b>	<b>74,436</b>	<b>302,707</b>
Medina Police	2,147	8,434	3,450	14,031
Mercer Island Fire	3,450	13,555	5,545	22,550
Mercer Island Police	14,146	55,574	22,735	92,455
<b>Mercer Island Total</b>	<b>17,596</b>	<b>69,129</b>	<b>28,280</b>	<b>115,005</b>
Northshore Fire	5,227	20,534	8,400	34,160
Redmond Fire	15,245	59,890	24,501	99,635
Shoreline Fire District	13,513	53,085	21,717	88,314
Skykomish Fire	487	1,915	783	3,186
Snoqualmie Fire	1,109	4,357	1,782	7,249
Snoqualmie Pass Fire	377	1,481	606	2,464
Woodinville FLSD	6,309	24,785	10,139	41,234
	<b>\$210,000</b>	<b>\$825,000</b>	<b>\$337,500</b>	<b>\$1,372,500</b>

The 2007 transition costs have already been incorporated into Kirkland's budget. The 2008 and 2009 one-time transition costs will be funded out of one-time revenues.

## **Conclusion**

NORCOM represents a fundamental shift from a contract model of dispatch services to a partnership model where all principles have a voice and a vote in the governance of the agency. This transition to a partnership mode does have costs associated with it. However, the benefits associated with immediate operational improvements and long-term cost avoidance outweigh the initial start-up costs.

Under NORCOM, the operating services boards will meet regularly to define and refine shared service protocols and to collaborate on level of service improvements. In many instances, response times will be enhanced because of the elimination of the transfer of Fire/EMS calls between dispatch agencies. Both police and fire services will develop their respective integrated records management systems (RMS), so that first responders will have real time access to regional information through a single records system. Member agencies will also realize level of service improvements with the implementation of integrated Computer-Aided Dispatch (CAD), mobile, and RMS.

Kirkland will also benefit from the long-term cost avoidance, particularly as it relates to technology replacement. Dispatch technology is becoming increasingly complex and expensive to maintain and replace. By sharing the costs of this technology among the partner agencies, Kirkland will avoid the full impact associated with technology replacement. Finally, the NORCOM partnership model offers its member jurisdictions greater certainty to determine the nature and cost of future dispatch operations. Absent NORCOM, the agencies that currently contract with Bellevue for dispatch services will face higher contract costs without the ability to control the overall dispatch budget.

## SECTION BY SECTION SUMMARY OF KEY NORCOM DOCUMENTS

### NORCOM INTERLOCAL AGREEMENT

#	Section Name	Brief Summary
	RECITALS	Describes goals of NORCOM
1	CREATION OF KING COUNTY NORTH EAST REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY	NORCOM named and created per joint cooperation statute (RCW 39.34.030) and nonprofit corporation act (Ch. 24.06 RCW)
2	TERM OF AGREEMENT	Initial term of 7 years, during which a Principal may not withdraw from the Agreement. Thereafter infinite duration subject to termination.
3	DEFINITIONS	<p>Defines capitalized terms used in agreement—among them:</p> <p><b>Agreement</b>—the ILA.</p> <p><b>Governing Board</b>—the governing body of NORCOM</p> <p><b>Fire/EMS Services Board</b>--advisory board composed of representatives from Principal and Subscriber Fire/EMS agencies.</p> <p><b>Joint Operating Board</b> – combined membership of the Fire/EMS Service Board and Police Service Board</p> <p><b>Member</b> –person serving on the Governing Board representing a Principal</p> <p><b>Principal</b> – a general purpose municipal corporation, fire district, state agency, or entity such as Eastside Fire and Rescue, which is a party to the Agreement.</p> <p><b>Police Service Board</b>—advisory board composed of representatives from Principal and Subscriber police agencies.</p> <p><b>Representative</b>—person representing a Principal or Subscriber on a Service Board.</p> <p><b>Subscriber</b>—an entity of the same type as a Principal which has chosen to receive services by separate contract and is not party to the Agreement.</p>

#	Section Name	Brief Summary
		<p><b>Supermajority Vote</b> -- A vote of the Governing Board for which approval of an item requires affirmative votes of <i>both</i>: (1) not less than two-thirds of all Members of the Governing Board in number; and (2) not less than two-thirds of the Weighted Vote of all Members of the Governing Board.</p> <p><b>Two-Prong Simple Majority Vote</b>-- A vote of the Governing Board for which approval of an item requires affirmative votes of <i>both</i>: (1) not less than a majority of all Members of the Governing Board in number; and (2) not less than a majority of the Weighted Vote of all Members of the Governing Board. A weighted vote means a Member's vote is based on its respective Principal's User Fees due in the current budget year as compared to the User Fees paid by all Principals.</p>
4	NORCOM SERVICES	<p>The services to be provided by NORCOM include:</p> <ul style="list-style-type: none"> <li>• Taking 911 calls for police, fire and medical services and dispatching those calls to agencies and units;</li> <li>• Providing ongoing communications support to police, fire and EMS unites in the field</li> <li>• Maintaining radio communications systems (specifically excluding the 800 MHz system operated and maintained by ESPCA)</li> <li>• Initiating public records dispatch and providing other records functions as the Governing Board may determine</li> <li>• Establishing and updating communications protocols for personnel in the field</li> </ul>
5	NORCOM POWERS	<p>NORCOM has all powers allowed by law for similar agencies – excluding the power to issue debt.</p>
6	GOVERING BOARD; COMPOSITION AND OPERATION	<p>Governing Board created. Each Principal has one representative on Governing Board, who is the Chief Executive Officer of his/her jurisdiction (i.e., city manager, strong mayor, fire district chief). Board is overseen by Chair and Vice Chair, each serving one-year terms with Vice-Chair automatically assuming position of Chair at end of his/her term. Officers</p>

#	Section Name	Brief Summary
		<p>elected annually at the Principals Assembly. A secretary and treasurer may be appointed by the Board and these persons need not be Members. Officers may be removed by vote of the Governing Board, with or without cause, on 30 days' notice. The Chair of the Joint Operating Board serves in <i>ex officio</i> capacity on Governing Board. Governing Board meets at least 4 times per year. Members on the Governing Board each have one vote, provided that a Two-Prong Simple Majority Vote may be called for in advance of any vote. The following items require Supermajority Vote approval:</p> <ul style="list-style-type: none"> <li>• Approval or amendment of budget</li> <li>• Decision to request Principals issue debt on behalf of NORCOM</li> <li>• Admission of a new Principal</li> <li>• Appointing the Executive Director</li> <li>• Major acquisition of assets (&gt;\$500,000)</li> <li>• Expanding scope of service to be provided</li> <li>• Adopting or amending bylaws.</li> </ul> <p>Governing Board shall actively seek advice, comment and recommendation of the Joint Operating Board.</p>
7	JOINT OPERATING BOARD AND SERVICE BOARDS	<p>Joint Operating Board and Service Boards (Police Service Board, Fire/EMS Service Board) created. Police Service Boards members are chiefs (or their designee) from each Principal and Subscriber police agency. Fire/EMS Board members are chiefs (or their designees) from each Principal and Subscriber fire agency. The two Service Boards meet separately and together as the Joint Operating Board, at least 6 times each year. Joint Operating Board chair and vice chair serve one year terms. Vice Chair automatically assumes Chair position at end of term. The two positions must be split between Police and Fire/EMS agencies and are the chairs of their respective Service Boards. Purpose of boards is to promote interagency cooperation and information sharing and assist in development of NORCOM policies and budgets.</p>

#	Section Name	Brief Summary
8	PRINCIPALS ASSEMBLY	<p>In order to increase the involvement of Principal’s legislative bodies (city councils or board of commissioners) in NORCOM while retaining the basic structure in which NORCOM is governed by the Governing Board, an annual Principals Assembly will be held each April. Each Principal will designate one member of its legislative body to represent it at the Assembly. The purpose of the Assembly is to:</p> <ul style="list-style-type: none"> <li>• Hear the annual report of the Executive Director (addressing significant activities of the prior year, the prospective year’s work plan; financial management report; benchmark performance report)</li> <li>• Hear presentation of the Joint Operating Board on the proposed budget policy for the next year.</li> </ul> <p>Assembly representatives will comment on these items and their comments will be forwarded to the Governing Board. Comments from the Assembly are advisory to the Governing Board.</p> <ul style="list-style-type: none"> <li>• Also at the Assembly, the Governing Board will conduct its annual election of officers and the required annual meeting of NORCOM.</li> </ul>
9	EXECUTIVE DIRECTOR	<p>The chief administrative officer of the agency is the Executive Director. He or she is an “at will” employee, hired and fired by Governing Board, with recommendation from Joint Operating Board. Responsible for administering day-to-day operations of NORCOM. Board retains responsibility for hiring legal counsel, independent accountants and auditors.</p>
10	PERSONNEL POLICY	<p>Personnel policies can be proposed by either the Joint Operating Board or the Executive Director (who must submit proposals to the Joint Operating Board for comment before they are sent to the Governing Board). Personnel Policies must be approved by the Governing Board.</p>
11	OPERATIONAL POLICY AND SYSTEM EVALUATION	<p>Executive Director actively and continuously considers means to enhance operations and make recommendations regarding same to Joint Operating Board and Governing Board.</p>
12	BUDGET, USER FEE FORMULA,	<p><b>Budgets</b> may be adopted on either annual or biennial basis, as Governing</p>

#	Section Name	Brief Summary																				
	<p>PAYMENT OF USER FEES, DELINQUENCIES, RESERVE FUNDS</p>	<p>Board may determine. Budget timeline is summarized below:</p> <table border="1" data-bbox="898 354 1892 935"> <tr> <td><i>By February 1</i></td> <td><i>Joint Operating Board (JOB) receives proposed budget policy from Executive Director (ED).</i></td> </tr> <tr> <td><i>By March 15</i></td> <td><i>JOB transmits its proposed budget policy to all Principals.</i></td> </tr> <tr> <td><i>April</i></td> <td><i>Principals Assembly, where representatives comment on the proposed budget policy</i></td> </tr> <tr> <td><i>By May 1</i></td> <td><i>Governing Board receives write-up of Principals Assembly feedback.</i></td> </tr> <tr> <td><i>By June 1</i></td> <td><i>Governing Board adopts budget policy.</i></td> </tr> <tr> <td><i>By July 1</i></td> <td><i>ED issues proposed budget to JOB review.</i></td> </tr> <tr> <td><i>By August 1</i></td> <td><i>JOB forwards proposed budget to Governing Board.</i></td> </tr> <tr> <td><i>August 30</i></td> <td><i>Last day for Governing Board to approve budget.</i></td> </tr> <tr> <td><i>Sept. 5</i></td> <td><i>Last day for NORCOM to send budget and user fees to all Participants for their consideration/approval—including any proposed changes in user fee formulas</i></td> </tr> <tr> <td><i>By End of year</i></td> <td><i>Governing Board approves final budget after all Participants act on their respective allocations to that budget.</i></td> </tr> </table> <p>Each agency (Principal and Subscriber) must independently approve their share of the budget, after which Governing Board confirms final budget. Principals not approving their share of budget are converted to Subscriber status.</p> <p><b>User fee formula</b> may be changed periodically by supermajority vote of Governing Board. <b>User fees are paid quarterly</b> (Jan. 15, April 15, July 15, Oct. 15). <b>Delinquent fees</b> incur interest at federal prime rate plus 3% from date of delinquency. 60 day opportunity to cure delinquency. Failure to pay within cure period converts Principal to Subscriber. Service may be terminated after 6 months delinquency. Subscriber premiums (e.g., 106%</p>	<i>By February 1</i>	<i>Joint Operating Board (JOB) receives proposed budget policy from Executive Director (ED).</i>	<i>By March 15</i>	<i>JOB transmits its proposed budget policy to all Principals.</i>	<i>April</i>	<i>Principals Assembly, where representatives comment on the proposed budget policy</i>	<i>By May 1</i>	<i>Governing Board receives write-up of Principals Assembly feedback.</i>	<i>By June 1</i>	<i>Governing Board adopts budget policy.</i>	<i>By July 1</i>	<i>ED issues proposed budget to JOB review.</i>	<i>By August 1</i>	<i>JOB forwards proposed budget to Governing Board.</i>	<i>August 30</i>	<i>Last day for Governing Board to approve budget.</i>	<i>Sept. 5</i>	<i>Last day for NORCOM to send budget and user fees to all Participants for their consideration/approval—including any proposed changes in user fee formulas</i>	<i>By End of year</i>	<i>Governing Board approves final budget after all Participants act on their respective allocations to that budget.</i>
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#	Section Name	Brief Summary
		<p>premium charge in proposed User Fee Formula) will be applied to NORCOM's reserve funds. There may be differential user fees based on the relative benefits conferred to the agencies.</p> <p>NORCOM will have two <b>reserve funds</b>: Operating Contingency Reserve Fund and Capital Equipment Replacement Fund. Reserve levels shall be set by the Governing Board.</p> <p>The 2007 and 2008 transition budgets are incorporated as Exhibits B and C to the ILA. The transition user fee formula is included as Exhibit 1-A. Kirkland is established as the initial fiscal agent.</p>
13	ISSUANCE OF DEBT IN SUPPORT OF NORCOM	<p>NORCOM is not authorized to issue debt, but may by Supermajority Vote of Governing Board request Principals to issue debt <i>on behalf of NORCOM</i>. Failure to act as requested shall convert a Principal to Subscriber status. If a Principal or other entity issues debt <i>on behalf of NORCOM</i>, the principal and interest on that debt will be repaid to the debt instrument owners through User Fees. Owners of those debt instruments may rely on NORCOM and the Principals to repay their share of the debt obligations. Responsibility for debt repayment is allocated based on the User Fee formulas.</p> <p>Regardless of whether NORCOM is terminated or a Principal's participation in NORCOM is terminated, a Principals' obligation to repay debt issued while that Principal was a NORCOM Principal survives until the debt is fully repaid. Principals will be similarly obligated to repay their share of the value of any assets transferred to NORCOM by a Principal. In contrast, a Subscriber's obligation to repay debt does not survive the term of its service contract with NORCOM.</p>
14	TRANSFER OF ASSETS TO NORCOM, FUTURE ASSET ACQUISITIONS	<p>NORCOM will acquire start-up assets from Bellevue and Kirkland according to a straight line depreciation methodology for the valuation of the assets.</p>

#	Section Name	Brief Summary
		Principals with have the option to pay for the assets up front or over a 7-year period. Major asset acquisitions require a supermajority vote. Agencies may pay differential user fees based on the relative benefit conferred by the asset acquisition.
15	CONVERSION OF EXISTING PARTICIPATING AGENCIES, ADDITION OF NEW PRINCIPALS OR SUBSCRIBERS, PROVISION OF ADDITIONAL SERVICES TO PRINCIPALS	<p>If a Principal is converted to subscriber status (for reasons noted above), it loses its seat on Governing Board; loses its right to receive share of NORCOM assets on dissolution of NORCOM; and is subject to paying User Fees at rate than applicable to Subscribers.</p> <p>Principals may elect to be converted to Subscriber status upon notice given at least 9 months prior to end of budget year.</p> <p>New Principals and Subscribers may be admitted by vote of Governing Board (Supermajority Vote required for new Principals). Entry may require payment designed to ensure current Principals and Subscribers do not incur additional cost as a result of the additional membership.</p>
16	CONTRACTS AND SUPPORT SERVICES	Governing Board may contract out for services.
17	RETAINED POWERS OF PARTICIPATING AGENCIES	Principals and Subscribers remain responsible for their own operations and equipment.
18	INVENTORY AND PROPERTY	NORCOM property shall be inventoried and valued annually.
19	WITHDRAWAL BY OR TERMINATION OF PRINCIPAL	Principal may withdraw from NORCOM upon not less than 1 years' notice prior to December 31 of any year. Termination does not discharge Principal of its obligations or debts to NORCOM. A terminating or withdrawing Principal does not forfeit its rights to personal property on loan to NORCOM.
20	AMENDMENT OF AGREEMENT	Agreement may be amended by Supermajority Vote, provided that amendments affecting the terms and conditions of membership on the Governing Board or voting rights of Governing Board members shall require unanimous consent of the legislative authorities of all Principals. Unanimous

#	Section Name	Brief Summary
		vote not required for addition of a Principal or to serve an additional operation of an existing Principal.
21	TERMINATION OF AGREEMENT; DISSOLUTION OF NORCOM	Upon vote of majority of Governing Board, agreement may be terminated in 1 year. Assets distributed to then current Principals based on each agency's average contribution of user fees over the preceding five years as compared to the contributions of other Principals. NORCOM will terminate 1 year from the point at which there are only 3 Principals.
22	DISPUTE RESOLUTION	Parties agree to first seek to resolve disputes through meetings of officers, then mediation (binding or not), then binding arbitration. Applies to disputes between NORCOM and Principals, or between Principals under the ILA.
23	INTERGOVERNMENTAL COOPERATION	NORCOM shall cooperate with others to maximize grant opportunities and enhance effectiveness and efficiency of operations.
24	INDEMNIFICATION AND HOLD HARMLESS	<ul style="list-style-type: none"> <li>• Everyone indemnifies everyone else (NORCOM, all Principals, all Subscribers). The ILA provides for the indemnification by Principals of each other and of NORCOM; the Articles and Bylaws address indemnification by NORCOM, and indemnification of/by Subscribers.</li> <li>• Given that most lawsuits involve simple negligence, the standard for indemnification is simple negligence, not gross negligence (resulting in broader indemnification for all parties).</li> <li>• The indemnification reflects state law on comparative negligence (i.e., blame/responsibility is apportioned between responsible parties based on their respective "contribution" to the bad event; no one will be indemnified for damages caused by their sole negligence)</li> <li>• Indemnification of Principals extends to their officers, officials, employees, agents and volunteers.</li> <li>• Language is added to clarify obligations regarding notice of lawsuits, defense of same, participating in defense, cooperation in defense preparations, and settlement of claims.</li> </ul>

#	Section Name	Brief Summary
		<ul style="list-style-type: none"> <li>This section survives termination of the ILA.</li> </ul>
25	INSURANCE	NORCOM shall obtain insurance to extent practicable, with Principals and Subscribers, employees, and individual members of all boards protected as additional insureds.
26	NOTICE	Unless otherwise specified, notice to NORCOM shall be sent to the Chair of the Governing Board at his or her agency's principal address.
27	VENUE	Legal disputes shall be filed with Superior Court, King County, Washington
28	FILING	State and local agencies sent copies of this Agreement as required by law.
29	NO THIRD PARTY BENEFICIARIES	No person or entity not a party to this Agreement has any rights under the Agreement.
30	SEVERABILITY	If any part of this Agreement is determined invalid, the remainder of the Agreement shall be unaffected.
31	REPEALER AND RATIFICATION	Prior acts of parties consistent with the Agreement are ratified.
32	EXECUTION, COUNTERPARTS, AND EFFECTIVE DATE	The Agreement may be signed in multiple originals. Effective date of November 1, 2007, assuming that prior to that date, the following has occurred: (1) approval of ILA by Bellevue, Kirkland and Mercer Island and election by these agencies to have NORCOM dispatch police calls; and (2) approval of ILA by agencies representing at least 85% of the 2006 fire call volume (and election by these agencies for NORCOM to dispatch their Fire/EMS calls)
<b>EXHIBITS</b>		
A	Initial Election to Receive NORCOM Service	Principals must complete this form to communicate their desire to receive services from NORCOM and to specify which public service agencies operated by a Principal is/are to be served.
B	2007 Transition Budget	Transition budget for 2007.
C	2008 Transition Budget	Transition budget for 2008.
D	Statement of Values and Principles	NORCOM Values and Operating Principles
<b>APPENDICES</b>		

#	Section Name	Brief Summary
A	User Fee Formulas	<i>See below.</i>

**Summary of User Fee Formulas  
(Appendix A to the Interlocal Agreement)**

There are two distinct periods of time for NORCOM: before operations start (the “**Transition Period**”) and after (the “**Full Operations Period**”). Different fee formulas apply in each period. NORCOM will start providing both police and fire dispatch at the same time. Fee Formulas may be changed upon Supermajority Vote of the Governing Board.

In the Transition Period the fee formula is the same for Principals and Subscribers, and budgeted costs are divided 50-50 between police and fire agencies.

In the Full Operations Period budgeted costs are still divided 50-50 between police and fire agencies. **Subscribers will pay a 6% premium.**

In both periods, individual Participants pay based on their relative **Calls for Service** as compared to the combined calls for service of all other similarly served agencies (police or fire/EMS).

- In the Transition Period, Calls for Service are based on the most recent calendar year information from the agency currently dispatching that Participant.
- In the Full Operations Period, Calls for Service are based on an annual average from a two-year historical period, using a simplified version of the ValleyCom definitions.
- A principal **annexing** an area resulting in at least a 10% increase in population served will have its Calls for Service immediately adjusted on a rolling basis using information on Calls for Service from the previous service provider in the annexed area.

In both periods, there will be a separate **debt repayment component** to the user fees *if a Borrowing Program is approved by the Governing Board*. Given the variability of possible debt instruments, a formula is not prescribed for this, however, it is required that:

- Debt service owed on such obligations in each fee period are allocated to individual Participants based on their relative Calls for Service as compared to the combined Calls for Service of all other similarly served agencies (like the rest of the fee formula).

- Debt may be prepaid by a Principal, but a Principal may end up owing more or less over time depending on the number of Participants and Subscribers and their relative calls for service over time.

There will be a **Smoothing Rebate** equal to a total fixed amount of **\$5,500,000** applied to User Fees over the first seven years of full operations of NORCOM. This rebate will be a *reduction* to the User Fees of **Initial Participants** (those initially party to the ILA or Subscribers signing up within 4 months of the effective date of the ILA) other than Bellevue. Correspondingly, Bellevue's total user fees will be *increased* in each of these seven years by the total annual Smoothing Rebate amount. 70% of the Smoothing Rebates will be allocated to fire/EMS agencies, based on relative Calls for Service each year; 30% will be allocated to police agencies on the same relative Calls for Service basis. If an Initial Participant (other than Bellevue) is terminated or withdraws before the 7 years of the Full Operations Period have expired, that Participant must rebate to NORCOM all amounts credited for the smoothing charge within 2 months of leaving.

A Participant requesting **extra services** will pay for all direct and indirect costs associated with that extra service as well as a 20% premium. The specific formula for this is not included but will be calculated at the time of such request.

## ARTICLES OF INCORPORATION

This document is required by the state nonprofit corporation laws. It outlines the basic corporate form for NORCOM consistent with the ILA. It has been drafted to put a minimum amount of detail in the Articles and therefore minimize the need for the Articles to be amended in the future.

**Process:** The Articles must be approved by each Principal at the time the ILA is approved and then will be filed with the State in order for NORCOM to become a separate legal entity. When approving the Articles, Principals should also identify the individual who will serve as their representative on the Governing Board at its initial meeting in 2007 (i.e., Mayor, City Manager or Fire Chief, as required by the ILA). After that, the Governing Board can meet and adopt the Bylaws (see below).

#	Article Name	Summary
I	Name	Legal name of the entity is “North East King County Regional Public Safety Communications Agency.”
II	Duration	The entity is perpetual: it does not cease to exist until terminated by its members.
III	Purposes	NORCOM’s purposes are restated as per the ILA; changes to this will be presumed in the event the ILA’s purposes are changed without the need to also amend the Articles. Declaring that NORCOM will exercise an essential governmental function.
IV	Prohibited Activity	Limiting text to ensure NORCOM is a nonprofit corporation under state and federal laws (no income to directors; no political activities; no issuance of stock, etc.)
V	Powers	Except as may be limited in the Bylaws, Articles and ILA, NORCOM has all powers allowed under nonprofit corporations act and interlocal cooperation act (Chapters 242.06 and 39.34 RCW).
VI	Members	Members of NORCOM are Principals as defined in the ILA, and their rights are defined in the ILA.
VII	Distributions Upon Dissolution	Required by statute; individual persons cannot receive distribution of assets upon dissolution of NORCOM; dissolution of assets as described by ILA.
VIII	Dissenting Members	Required by statute: ILA defines rights of those objecting to the dissolution (termination) of NORCOM.
IX	Bylaws	Bylaws establish internal governing rules for NORCOM.

#	Article Name	Summary
X	Registered Agent	A registered agent (to receive notices from the state) must be established. Document recommends the inexpensive and simple option of using the firm “National Registered Agents,” located in Tumwater, for this purpose.
XI	Directors	The “directors” are the initial Governing Board Members. In approving the Articles, each Principal should also identify/approve its representative on the Governing Board (mayor, city manager, fire chief, as per the ILA). The names of these individuals will be inserted into the Articles when filed with the state.
XII	Incorporators	The initial “incorporators” are the Principals initially approving the ILA. They are to be listed in the Articles when filed with the state.
XIII	Limitation of Director Liability	Directors may not be personally liable to NORCOM except for damages resulting from: intentional misconduct; transactions in which the Director personally benefits; or acts prior to the Articles becoming effective. NORCOM will eliminate or limit liability of directors to the full extent of state law as it may be amended.
XIV	Indemnification	<ul style="list-style-type: none"> <li>• NORCOM agrees to indemnify its officers and directors.</li> <li>• NORCOM may choose to indemnify its employees or agents, if the Board approves.</li> <li>• The Governing Board selects its legal counsel, accountants and auditors.</li> <li>• NORCOM shall indemnify its Members/Principals and their officers, directors, employees and agents. NORCOM may choose to extend this same indemnification to Subscribers.</li> <li>• Indemnification of officers and directors shall be consistent with the ILA.</li> </ul>

## BYLAWS

The Bylaws govern the detail of operations of the Board. They are consistent with the ILA and restate many of its terms. The Bylaws were drafted by Will Patton of Foster Pepper and have been reviewed by the attorneys group.

**Process:** The Bylaws will be adopted by the initial Governing Board at its first meeting after the creation of NORCOM.

#	Article Name	Summary
I	Purposes	Purposes of NORCOM are as described in the ILA, consistent with interlocal cooperation at and nonprofit corporations act (Ch. 39.34 RCW and Ch. 23.06 RCW)
II	Definitions	Definitions of terms are as set forth in the ILA, unless otherwise defined in the Bylaws.
III	Offices	Office of NORCOM is at Bellevue City Hall.
IV	Board	<p>This section largely restates the terms of the ILA, and fills in some operational details.</p> <ul style="list-style-type: none"> <li>• General powers of NORCOM managed by the Governing Board, which has power to transfer, acquire and dispose of property and carry out the purposes of NORCOM.</li> <li>• Board composition is as per ILA, one representative per Principal, etc.</li> <li>• Governing Board members stay in office until they no longer are so qualified (i.e., no longer Mayor or City Manager or Fire Chief, as applicable).</li> <li>• There is an Annual Meeting of NORCOM each April. The Board shall also meet at least quarterly.</li> <li>• Special meetings may be called, consistent with requirements of the ILA. A Member may waive notice of Special meetings.</li> <li>• Quorum is a majority by number of Boardmembers.</li> <li>• Work by consensus where possible; Votes on items as per ILA. Roberts Rules otherwise applies.</li> <li>• Governing Board may create committees advisory to the Board.</li> <li>• NORCOM is subject to the Open Public Meetings Act</li> <li>• Boardmembers may resign at any time or be removed at any time by their Principal, upon notice.</li> <li>• Vacancies filled by the appropriate Principal.</li> <li>• Members serve without compensation.</li> </ul>
V	Officers	<ul style="list-style-type: none"> <li>• As per ILA, there will be a Chair and Vice-Chair, serving one year terms with the Vice-Chair</li> </ul>

#	Article Name	Summary
		<p>succeeding the Chair.</p> <ul style="list-style-type: none"> <li>• A secretary and treasurer may be appointed by the Board and these persons need not be members of the Board.</li> <li>• Removal as per ILA (with or without cause on vote of Governing Board and 30 days' notice).</li> <li>• Roles of Officers described.</li> <li>• Indemnification of officers as per ILA.</li> </ul>
VI	Staff and Consultants	The Board authorizes staff positions; the Executive Director fills them (except for legal counsel, accountants and auditors).
VII	Execution of Agreements and Other Instruments	The Executive Director may sign documents/checks valued at \$50,000 or less, after advising the Joint Operating Board. Items for greater amount must be signed by Governing Board Chair or another officer.
VIII	Finances	<ul style="list-style-type: none"> <li>• NORCOM may not issue debt. (<i>Note that this means NORCOM may not execute purchase contracts, for example, to buy office furniture with a multiple year payback.</i>)</li> <li>• Details on check signing, setting up of accounts addressed.</li> <li>• Annual Budget must be submitted to the Governing Board by August 1 (consistent with ILA).</li> </ul>
IX	Seal	NORCOM will not have a corporate seal.
X	Books and Records	Books and records will be maintained and are subject to public disclosure laws.
XI	Fiscal Year	Fiscal year will be determined by the Governing Board.
XII	Copies of Resolutions	Any person can rely on certified copies of NORCOM resolutions, etc., as being accurate records of NORCOM actions.
XIII	Amendments to Bylaws	Amendments by Supermajority Vote of Governing Board.

RESOLUTION R-4660

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT FORMING NORCOM AS A SEPARATE LEGAL ENTITY PROVIDING CONSOLIDATED EMERGENCY COMMUNICATIONS SERVICES.

WHEREAS, Kirkland wishes to participate as a Principal in the consolidated emergency service communications center, to be known as the "North East King County Regional Public Safety Communications Agency" or "NORCOM;" and

WHEREAS, the Principals have investigated the means by which consolidation of some or all existing emergency service communications operations in North and East King County may be accomplished for the purpose and benefit of enhancing public safety; and

WHEREAS, the Principals, through creation of the NORCOM seek to deliver excellent emergency service communications in a highly efficient manner; to access potential economies of scale through consolidation of activities; to promote interagency collaboration, communication and interoperability; and to continuously identify means to enhance service delivery; and

WHEREAS, the consolidation of emergency service communications will be of substantial benefit to the citizens of the Principals and the residents of North and East King County; and

WHEREAS, substantial investigation of alternative approaches to calculation of user fees has resulted in a fee formula which the parties agree is fair and equitable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIRKLAND THAT:

Section 1. The City Council authorizes the City Manager to sign the Interlocal Agreement and any supplemental documents necessary or appropriate for incorporation including the Articles of Incorporation forming NORCOM as a separate legal entity providing consolidated emergency communications services.

Resolved by the City Council of the City of Kirkland the \_\_\_\_ day of \_\_\_\_\_, 2007,

City of Kirkland

\_\_\_\_\_  
James L. Lauinger, Mayor

Attest:

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



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**To:** Dave Ramsay, City Manager

**From:** Daryl Grigsby, Public Works Director  
David Godfrey, P.E., Transportation Engineering Manager

**Date:** July 25, 2007

**Subject:** BNSF RIGHT-OF-WAY ACQUISITION BY KING COUNTY

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign a letter to the King County Council and Seattle Port Commissioners supporting a proposal currently under consideration by the County and the Port.

BACKGROUND DISCUSSION:

In February, King County, the Port of Seattle and the Burlington Northern Santa Fe Railroad announced a proposal that would cause the BNSF right-of-way to be sold to the County for development as a non-motorized trail without precluding future rail use. Essentially, the Port would buy the right-of-way and give it to King County in exchange for the King County airport and other considerations.

After the County Executive had discussions with the Port Commissioners, County board members, and with trail, transportation and rail advocates, the original proposal was revised. One of the new points in the proposal is that the King County Airport would stay in the control of the County. County Councilmembers did not want to lose control of the airport and the Port was not particularly interested in obtaining the airport. The other major point is that the Fisher Flour mill site would be transferred from the County to the Port. The site could have been the location of a solid waste transfer facility. Such a facility would have to be sited elsewhere if the mill site comes under Port ownership. The proposal is described in more detail on the attached term sheet.

*Key Points*

The Council should consider the regional solid waste implications of losing the flour mill site against the implications of losing the opportunity to purchase the right-of-way. The County Executive feels that the loss of the flour mill is mitigated by the opportunity to site the solid waste facility at the new intermodal rail site. Also, if the flour mill site is sold, solid waste money will be placed in reserve in order to purchase a future site. On the other hand reassembling the right-of-way once it is sold off is almost impossible.

A second key point is that only \$44 million will be available to improve the trail corridor. This will leave bridges and at-grade intersections with rail still in place. Although this may be helpful to convey the

Memorandum to David Ramsay

July 25, 2007

Page 2

message that rail may one day come back to corridor (to operate alongside a trail) it seriously limits the trail's ability to serve as a important connector between say Totem Lake and Downtown.

*Alternatives*

One alternative funding plan that was under consideration by some members of the County Council would require the jurisdictions along the corridor to each pay a portion of the cost to obtain the right-of-way. This plan is not supported by the Executive.



**King County**

**Kurt Triplett**, Chief of Staff  
 Office of King County Executive Ron Sims  
 701 5th Ave, Ste 3210  
 Seattle, WA 98104  
 206-296-4046

**DRAFT - For Discussion Purposes Only**

**Term sheet page 1**

**Summary of Evolution: Connections for Our Future Package - Term Sheet  
 July 10, 2007**

**Original Connections for our Future Package:**

- Port pays BNSF \$103 million for Eastside Rail Corridor (ERC), which is conveyed to King County.
- Port pays \$66 million for full trail construction to King County.
- KCIA transferred as is to the Port
- King County advocates to State of WA for \$25 million for Stampede Pass improvements.
- King County supports necessary actions to create new major Intermodal.
- If alternative site found, King County sells Fisher Flour Mill to the Port at fair market value (estimated at between \$12 million and \$15 million).
- BNSF receives \$103 purchase price which ensures maintained focus on new Intermodal and Stampede Pass improvements.

**Port Interests and Concerns Expressed about Original Connections Package:**

- Recognize the strategic interest of preventing KCIA from competing for Sea-Tac Airport tenants and business
- Want to make Intermodal a reality
- Want Stampede Pass improvements
- Want Fisher Flour Mill to maximize Harbor Island investments
- Concerns about liability and costs associated with contamination and operations at KCIA
- Concerns about overall price of the package
- Concerns about the challenges of working with KCIA surrounding communities
- Concerns about ability of any government to raise lease rates at KCIA

**County Council's Interests and Concerns Expressed about Original Connections Package:**

- Concerns about Port plans for future use of the KCIA
- Concerns about impact of potential Port ownership on surrounding communities of Georgetown, South Park, Beacon Hill, West Seattle and Magnolia
- Concerns about impact of Port ownership on KCIA tenants, especially general aviation and corporate aviation
- Concern about the loss of a King County asset that may have substantial value in the future as a non-airport
- Some Council members required "iron clad agreements" to prevent any of these impacts in any transfer to the Port.
- Some Council members simply opposed to transferring the airport for any reason

**Trail, Transportation and Rail Advocates Interests and Concerns Expressed about Original Connections Package:**

Trail & Transportation Advocates

- Support "dual use" of corridor
- Interim trail first, rail when funding is available
- Signing of "Principles of Dual Use"

Rail Advocates

- Leave rail in place
- Raise money to operate transportation system on corridor first
- Possible trail use along side of corridor in the future

Others

- Ensure public knows rail is coming back in future



**King County**

**Kurt Triplett**, Chief of Staff  
 Office of King County Executive Ron Sims  
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 Seattle, WA 98104  
 206-296-4046

**DRAFT - For Discussion Purposes Only**

**Term sheet page 2**

- Leave some rail in place as visible reminder

**Modified Connections for our Future Package to Address Port's Interests and Concerns (Plan A1):**

- Port pays BNSF \$103 million for Eastside Rail Corridor (ERC), which is conveyed to King County.
- Port pays \$44 million to King County for trail construction (\$44 million is estimated by Parametrix for the cost of a paved trail construction without bridges & street crossings).
- King County transfers Fisher Flour Mill to the Port.
- King County shall continue regional rail freight service from Woodinville to Snohomish to further the Port's rail interest in this region until it is no longer economically feasible as determine by the Surface Transportation Board.
- King County enters into a Joint Decision-Making Agreement with the Port concerning decisions to make major capital investments at KCIA to substantially expand passenger terminal or cargo facilities.
- Port receives right of first refusal to buy KCIA should King County propose to sell it to a third party.
- Should the Port purchase KCIA, the Port's Connections investment in the ERC, less the fair market value of the Fisher Flour Mill as valued as the time it is conveyed to the Port, will be credited toward the purchase price.
- Should King County ever sell all or a portion of the ERC the Port will be reimbursed by the County for the pro rata share of the purchase price of \$103 million.
- King County continues to advocate to State of Washington for \$25 million for Stampede Pass improvements.
- King County continues to support necessary actions to create new major Intermodal facility.
- BNSF receives the \$103 million purchase price for the ERC, which ensures maintained focus on new Intermodal and Stampede Pass improvements.

All terms subject to approval of the King County Council, the Port of Seattle Board of Commissioners, the Federal Aviation Administration, and the Surface Transportation Board.

**City Council Action:**

- Approve letter of support from City addressed to King County Council and Port of Seattle for the support of the modified Connections for Our Future package.
- Approve resolution to support public ownership of BNSF Eastside Corridor and modified Connections for Our Future package.

August 8 2008

**DRAFT**

The Honorable Larry Gossett  
Chair, King County Council  
516 Third Ave., MS: KCC-CC-1200  
Seattle, WA 98104

The Honorable John Creighton  
Chair, Port of Seattle Commission  
P.O. Box 1209  
Seattle, WA 98111

Dear Chair Gossett and Chair Creighton:

The City of Kirkland encourages the King County Council and the Port of Seattle Commission to support Executive Sims' modified proposal for acquisition of the Burlington Northern Santa Fe right-of-way. We believe that the modified proposal is a step forward from the original proposal because it better addresses stakeholder concerns and still preserves the corridor.

Early on in this process, regional discussions included the potential of soliciting funding from local jurisdictions to partner in the acquisition of the right of way. Our position on this remains that while we fully support efforts to preserve this corridor in public ownership in perpetuity, we do not have the funding resources available to allocate to such a massive purchase. We believe that the proposal of exchanging public assets allows for the preservation of the corridor and the construction of a trail. It is a reasonable way for Port of Seattle to reinvest the revenue the eastside taxpayers contribute to the Port of Seattle back into the our community. Furthermore, in working with BNSF, the Port of Seattle will see the reinvestment of hundreds of millions of dollars back into necessary local infrastructure improvements that will increase freight mobility and keep our region competitive.

The modified Connections for Our Future proposal continues to involve a complicated set of actions, but we believe it is important to the region to move this forward. We recognize the benefits that the whole package offers to our region with increased freight capacity, a new major intermodal site, and cooperation between the two largest airports in King County. As one of six King County cities through which the 42 mile BNSF right of way runs, Kirkland is particularly interested in securing this right of way in public ownership for trail and rail purposes. We believe that it is essential to take advantage of the opportunity to secure this corridor now so that this exceptional resource can be preserved. We look forward to a major extension of our regional trail system in the short term, and in the long term consideration of high capacity transit serving the Eastside.

Letter to Chair Gossett and Chair Creighton

August 8, 2007

Page 2

Thank you for your efforts thus far to develop the "Connections for our Future" proposal. We encourage the Port of Seattle Commissioners and the King County Council to support the modified proposal and continue the collaboration and partnership between King County, the Port of Seattle, and BNSF to finalize the corridor purchase.

Sincerely,  
KIRKLAND CITY COUNCIL

James L. Lauinger  
Mayor

cc: Port of Seattle Commissioners  
King County Councilmembers



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Erin J. Leonhart, Facilities & Administrative Manager  
John MacGillivray, Solid Waste Coordinator  
Daryl Grigsby, Public Works Director

**Date:** July 24, 2007

**Subject:** GREEN BUSINESS RECOGNITION PROGRAM

### RECOMMENDATION

It is recommended that City Council support a new Kirkland Green Business Recognition Program.

### BACKGROUND

In 2003, the City of Kirkland implemented a "Business Recycler of the Year" recognition award, funded by the King County Waste Reduction and Recycling grant, to encourage Kirkland businesses to reduce waste and recycle. This award was bestowed annually upon one business with particularly effective waste reduction and recycling programs that diverted at least 50% of their waste. For three years, newsletters with application forms were distributed to businesses throughout Kirkland. Follow-up phone calls and on-site visits were made by the City's recycling outreach consultant to promote the program and provide businesses with support in setting up or improving their waste reduction and recycling practices.

### Kirkland Green Business Recognition Program

The Business Recycler of the Year program was not overwhelmingly successful and few businesses applied for recognition. Awarding one business failed to recognize ongoing and varied environmental ("green") efforts throughout the business community. The Public Works Department recognized the program's faults and created a team to develop a meaningful replacement with a broader environmental focus. The replacement program is called the Kirkland Green Business Recognition Program and the team now consists of:

- Kirkland Chamber of Commerce (Board President – Brenda Nunes, Director – Bill Vadino)
- Puget Sound Energy (Energy Management Program – Ryan LeBaron)
- Public Works (John MacGillivray, Erin Leonhart)
- Wilder Environmental Consulting (Kirkland's Business Recycling Consultant – Sam Wilder)
- City Manager's Office (Economic Development – Ellen Miller-Wolfe, Communications – Marie Stake)
- Information Technologies (Multimedia Services – Janice Perry and Lee Wallat, Webmaster – Rob Mullin)

This team has worked collaboratively and developed a program to recognize a multitude of environmental efforts conducted within the business community. The overall concept is that businesses will register

online for recognition in a variety of green categories (see attached checklists). The categories developed for the initial roll-out of the program are:

- Waste Reduction/Recycling
- Water Conservation
- Transportation/Commute Trip Reduction
- Pollution Prevention
- Green Building
- Energy Efficiency
- Green Power

The categories were developed in such a way so that all types of businesses in the community could successfully participate in the program in one or more main categories. Within each category, a business may check off a minimum number of qualifying activities to achieve a given category. Careful consideration was given in crafting the activities to be achievable yet meaningful and effective environmental measures.

When a business qualifies for their first category, they will be recognized at a City Council meeting and on the Green Business website. Participating business will also receive a special core program logo in the form of a window cling and an electronic file that can be used for the business's printed materials. In addition to the main Kirkland Green Business logo, there is an insignia (and corresponding window cling) businesses can earn for each category. The proposed core program logo and insignias will be presented at the City Council meeting on August 7<sup>th</sup>.

### Outreach

Staff acknowledges that robust marketing and outreach strategies will be vital to the initial and sustained success of the new program. The program will be rolled out as a part of the Sustainable September event and will be supported before and after the reveal with a press release; print and television advertisements in the Kirkland Courier and on Currently Kirkland, respectively; a website teaser and advertisement; an informational postcard; an advertisement at the upcoming September 20<sup>th</sup> Business Recycling Collection Event; ongoing consultant outreach with the business community; and in materials distributed during business licensing and renewals. The Kirkland Chamber of Commerce will also include information about the program in their newsletter and website.

### Budgetary Impacts

Staff anticipates that a successful marketing campaign could result in a participation rate of ten percent or more among the 3,500 businesses located in the community. A recent City of Kirkland Green City Survey conducted to find out what our business community is currently doing in the way of sustainability in such areas as recycling and commute trip reduction resulted in a response from 360 businesses. Based upon that response, we can predict that there could be a significant rate of participation in the program even at the most basic level.

It is anticipated that the majority of the startup costs incurred for the initial program rollout will be related to the manufacture of the eight colored window clings (estimated at \$2000 for 500 of the primary logo and 250 copies of the category logos) and advertising. The startup funding will come from the Solid Waste (including grant funding), Water and Surface Water Utilities and from a partnership with Puget Sound

Energy. However, a successful ongoing program may require consideration of a new funding allocation line item in the next budget to cover ongoing costs.

### CONCLUSION

Environmental stewardship is an important value in the Kirkland community. This program provides an opportunity to encourage and recognize businesses that are doing the “right thing” for our environment, which will help the city meet long-term climate change goals and our business community realize the intrinsic economic and marketing benefits of conducting their businesses in a “green” way. Please direct any questions about this program to Erin Leonhart.

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Robin S. Jenkinson, City Attorney

**Date:** July 24, 2007

**Subject:** Setting Public Hearing to Receive Public Comment on the Regional Roads and Transit System Ballot Proposition

**RECOMMENDATION**

That the City Council pass the attached resolution setting September 4, 2007, as the date for a hearing to receive public comment on the Regional Roads and Transit System proposition which will be on the ballot at the November 6, 2007, general election.

**BACKGROUND DISCUSSION**

The attached resolution will set a hearing to give the public an opportunity to comment before the City Council considers taking a formal position on the Sound Transit and Regional Transit Investment District (RTID) ballot proposition for a Regional Roads and Transit System.

Under RCW 42.17.130, the City Council may pass a resolution supporting or opposing a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition and (b) members of the City Council and public are afforded an approximately equal opportunity for the expression of any opposing view. A ballot proposition number has not yet been assigned by King County Elections, but will be in advance of the September 4, 2007, public hearing. In Section 2 of the attached Resolution, the City Council directs the City Clerk to provide the required notice.

The September 4, 2007, Council packet will include a resolution expressing the City Council's support for the Regional Roads and Transit System proposition. The attached memorandum from the Public Works Department provides information about the projects to be funded by the Regional Roads and Transit System ballot proposition.

Please let me know if you have any questions.



## CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

### MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Daryl Grigsby, Public Works Director

**Date:** July 25, 2007

**Subject:** Regional Roads & Transit System ballot proposition

The Roads & Transit package would give our region the most significant transportation improvements in nearly 50 years. It will build on projects currently underway to make a difference for everyone who lives and works in the region, whether they drive a car or truck or take transit. The *Blueprint for Progress* proposes to fund the road improvements through a one-tenth of one percent sales tax and a license fee of eight-tenths of one percent of the value of a vehicle. Sound Transit improvements will be funded through five-tenths of one percent of sales tax. If voters approve this measure, the typical household would pay an additional sales tax of \$150 a year and the owner of a vehicle valued at \$10,000 would pay an additional \$80. New tax revenues generated during the 20 year investment period (nominal dollars) would amount to \$19.10 billion (Sound Transit \$11.6 billion RTID \$7.5 billion).

#### The transit improvements will:

- **Add 50 miles of light rail**, building on the 19-mile system Sound Transit will open in 2009 to Sea-Tac Airport and in 2016 to the UW.
- **Extend light rail** north from the UW to Lynnwood and 164th Street SW, south from Sea-Tac Airport to the Tacoma Dome, and east from Seattle to Microsoft/Overlake via Bellevue.
- **Provide fast, frequent, and reliable service**—no matter how bad traffic is—between major housing and job centers.
- **Move thousands more people** through the region's most congested corridors, taking cars off the road.
- **Provide reliable light-rail service across the region**, with trains running 20 hours a day and departing every few minutes during peak times.
- **Enhance bus service and commuter rail** to serve tens of thousands at rush hour.
- **Buy property and develop plans to expand light rail to Redmond Town Center** if funding is available.
- **Conduct planning studies to prepare for extending light rail to Everett** in the next phase.

#### The road improvements will:

- **Increase mobility** by improving interchanges at chokepoints on I-5 between Everett and Tacoma, and on I-405 between Bellevue and Tukwila.
- **Address serious congestion** on US 2 Trestle, SR 522, SR 9, SR 167 and SR 162 by widening lanes and adding safety improvements.
- **Provide additional capacity** on a new SR 520 Evergreen Floating Bridge by adding HOV lanes, bicycle lanes and shoulders in each direction.
- **Increase traffic flows** by improving the SR 167/I-405 interchange and by providing a direct exit from the I-5 HOV lanes to the busway serving downtown Seattle.
- **Improve truck and freight mobility** by building new connections between I-5 and SR 509 and between SR167 and the Port of Tacoma.

■ **Mitigate construction disruption** by building more Park and Ride lots and increasing transit services, including vanpools and bus service.

■ **Improve safety and provide more transportation choices** by building overpasses, sidewalks and bicycle lanes on major highways across the three-county region.

The proposed Roads and Transit plan is intended to improve the flow of traffic at major chokepoints in the region, increase capacity for drivers as well as bicyclists and pedestrians. If approved by voters, this plan would build a 21<sup>st</sup> century transportation system for the Puget Sound region. For more information please visit [WWW.RTID.ORG](http://WWW.RTID.ORG).

The most critical elements related to the City of Kirkland include the improvements on SR 520, although it is important to note this does not fully fund that project. In addition, the 1-405, the SR 522 improvements, and indirectly, the East Side rail connections could benefit Kirkland residents and commuters.

RESOLUTION R-4661

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE SOUND TRANSIT AND REGIONAL TRANSPORTATION INVESTMENT DISTRICT (RTID) NOVEMBER 6, 2007, GENERAL ELECTION REGIONAL ROADS AND TRANSIT SYSTEM BALLOT PROPOSITION.

WHEREAS, on November 6, 2007, voters in the Regional Transportation Investment District (RTID) and Sound Transit districts will vote on the Regional Roads and Transit System ballot proposition; and

WHEREAS, as provided in RCW 42.17.130, the Kirkland City Council wishes to receive comment from members of the public who wish to speak either in support of or in opposition to the Regional Roads and Transit System ballot proposition;

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

Section 1. That a public hearing will be held to receive comments from members of the public who wish to speak either in support of or in opposition to the Regional Roads and Transit System ballot proposition.

BE IT FURTHER RESOLVED:

Section 2. That the City Clerk is directed to give notice complying with RCW 42.17.130 of said public hearing to be held before the Kirkland City Council in the Kirkland City Hall, 123 Fifth Avenue, Kirkland, on September 4, 2007, at 7:30 p.m.

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