



CITY OF KIRKLAND

CITY COUNCIL

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

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

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber

Tuesday, January 15, 2008

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

7:30 p.m. – Regular Meeting

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
 - a. School Impact Fees
4. *EXECUTIVE SESSION*
 - a. To Discuss Labor Negotiations
5. *SPECIAL PRESENTATIONS*
 - a. King County Council Member Jane Hague
 - b. Green Tips
6. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) 2008 City Council Retreat
 - (2) 2008 Legislative Agenda
 - (3) Calendar Update

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.

7. *COMMUNICATIONS*

- a. *Items from the Audience*
- b. *Petitions*

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.

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* January 2, 2008

b. *Audit of Accounts:*

<i>Payroll</i>	\$
<i>Bills</i>	\$

c. *General Correspondence*

- (1) Helen Roller, Regarding Park Place Redevelopment
- (2) Jeff Schumacher, Regarding Juanita Creek

d. *Claims*

- (1) Linda Lake
- (2) Margaret Schwarz

e. *Award of Bids*

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

- (1) 2007 Street Preservation Project

g. *Approval of Agreements*

h. *Other Items of Business*

- (1) 2008 ARCH Work Program and Budget
- (2) 2008 ARCH Housing Trust Fund
- (3) Ordinance No. 4128 and its Summary, Relating to Multifamily Property Tax Exemption and Amending Chapter 5.88 of the Kirkland Municipal Code
- (4) Report on Procurement Activities
- (5) Authorizing Issuance of a Cabaret Dance License
- (6) Resolution R-4683, Relinquishing Any Interest the City May Have in an Unopened Right-of-Way as Described Herein and Requested by Property Owner 720 Building, LLC

GENERAL CORRESPONDENCE

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

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

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

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

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

- a. Potential Annexation Policy Options and Communications Strategy
- b. Ordinance No. 4129 and its Summary, Amending Section 1 of Ordinance 4127 Relating to Fees Charged Under KMC 5.74.070 and Reducing the Fee Amount Charged for Temporary Use Permits and Making Two Clarifications
- c. Downtown Strategic Plan Update – Phase 2 Scope of Work
- d. Miscellaneous Zoning and Municipal Code Amendments:
 - (1) Ordinance No. 4121 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Portions of the Following Chapters of Ordinance 3719 as Amended, The Kirkland Zoning Ordinance: Chapter 1-User Guide; Chapter 5-Definitions; Chapter 10-Legal Effect; Chapter 15-RS Zones; Chapter 17-RSX Zones; Chapter 20-RM Zones; Chapter 25-PR Zones; Chapter 27-PO Zones; Chapter 30-WD Zones; Chapter 35-FC Zones; Chapter 40-BN Zones; Chapter 45-BC Zones; Chapter 47-BCX Zones; Chapter 48-LIT Zones; Chapter 50-CBD Zones; Chapter 51-MSZ Zones; Chapter 52-JBD Zones; Chapter 53-RH Zones; Chapter 54-NRH Zones; Chapter 55-TL Zones; Chapter 60-PLA ZONES; Chapter 72-Adult Activities Overlay Zone; Chapter 75- Historic Landmark Overlay Zone and Historic Residence Designation; Chapter 80-Equestrian Overlay Zone; Chapter 95-Tree Management and Required Landscaping; Chapter 105-Parking Areas, Vehicle and Pedestrian Access, and Related Improvements; Chapter 115-Miscellaneous Standards; Chapter 117-Personal Wireless Service Facilities; Chapter 130-Rezones; Chapter 142-Design Review; Chapter 150-Process IIA; Chapter 160-Process IV; Chapter 161-Process IVA; and Chapter 180-Plates; and Approving a Summary Ordinance for Publication, File No. ZON06-00033
 - (2) Ordinance No. 4122 and its Summary, Relating to Planning and Land Use and Amending Portions of the Following Titles of the Kirkland Municipal Code: Title 19-Streets and Sidewalks and Title 22-Subdivisions; and Approving a Summary Ordinance for Publication, File No. ZON06-00033

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

11. NEW BUSINESS

12. ANNOUNCEMENTS

13. ADJOURNMENT



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

MEMORANDUM

To: David Ramsay, City Manager
From: Eric Shields, Planning Director
Date: January 3, 2008
Subject: School Impact Fees

RECOMMENDATION

Hear a presentation from the Lake Washington School District; discuss the District's request for the City to collect school impact fees on the District's behalf; and provide direction to staff to schedule the matter for a future Council meeting.

BACKGROUND DISCUSSION

The Lake Washington School District has requested that the City of Kirkland collect school impact fees on behalf of the District. In the attached letter, representatives of the District have responded to questions presented to them by staff about the need for, use of and amount of impact fees. The letter was reviewed by the Council Finance Committee on December 18, 2007. At the meeting, several additional questions were raised. After the meeting I transmitted a request for additional information to the District's representative. I received a response on January 2, 2008 indicating that, due to the holidays, the District was unable to provide the information for the Council packet. However, responses will be provided at the January 15 Council meeting.

Following is the requested information:

- What proportion of school district capital expenditures are funded by impact fees? Are there state or district policies which guide the use of impact fees vs. other revenue sources? A pie chart showing the sources of the district's capital funding (levies, state funds, impact fees, etc.) might be helpful.
- It would be helpful to provide some additional information about the methodology for projecting student populations in Kirkland. The committee members understand that the school district boundaries overlap with multiple jurisdictions and that there will be movement of students across city boundaries. Still, they would like to better understand the methodology for determining the relationship between Kirkland housing growth and the increase in school aged children residing in Kirkland.
- Your letter notes that senior housing and accessory dwelling units would be exempted from impact fees. Kirkland also exempts low income housing and "community based human services agencies" from our park and traffic impact fees. It is possible that the City would want to have the

same exemptions for school impact fees (although human service agencies would probably not be subject to school impact fees in the first place). Pursuant to state impact fee statutes, the City must pay impact fees on behalf of an exempted development. Would you please address the district's willingness to exempt low income housing and if so, whether/ how the exempted fees (from senior housing, ADUs, or low income housing) would be replaced?

- Finally, committee members would like a better understanding of how capacity needs are addressed when Kirkland schools are modernized. The committee understands that some of the capacity for the increase in Kirkland children is provided in schools in other parts of the district and that portables have a role in flexibly responding to enrollment growth. Even so, to the extent that there is an increase in Kirkland's school population, it would seem appropriate to address it as schools are modernized.

Attachments:

1. Letter of December 10, 2007 from Denise L. Stiffarm to Teresa Swan
2. Lake Washington School District Six-Year Capital Facilities Plan 2007 - 2012

December 10, 2007

Denise L. Stiffarm
denise.stiffarm@klgates.com

Ms. Teresa Swan
Senior Planner
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: Lake Washington School District - School Impact Fee Request

Dear Ms. Swan:

On behalf of the Lake Washington School District No. 414 (the "District"), the following responds to the City of Kirkland's ("Kirkland") request for information related to the District's Capital Facilities Plan and impact fee calculations. Specifically, the District responds with information pursuant to the questions presented in your email dated November 16, 2006, your letter dated March 12, 2007, and your email dated September 6, 2007. For ease of reference, your questions are repeated in the text below. Please note that the District's responses are based, in part, on the data contained in the District's most recent Capital Facilities Plan, which the Board adopted on August 27, 2007.

1. Existing and estimated future student population in Kirkland through 2012:

As a preliminary matter, please note that the District does not segregate students based upon their home addresses. In other words, the District does not follow a template whereby all Kirkland students and only Kirkland students attend schools located in Kirkland. Rather, students throughout the District attend District schools based upon logically assigned attendance areas. For example, there are students that reside in the City of Redmond that attend Mark Twain Elementary, located within the City of Kirkland, and there are City of Kirkland students that attend Redmond Elementary, located in the City of Redmond.

The District identifies (and, from time-to-time, modifies) attendance areas based upon factors that include, but are not limited to, recognizing established neighborhood groups, balancing resources and capacity across the District, allocating special programs throughout the District in an equitable manner, managing the need for classroom additions and/or portable siting, and coordinating transportation routes. As population and enrollment shifts within the District, changes in attendance areas may become necessary. The location of each District school can be found at <http://www.metrokc.gov/elections/gis/maps/schools/sch414.pdf>.

Ms. Teresa Swan
December 10, 2007
Page 2

As such, it is difficult to isolate Kirkland students from all students in the District. Nonetheless, the data below attempts to provide information data in response to the capacity needs related to Kirkland-resident students.

- **Existing student population in Kirkland:**

Currently, 3,842 Kirkland-residents attend District schools that have Kirkland addresses. These schools include 10 elementary schools, 3 junior high schools, and three high schools (including BEST alternative school). In addition, 968 Kirkland-residents attend District schools located outside of Kirkland. These schools include 12 elementary schools, 7 junior high schools, and 2 high schools.¹ The total 4,810 Kirkland-residents in District schools represents 20.9% of the total District student population of 23,040 students.²

- **Projected 2012 student population in Kirkland:**

In large part, the District's projections of Kirkland-resident students in District schools through 2012 is speculative. The District relies on known development data and student progression history to calculate population projections on a District-wide basis. First, the District applies the cohort survival/historical enrollment figures to determine the base enrollment. In simple terms, this step moves the existing student population forward from year-to-year and adds kindergarten enrollment based upon live birth data. Then, as a second step, the District adds the students anticipated from new development (based upon known approved development located within the District during the projection period) to modify the cohort projection. Specifically, the District receives development notices from each jurisdiction located within the District's service area (King County, Kirkland, Redmond, Sammamish) through the State Environmental Policy Act review process. The District then contacts each developer to determine when the homes in the proposed development are expected to be constructed and occupied. Using this information and the District's student generation rates, the District then projects, by year, the anticipated number of students from each development.³

Based upon this two-step process, the District projects that the total student population in the

¹ The 968 figure includes 110 high school students; thus, the majority of Kirkland-resident students attending schools outside of Kirkland are elementary (254) and junior high (540) school students.

² See Table 1 in the 2007 Capital Facilities Plan. The 23,040 student enrollment figure represents the District's total enrollment for purposes of facilities utilization as of October 1, 2006. This figure is derived by taking the total headcount enrollment and counting ½ day kindergarten as .5.

³ For example, if a developer of a project in Kirkland informs the District that the homes in his 20-lot subdivision will be ready for occupancy in 2010, the District will project that 13 new students (multiplying the student generation rate of 0.633 by the 20 new homes) will be present in the Kirkland area of the District in 2010.

Ms. Teresa Swan
December 10, 2007
Page 3

District will growth from 23,040 students in 2005-06 school year (see Table 1 in the 2006 Capital Facilities Plan) to 24,037 students in 2012. These figures indicate a 4.3% student population increase.

The District estimates that, by 2012, approximately 1,426 new students will be generated throughout the District from known and expected new development. Again, these projections are based on the development tracking in step 2 of the enrollment projection methodology described above. The District projects that 77 of the 1,426 new students from new development will be generated from new development in the City of Kirkland.

Notably, the 2012 enrollment projections do not account for the potential annexation by Kirkland of unincorporated areas of King County located within the District. An annexation event will result in additional Kirkland-resident students in the District. Furthermore, the District's projections do not consider any rezoning or other changes in land use that may occur in the future. Also, the projections do not account for development taking place through the short-plat process. (The District has chosen not to track developments under 10 dwelling units due to staff limitations. In addition, the jurisdictions do not typically provide regular notice or information to the District regarding in-fill projects.) This is significant given that there is substantial in-fill occurring in Kirkland. Finally, as neighborhoods mature and relatively less expensive homes are sold to younger owners with families, the District has experienced student population growth that is not necessarily related to new development.

In correspondence from Kirkland (Teresa Swan) dated March 12, 2007, Kirkland indicates that its total residential population will growth from 45,740 in 2005 to 50,256 by 2012. This is a 9.87% population growth. Kirkland also indicates that, through 2022, it will gain a net of 80 new single family dwelling units and 169 new multi-family dwelling units per year.⁴ Based upon this figures, and using the District's current student generation rates contained in the Capital Facilities Plan, the District can expect 51 new students from new single family homes in Kirkland and 21 new students from new multi-family homes in Kirkland in each year through 2022. This would result in 330 new Kirkland-resident students in the District between the years 2008 and 2012 and significantly exceeds the District's conservative estimate of 77 new students by 2012.

2. Existing space and future space needs in Kirkland through 2012:

- **Existing space serving Kirkland-residents students:**

Currently, Kirkland-residents use 4,810 student seats in District schools (3,842 in Kirkland

⁴ We understand that these figures exclude teardowns and replacements of existing units and do not include any development in potential annexation areas.

Ms. Teresa Swan
December 10, 2007
Page 4

and 968 outside of Kirkland). The District has a total regular classroom capacity of 22,165, and currently serves a student population of 23,040 (October 1, 2006 FTE). The 22,165 capacity figure represents regular classroom capacity. The District has an additional 408 seats for special service needs (i.e. special education). These seats are not available to serve regular capacity needs. As such, the combined total capacity in District schools is 22,573.⁵ The 2006 capacity additions at Rosa Parks Elementary, Rose Hill Elementary, and Inglewood Junior High increased the District's total combined capacity from 22,062 in 2005 to 22,573 in 2006. However, the closing of Old Dickinson Elementary School in 2007 resulted in a loss of 138 regular classroom seats, leaving 2007 combined capacity at 22,435. Notably, Rose Hill Elementary serves Kirkland-resident students. The permanent capacity number does not include portable capacity. As enrollment fluctuates, the District uses portable facilities to accommodate immediate needs and interim housing throughout the District.

The District currently has regular capacity to serve a total of 6,823 students in Kirkland schools. However, as explained above, it should be noted that, just as Kirkland-resident students do not attend only schools located in Kirkland, schools located in Kirkland do not serve only Kirkland-resident students. Rather, service area boundaries dictate what school a student attends. In some cases, a Kirkland-resident student may attend a school located near their home, but just outside of the City of Kirkland. At the present time, 6,944 District students attend Kirkland schools, with 3,842 of those students being Kirkland-residents (and an additional 968 Kirkland-resident students attending schools outside of Kirkland).

- **Future space needs to serve Kirkland-residents students:**

Currently, Kirkland schools are over capacity by 121 students (6,844 regular student capacity and 6,944 current student population). Similarly, District-wide, schools are over regular classroom capacity by 1,287 students (22,165 regular student capacity and 23,452 current student population).

Capacity needs are most pronounced at elementary school levels. The District recently added additional capacity at several schools, including Rose Hill Elementary, which is located in Kirkland. Currently, the District has capacity to serve 11,270 elementary school students, with an enrollment of 12,577 elementary school students. This means that the District has a current elementary capacity deficiency of 1,307.

The District's Capital Facilities Plan includes several projects to address elementary capacity needs throughout the District: a new elementary school on the Sammamish Plateau, a new elementary school in Redmond Ridge East, and capacity additions (as a result of modernization projects) at Frost, Muir, and Rush elementary schools. Notably, Frost, Muir and Rush elementary schools serve Kirkland-resident students even though these schools are located outside of Kirkland. Furthermore, the new elementary capacity at the planned Sammamish Plateau and Redmond Ridge East schools will indirectly benefit Kirkland-

⁵ See Appendix A and Table 1 in the 2007 Capital Facilities Plan.

Ms. Teresa Swan
 December 10, 2007
 Page 5

resident students by creating additional elementary school capacity throughout the District. That is, by building new capacity in one area of the District, the District can shift student populations at existing schools to ensure adequate capacity.

As an illustration of how this will benefit Kirkland-resident students, the following elementary schools are located in Kirkland and currently have the following capacity demands:

Elementary School*	Current Capacity	Current Enrollment	Surplus/Deficiency
Bell	345	383	(38)
Discovery	69	63	6
Franklin	437	503	(66)
Juanita	391	346	45
Kirk	483	516	(33)
Lakeview	368	425	(57)
Rose Hill	276	356	(11)
Sandburg	460	513	(53)
Twain	483	554	(71)
TOTAL	3,312	3,659	(278)

*Totals do not include 39 students attending Community Elementary (located in Kirkland), which is housed in portable classrooms.

In other words, 7 of the 9 elementary schools located within the City of Kirkland are over capacity (with an overall deficiency equal to nearly one elementary school). While the District does not currently plan to build a new elementary school in Kirkland, the new elementary school capacity that will be added in the District by 2012 will allow the District to shift elementary school enrollment throughout the system and alleviate capacity needs in Kirkland schools. This, in turn, will “open” new capacity in existing Kirkland schools to serve the students from new development in Kirkland.

3. Cost of the needed new facilities divided by the number of new Kirkland students calculation of the school impact fee:

As indicated above, capacity needs at the elementary school level are most pronounced. This is true in Kirkland and throughout the District. Because Kirkland elementary schools are currently overcapacity, any new elementary student entering the District from new development in Kirkland will impact capacity needs. Therefore, the relevant calculation is the cost per new dwelling unit for elementary capacity.

The District’s school impact fee calculation, included in Appendix B (single family) and Appendix C (multi-family) to the Capital Facilities Plan, identifies the relevant cost per dwelling unit for new elementary school capacity. The fee formula carefully considers the actual capital costs of needed new facilities and uses a student generation rate, which is the average number of students generated from each dwelling unit type, to determine a cost per

Ms. Teresa Swan
 December 10, 2007
 Page 6

dwelling unit. This cost is offset by credits for state match funds that the District will receive toward the facility construction and by the taxes that a new homeowner will pay toward a school construction bond. Using this formula, the cost per dwelling unit for new elementary school capacity in the District is \$5,568 per single family dwelling unit and \$657 per multi-family dwelling unit. Please note that these fees are discounted by 50%. The District requests that the City of Kirkland collect these fee amounts on behalf of the District.

Currently, King County and the City of Sammamish have adopted, on behalf of the District, school impact fees in the amount of \$5,568 per single family dwelling unit and \$657 per multi-family dwelling unit. The City of Redmond is in the process of considering the District's updated 2007 Capital Facilities Plan. Until that update is approved, the City of Redmond collects fees of \$2,750 per single family dwelling unit and \$275 per multi-family dwelling unit.⁶

Please note that the District updates its Capital Facilities Plan, including the school impact fee calculations, on an annual basis and the fee per unit changes. If Kirkland adopts a school impact fee ordinance, the District would submit annual updates to the City for consideration.

4. Identify the number of projected school age children population through 2012 for Redmond, Sammamish and the portions of unincorporated King County that the District serves and compare the same with projections for the City of Kirkland:

Again, the District expects a total student population of 24,037 by 2012, with approximately 1,426 new students being generated throughout the District from new development. The following chart identifies the projected distribution of new students from new development:

	Projected Students from New Development through 2012	Percent of Total
City of Kirkland	77	5.4%
City of Redmond	88	6.2%
City of Sammamish	144	10.1%
Unincorporated King County	1,117	78.3%
Total District	1,426	--

Notably, these figures do not account for any potential annexation by a city of a portion of unincorporated King County. Such an event could dramatically affect the distribution of new students throughout the District. Furthermore, these figures do not consider rezoning activities, short plat or in-fill development, or other changes in land use that may occur in the future. As noted in Section 1 above, the actual number of new students from new development in Kirkland, based upon the City's own projections, could be significantly higher than the District's current estimates.

⁶ The City of Redmond fee amounts are based upon an internal City calculation that uses the District's 2006 fee as a base and then imposes a discretionary City discount.

Ms. Teresa Swan
December 10, 2007
Page 7

5. Address why the District should not be divided in to subareas for assessing and collecting school impact fees:

A subarea template would only work if the District's infrastructure were inflexible and wholly funded by a single jurisdiction. That is, if: (1) schools in one jurisdiction only served students residing in that jurisdiction; (2) students in that jurisdiction did not attend schools located outside of that jurisdiction; and (3) the taxpayers in one jurisdiction wholly funded the bonds and levies for the schools located in that jurisdiction. This is far from reality and would be inconsistent with serving the education needs of children within the District.

As discussed throughout this document, the District does not define components of the District by jurisdiction, but rather recognizes the District as a unified whole with logical service areas that may adjusted from time to time. The District assesses capacity throughout the system, as required by the Growth Management Act, to determine needs and related costs subject to impact fees. Furthermore, taxpayers *throughout* the District, regardless of the jurisdiction where their home is located, vote to approve or deny District bonds and levies and, when approved, equally fund (based upon property value) the bonds and levies. These dollars create a *uniform* school district. In the spirit of this uniformity, the District creates, and over time adjusts, logical service areas that further the District's educational program and ensure the equitable distribution of educational resources throughout the District.

In summary, while the anticipated student population growth in Kirkland, especially at the elementary school level, supports a school impact fee ordinance in Kirkland, it is not in the best interest of students residing in Kirkland or the District to base consideration of such an ordinance solely on statistics.

6. Would the following types of housing be excluded from impact fees: (1) senior housing and assisted living units with a covenant that runs with the property; (2) accessory dwelling units; and (3) studio apartments:

Pursuant to State law, local impact fee ordinances may provide exemptions for development activities "with broad public purposes" with the impact fees for such exempt activities being paid from other public funds. RCW 82.02.060(2). Typically, school impact fee ordinances exempt senior housing/assisted living units and accessory dwelling units from the payment of fees. See e.g., King County Code sec. 21A.43.070. Studio apartments are not typically exempt from the payment of fees.

Please note that the District's student generation rates for multi-family dwelling units include data for studio apartments. As such, the fee calculation and resulting fee amount reflect the fact that these types of dwelling units do not generate the same number of students as single family dwelling units.

Ms. Teresa Swan
December 10, 2007
Page 8

7. What accounting measures does the District take to ensure that school impact fees are earmarked toward new capacity projects and not modernization projects or projects to correct existing deficiencies:

Pursuant to State law, impact fees can only be used for system improvements that will reasonably benefit new development. RCW 82.02.050(3). State law requires that impact fee receipts be earmarked and retained in segregated accounts, with the assessing jurisdiction required to annually prepare a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and the system improvements that were financed in whole or in part by impact fees. RCW 82.02.070(1). Importantly, expenditures must be tied to capacity projects included in the adopted capital facilities plan. RCW 82.02.070(2).

To implement a school impact fee ordinance, a local jurisdiction and the benefiting school district execute an interlocal agreement for the purposes of administering and distributing the authorized impact fees. A typical provision in such an interlocal agreement would be a requirement that the school district prepare the annual report required by RCW 82.02.070(1) and submit such report to the local jurisdiction by an agreed date. The District follows this practice currently for the impact fee programs in King County, the City of Redmond, and the City of Sammamish, and would expect to do the same for Kirkland.

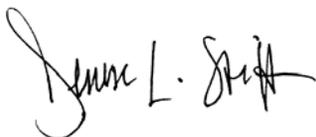
8. Why did the District add portables to some schools in Kirkland instead of adding new permanent capacity at those same schools as a part of the recent modernization projects:

Schools are planned and built to capacity based upon mid- to long-range enrollment projections. Furthermore, it is the District's policy to master plan school modernization projects with the potential of adding four additional portables to the site. This allows flexibility with area demographics so that the district is not overbuilding permanent space.

Please let us know if you have any questions or need additional information. We look forward to continued collaboration with the City of Kirkland on this effort. Thank you.

Very truly yours,

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP



By
Denise L. Stiffarm

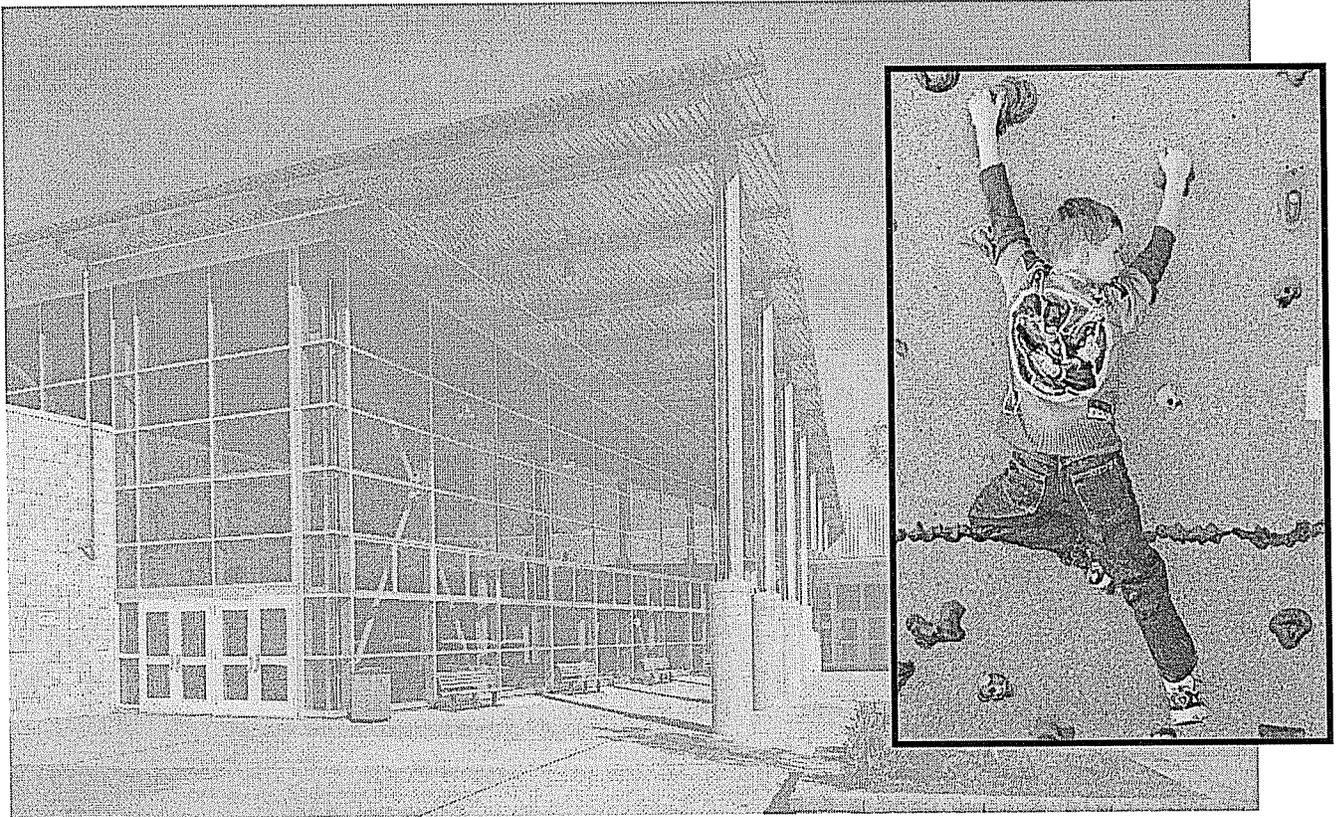
Ms. Teresa Swan
December 10, 2007
Page 9

cc: Forrest Miller, Lake Washington School District
David Johnston, Livengood, Fitzgerald & Alskog, PLLC

K:\30260\00001\DLS\DLS_L20MX4

Six-Year Capital Facility Plan

2007 - 2012



Board Approved
August 27, 2007

Lake Washington School District #414
Serving Redmond, Kirkland, Sammamish, and King County, Washington

Lake Washington School District #414
Serving Redmond, Kirkland, Sammamish, and King County, Washington

SCHOOL BOARD MEMBERS

Jackie Pendergrass, President

Ravi Shahani, Vice-President

Nancy Bernard

Doug Eglington

Matthew Gregory

SUPERINTENDENT

Dr. Chip Kimball

**Lake Washington School District's
Six-Year Capital Facilities Plan
2007 - 2012**

**For information about this plan, call the District Support Services Center
(425/882-5108)**

TABLE OF CONTENTS

	Section	Page Number
I.	Executive Summary	2-4
II.	Six-Year Enrollment Projection and Long Term Planning	5-7
III.	Current District "Standard Of Service" <i>(As Defined by King County Code 21A.06)</i>	8-10
IV.	Inventory and Evaluation of Current Facilities	11
V.	Six-Year Planning and Construction Plan	12
VI.	Relocatable and Transitional Classrooms	13
VII.	Six-Year Classroom Capacities: Availability / Deficit Projection	14
VIII.	Finance Plan	15
IX.	Appendices A - E	
X.	Tables 1 - 6	

I. Executive Summary

This Six-Year Capital Facilities Plan (the "plan") has been prepared by the Lake Washington School District (the "district") as the organization's primary facility planning document in compliance with the requirements of the State of Washington's Growth Management Act and King County Code 21A.43. It was prepared using data available in Spring 2007.

The plan is consistent with prior long-term capital facilities plans adopted by the Lake Washington School District. However, it is not intended to be the sole plan for all of the organization's needs. The district also prepares interim and long-range capital facilities plans consistent with board policies. Such plans take into account longer and shorter time periods, other factors and trends in the use of facilities, and other needs of the district as may be required. These plans are consistent with this Six-Year Capital Facilities Plan.

In order for impact fees to be collected in the unincorporated areas of King County, the King County Council must adopt this plan as proposed by the district. The cities of Redmond and Sammamish have each adopted a school impact fee policy and ordinance similar to the King County model. For impact fees to be collected in the City of Kirkland, the City of Kirkland must also adopt this plan and adopt its own school impact fee ordinance.

Pursuant to the requirements of the Growth Management Act, this plan will be updated on an annual basis with any changes in the fee schedule adjusted accordingly. See *Appendix B* for the current single family calculation and *Appendix C* for the current multi-family calculation.

The district's capital facility plan establishes a "standard of service" in order to ascertain current and future capacity. With the passing of State Initiative 728 (I-728) in November 2000, target teacher-student ratio in kindergarten and first grade changed in the 2001-2002 school year. However, due to state budget constraints, I-728 was not fully implemented as originally anticipated. Because of this, the district standard was modified in 2004 to reflect a partial implementation of I-728 for as long as I-728 monies are available. The District plans to continue implementation of the modified standard of service for purposes of this plan and will continue to evaluate capacity standards on an ongoing basis.

I. Executive Summary (continued)

It might also be noted that though the State Superintendent of Public Instruction establishes square foot guidelines for capacity funding criteria, those guidelines do not account for the local program needs in the district. The Growth Management Act and King County Code 21A.43 authorizes the district to make adjustments to the standard of service based on the district's specific needs.

In general, the district's current standard provides the following (see *Section III* for specific information):

Grade Level	Target Teacher-Student Ratio
K-1	19 Students
2-3	24 Students
4	25 Students
5-6	27 Students
7-9	30 Students
10-12	32 Students

School capacity is based on the district standard of service and the existing inventory. Existing inventory includes both permanent and relocatable classrooms. As seen in *Appendix A*, the district's overall capacity is 25,419 Full-Time Equivalent (FTE) students (22,165 for permanent and 2,846 for relocatables - i.e. portable classroom units). For this same period of time, student enrollment is 23,040 FTE. Enrollment is projected to increase to 24,037 FTE in 2012 (see *Table 1*). Though areas of growth are seen in various areas of the district, the most notable growth continues to be in the Redmond and Sammamish areas. The growth will necessitate the construction of one elementary school on the plateau and the planning for one elementary school in the Redmond Ridge East development.

In February 2006, voters in the Lake Washington School District passed a bond measure to fund Phase II (2006-2014) of the school modernization program. The schedule for the schools has been established with many of the schools being modernized within the timeframe of this plan.

I. Executive Summary (continued)

In the past year, the District completed the modernization of one elementary school, an addition to one junior high school, and opened the new Rosa Parks Elementary School.

In the timeframe of this plan, the district will modernize three elementary schools, two junior high schools, and one high school from Phase II of the district's school modernization program. In addition, the District will construct a new elementary school on the plateau at Site 52 and begin planning for an elementary school for the Redmond Ridge East area. All are planned to receive appropriate permanent capacity and, if possible, will have existing relocatable classrooms removed.

A financing plan is included in *Section VIII* that demonstrates the district's ability to implement this plan.

II. Six-Year Enrollment Projection and Long Term Planning

Six-Year Enrollment Projection

Based on the district's forecasts (see *Table 1*), enrollment is projected to increase approximately 997 students over the next six years. This is a 4.3% increase over the current student population. Applying the enrollment projections contained in *Table 5* to the district's existing capacity, the district will be over permanent capacity by 898 students. This projection contemplates the full development of Redmond Ridge and the Redmond Ridge East development. Other developments that are expected to generate students and affect the district are also included in the projection. The numbers anticipated for the Redmond Ridge East development show the need for a future elementary school within that planned Development.

Student enrollment projections have been developed using a two methods: first, the cohort survival – historical enrollment method is used to forecast enrollment growth based upon the progression of existing students in the district; then, development tracking – the enrollment projections are modified to include students anticipated from new development in the district. The cohort survival method was used to determine base enrollments. This mechanism uses historical enrollment data to forecast the number of students who will be attending school the following year. Information on known and anticipated housing development was used as a second means in determining enrollment projections. This method allows the district to more accurately project student enrollment by school attendance area. (See *Table 2*)

Cohort Survival

A percentage of King County live births is used to predict future kindergarten enrollment. Actual King County live births through 2005 are used to project kindergarten enrollment through the 2010-2011 school year. After 2011, the number of live births is based on King County projections. Historical data is used to estimate the future number of kindergarten students that will generate from county births. For other grade levels, past cohort survival trends were analyzed.

II. Six-Year Enrollment Projection and Long Term Planning (continued)

Development Tracking

In order to increase the accuracy and validity of enrollment projections, a major emphasis has been placed on the collection and tracking of data of 80 known new housing developments. This data provides two useful pieces of planning information. First, it is used to determine the actual number of students that are generated from a new single family or multi-family residence. It also provides important information on the impact new housing developments will have on existing facilities and/or the need for additional facilities.

Developments that have been completed over the last five years are used to forecast the number of students who will attend our schools from future developments. District wide statistics show that new single-family homes currently generate 0.422 elementary student, 0.124 junior high student, and 0.087 senior high student, for a total of 0.633 school-age child per single family home (see *Appendix B*). New multi-family housing units currently generate an average of 0.077 elementary student, 0.022 junior high student, and 0.022 senior high student for a total of 0.120 school age child per multi-family home (see *Appendix C*). The totals of the student generation numbers increased for new single family developments, particularly at the elementary level, and remained about the same for the multi-family developments. Information obtained from the cities and county provides the foundation for a database of all known future developments in the district and is consistent with the comprehensive plans of the local permitting jurisdictions. Contact has been made with each developer to determine the number of homes to be built and the anticipated development schedule. There is limited data from projects five years or newer. Historically, the district has seen student growth accelerate in developments after five years.

The student generation factors (see *Appendix D*) were used to forecast the number of students expected from these developments.

II. Six-Year Enrollment Projection and Long Term Planning (continued)

Long Term Planning

In November 1994, the district prepared a long-term plan called "Plan 2010: Lake Washington School District's Blueprint for Facilities." In addition to the district's six-year enrollment projections, the plan included enrollment projections and facility needs through the year 2010. The long-term plan is incorporated in this report by reference. The plan is divided into three phases with the years corresponding to the beginning of the school year. Phase I and Phase II have been completed and the district is commencing Phase II.

- Phase I (1997-2001) represents the "active phase" in which actual construction and redevelopment projects occur.
- Phase II (2002-2006) is the "planning phase" for which plans are developed and sites are identified.
- Phase III (2007-2011) is the "monitoring phase" in which the district monitors and updates projections.

The long-term plan will be updated later this year and is now referred to as "Plan 2022: Lake Washington School District's Blueprint for Facilities". Plan 2022 will take into consideration differing growth patterns within each of three geographic areas.

III. Current District "Standard of Service"

King County Code 21A.06 refers to a "standard of service" that each school district must establish in order to ascertain its overall capacity. The standard of service identifies the program year, the class size, the number of classrooms, students and programs of special need, and other factors (determined by the district), which would best serve the student population. Relocatables (i.e. portable classroom units) may be included in the capacity calculation using the same standards of service as the permanent facilities.

The standard of service outlined below reflects only those programs and educational opportunities provided to students that directly affect the capacity of the school buildings. The special programs listed below require classroom space; thus, the permanent capacity of some of the buildings housing these programs has been reduced. Newer buildings have been constructed to accommodate some of these programs. When older buildings are modified to accommodate these programs, there may be a reduction in classroom capacity. At both the elementary and secondary levels, the district considers the ability of students to attend neighborhood schools to be a component of the standard of service.

I-728

In November 2000, voters passed I-728. The decision to reduce the teacher-student ratio has a direct impact on the capacity of our elementary schools. With the start of the 2001-2002 school year, kindergarten and first grade changed its staffing to a teacher-student ratio of 18:1. As a result of the Legislature's cutbacks, the district's plan was modified in the 2002-2003 school year such that the teacher-student ratio for grades kindergarten through second grade is 19:1 for this six-year planning period. Ratios remained the same for the 2006-2007 school year and changes are not planned for the 2007-2008 school year.

In the 2007 Session, the Legislature "fully funded" I-728. The district will assess the impact of this funding on elementary school capacities and will include any capacity adjustments in future updates to this plan.

III. Current District "Standard of Service" (continued)

Standard of Service for Elementary Students

- Class size for grades K - 1 average 19 students
- Class size for grades 2 - 3 average 24 students
- Class size for grades 4 average 25 students
- Class size for grade 5-6 average 27 students
- Special Education for students with disabilities may be provided in a self-contained classroom
- All students will be provided music instruction in a separate classroom
- All students will have scheduled time in a special computer lab

Identified students will also be provided other special educational opportunities in classrooms designated as follows:

- Resource rooms
- English Language Learners (ELL)
- Education for disadvantaged students (Title I)
- Gifted education (pull-out Quest programs)
- District remediation programs
- Learning assisted programs
- Severely behavior disordered
- Transition room
- Mild, moderate and severe disabilities
- Developmental kindergarten
- Extended daycare programs and preschool programs

Standard of Service for Secondary Students

- Class size for grades 7-9 should not exceed 30 students
- Class size for grades 10-12 should not exceed 32 students
- Special Education for students with disabilities will be provided in a self-contained classroom

Identified students will also be provided other special educational opportunities in classrooms designated as follows:

- English Language Learners (ELL)
- Resource rooms (for special remedial assistance)

III. Current District "Standard of Service" (continued)

- Computer rooms
- Preschool and daycare programs

Room Utilization at Secondary Schools

It is not possible to achieve 100% utilization of regular teaching stations because of scheduling conflicts for student programs, the need for specialized rooms for certain programs, and the need for teachers to have a work space during their planning periods. Based on actual utilization, the district has determined a standard utilization rate of 70% for non-modernized secondary schools. As secondary schools are modernized, the standard utilization rate is 83%. The anticipated design of the modernized schools and schools to be constructed will incorporate features which will increase the utilization rate for secondary schools.

IV. Inventory and Evaluation of Current Facilities

The district currently has permanent capacity to house 22,573 students and transitional (relocatable) capacity to house 2,846 students (see *Appendix A*). This capacity is based on the district's Standard of Service as set forth in *Section III*. The district's current student enrollment is 23,040 and will increase to 24,037 in 2012 (see *Table 1*).

Calculations of elementary, junior high school, and senior high school capacities are set forth in *Appendix A*. Included in this six-year plan is an inventory of the district's schools arranged by area, name, type, address, and current capacity (see *Table 3*).

The physical condition of the district's facilities was evaluated by the 2006 State Study and Survey of School Facilities completed in accordance with WAC 180-25-025. As schools are modernized, the State Study and Survey of School Facilities report is updated. That report is incorporated herein by reference.

V. Six-Year Planning and Construction Plan

To address existing and future capacity needs, the district's six-year construction plan includes the following capacity projects:

- During the next six years, new growth in the Redmond area created the need to construct one elementary school. This new elementary school (Rosa Parks Elementary School, Site 41) located within the Redmond Ridge development was occupied in the fall of 2006. During the summer of 2007, old Dickinson will be demolished. In addition, district projections for the Redmond Ridge East development will necessitate the need for a new elementary site within that development. The District continues to monitor the project and will enter into negotiations for the purchase of property for an elementary school within the Redmond Ridge East development once the project is on line. Future updates to this plan will include information regarding this property purchase and the associated school construction costs in the finance plan and school impact fee calculations.
- Growth on the plateau (City of Sammamish) is causing the need to plan for additional elementary school capacity by the fall of 2008. Voters passed a bond measure in February 2006 to fund the construction of this new elementary school.
- Phase II School Modernization (2006-2014) was funded by the voters in February 2006. The approved bond measure will fund the modernization of 10 schools throughout the district. During the period of this Capital Facilities Plan, the district will begin the planning or complete the modernization for: Frost Elementary, Muir Elementary, Rush Elementary, Finn Hill Junior High, Rose Hill Junior and Lake Washington High School. Each elementary school modernization project also includes the addition of new student capacity.

Included in this plan is an inventory of the projects listed above. They are arranged by cost, additional capacity, and projected completion date. (See *Table 5 & 6*)

VI. Relocatable and Transitional Classrooms

The district inventory includes 127 relocatables (i.e. portable classroom units) that provide standard capacity and special program space as outlined in *Section III (see Appendix A)*.

Based on enrollment projections and planned permanent facilities, the district does not anticipate the need to acquire additional relocatables during the next six-year period. For a definition of relocatables and permanent facilities, see *Section 2 of King County Code 21A.06*. As schools are modernized, permanent capacity will be added to replace portables currently on school sites to the extent that enrollment projections for those schools demand (see *Table 5*).

As enrollment fluctuates, relocatables provide flexibility to accommodate immediate needs and interim housing. Because of this, new school and modernized school sites are all planned for the potential of adding up to four portables to accommodate the changes in demographics. In addition, the use and need for relocatables will be balanced against program needs.

VII. Six-Year Classroom Capacities: Availability / Deficit Projection

Based on the six-year plan, there will be sufficient total capacity to house anticipated enrollment (see *Table 5*). As demonstrated in *Appendix A*, the district currently has capacity (permanent and transitional/relocatable) to serve 13,231 students at the elementary level, 6,135 students at the junior high school level, and 6,053 students at the high school level. Current enrollment at each grade level is identified in *Appendix A*. The district is currently under capacity at the elementary level by 654 students, at the junior high level by 572 students, and at the high school level by 741 students. However, as depicted in *Table 5*, the district currently has insufficient permanent capacity and will continue to have insufficient permanent capacity through 2012. Differing growth patterns throughout the district may cause some communities to experience overcrowding.

This is especially true in the eastern portions of the district where significant housing development is taking place. The continued development of the Sammamish Plateau, Redmond Ridge, Redmond Ridge East and northwest Redmond will put pressure on schools in those areas. To meet the needs associated with overcrowding or under utilization, the district will utilize a number of solutions. Those solutions include the movement of relocatables, boundary changes, reconfiguration, new construction, modernization, and modifications in the educational program. Two of the strategies, boundary changes for thirteen eastern elementary schools and the maximum number of portables moved to the Sammamish Plateau, were accomplished by the beginning of the 2004-2005 school year. While these endeavors relieved the pressure of eastside elementary schools, some schools continue to be overcrowded.

VIII. Impact Fees and the Finance Plan

The school impact fee formula ensures that new development only pays for the cost of the facilities necessitated by new development. The fee calculations (*Appendix B* and *Appendix C*) examine the costs of housing the students generated by each new single family dwelling unit (or each new multi-family dwelling unit) and then reduce that amount by the anticipated state match and future tax payments. The resulting impact fee is then discounted further. Thus, by applying the student generation factor to the school project costs, the fee formula only calculates the costs of providing capacity to serve each new dwelling unit. The formula does not require new development to contribute the costs of providing capacity to address existing needs.

The finance plan shown on *Table 6* demonstrates how the Lake Washington School District plans to finance improvements for the years 2007 through 2012. The financing components include secured and unsecured funding. The plan is based on approved bond issues (approved in 1990, 1998 and 2006 by election), securing of state funding, collection of impact fees under the State's Growth Management Act, and voluntary mitigation fees paid pursuant to Washington State's Environmental Policy Act.

As discussed in *Section V*, the District is currently in negotiations for the purchase of property to construct a new elementary school within the Redmond Ridge East development. Future updates to this plan will include information regarding this property purchase and the associated school construction costs in the finance plan and school impact fee calculations.

IX. Appendices

Appendix A: Calculations of Capacities for Elementary, Junior High,
and Senior High Schools

Appendix B: Calculations of Impact Fees for Single Family Residences

Appendix C: Calculations of Impact Fees for Multi-Family Residences

Appendix D: Student Generation Factor Calculations

Appendix E: Calculation Back-Up

Calculations of Capacities for Elementary, Junior High, and Senior High Schools

Elementary Schools	# Standard Classrooms *	Classroom Capacity (23)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (23)	Total Capacity *	2006-2007 Enrollment **
Alcott	21	483	0	0	5	115	598	624
Audubon	17	391	0	0	2	46	437	436
Bell	15	345	0	0	3	69	414	383
Blackwell	21	483	0	0	3	69	552	571
Community	0	0	0	0	3	69	69	69
Dickinson	22	506	1	12	1	23	541	510
Discovery	3	69	0	0	1	23	92	63
Einstein	18	414	0	0	0	0	414	382
Explorer	1	23	0	0	3	69	92	71
Franklin	19	437	0	0	2	46	483	503
Frost	17	391	2	24	4	92	507	438
Juanita	17	391	0	0	0	0	391	346
Keller	16	368	2	24	4	92	484	358
Kirk	21	483	0	0	2	46	529	516
Lakeview	16	368	2	24	2	46	438	425
Mann	18	414	0	0	0	0	414	440
McAuliffe	21	483	0	0	7	161	644	652
Mead	19	437	1	12	6	138	587	631
Muir	16	368	0	0	6	138	506	450
Redmond	17	391	2	24	0	0	415	383
Rockwell	21	483	0	0	2	46	529	496
Rosa Parks	21	483	0	0	0	0	483	413
Rose Hill	15	345	2	24	0	0	369	356
Rush	16	368	0	0	4	92	460	404
Sandburg	20	460	0	0	5	115	575	513
Smith	23	529	0	0	8	184	713	765
Thoreau	17	391	0	0	0	0	391	326
Twain	21	483	0	0	2	46	529	554
Wilder	21	483	0	0	4	92	575	499
Totals	490	11,270	12	144	79	1,817	13,231	12,577

Junior High Schools	# Standard Classrooms	Classroom Capacity (30x70%)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (30x70%)	Total Capacity	2006-2007 Enrollment
Environmental	5	105	0	0	1	21	126	141
Evergreen	31	651	2	24	9	189	864	745
Finn Hill	25	525	1	12	1	21	558	486
Inglewood	51	1071	2	24	0	0	1,095	1,125
International ***	12	360	0	0	0	0	360	377
Kamiakin	25	525	2	24	7	147	696	612
Kirkland ****	23	573	1	12	0	0	585	500
Northstar	0	0	0	0	5	105	105	89
Redmond ****	36	896	1	12	0	0	908	840
Renaissance	4	100	0	0	0	0	100	42
Rose Hill	24	504	2	24	7	147	675	520
Stella Schola	0	0	0	0	3	63	63	86
Totals	236	5,310	11	132	33	693	6,135	5,563

Senior High Schools	# Standard Classrooms	Classroom Capacity (32x70%)	SS	SS Room Capacity (12)	# Relocatable Classrooms	Relocatable Capacity (32x70%)	Total Capacity	2006-2007 Enrollment
BEST	8	179	0	0	2	45	224	175
Eastlake	66	1,478	4	48	0	0	1,526	1,336
Juanita	52	1,165	3	36	8	179	1,380	1,095
Lake Washington	60	1,344	3	36	5	112	1,492	1,244
Redmond ****	57	1,419	1	12	0	0	1,431	1,462
Totals	243	5,585	11	132	15	336	6,053	5,312

TOTAL	969	22,165	34	408	127	2,846	25,419	23,452
--------------	------------	---------------	-----------	------------	------------	--------------	---------------	---------------

Key:

- "Standard Capacity" does not include capacity for special programs as identified in Section III
- "Total enrollment" on this chart does not include Family Learning Center and contractual students
- "SS" = Special Services self-contained classrooms
- * "Standard of Service" in elementary schools excludes some rooms if not built-in (e.g. 20 total rooms = 17 standard + computer + 1 music + 1 R/R)
- ** October 1, 2006 headcount, 1/2 day kindergarten counted as .5 (only includes enrollment that impacts capacity)
- *** Capacity Model = 100% utilization of classrooms due to teacher planning area
- **** Capacity Model = 83% utilization of classrooms due to teacher planning area

**Estimated School Impact Fee Calculation
 Based on King County Code 21.A.43**

Single Family Residence ("SFR")

School Site Acquisition Cost:

	<u>Facility Acreage</u>	<u>Cost/ Acre</u>	<u>Facility Size</u>	<u>Site Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/ SFR</u>
Elementary	10	\$0	483	\$0	0.4220	\$0
Junior	20	\$0	900	\$0	0.1240	\$0
Senior	40	\$0	1500	\$0	0.0870	\$0
TOTAL						\$0

School Construction Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/SFR (est. 90%)</u>
Elementary	\$17,467,614	414	\$42,192	0.4220	\$16,025
Junior	\$0	0	\$0	0.1240	\$0
Senior (additional capacity)	\$0	0	\$0	0.0870	\$0
TOTAL					\$16,025

Temporary Facility Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/SFR (est. 10%)</u>
Elementary	\$0	0	\$0	0.4220	\$0
Junior	\$0	0	\$0	0.1240	\$0
Senior	\$0	0	\$0	0.0870	\$0
TOTAL					\$0

State Matching Credit Calculation:

	<u>Area Cost Allowance</u>	<u>Sq. Ft./ Student</u>	<u>State Match</u>	<u>Credit/ Student</u>	<u>Student Factor</u>	<u>Cost/ SFR</u>
Elementary	162.43	90.0	23.36%	\$3,415	0.4220	\$1,441
Junior	162.43	117.0	23.36%	\$0	0.1240	\$0
Senior	162.43	130.0	23.36%	\$0	0.0870	\$0
TOTAL						\$1,441

**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Single Family Residence ("SFR")

Tax Payment Credit Calculation:

Average SFR Assessed Value	\$467,093
Current Capital Levy Rate (2007)/\$1000	\$0.91
Annual Tax Payment	\$426.78
Years Amortized	10
Current Bond Interest Rate	4.08%
Present Value of Revenue Stream	\$3,448

Impact Fee Summary for Single Family Residence:

Site Acquisition Cost	\$0
Permanent Facility Cost	\$16,025
Temporary Facility Cost	\$0
State Match Credit	(\$1,441)
Tax Payment Credit	(\$3,448)
Sub-Total	\$11,136
50% Local Share	\$5,568

SFR Impact Fee	\$5,568
-----------------------	----------------

**Estimated School Impact Fee Calculation
 Based on King County Code 21.A.43**

Multiple Family Residence ("MFR")

School Site Acquisition Cost:

	<u>Facility Acreage</u>	<u>Cost/ Acre</u>	<u>Facility Size</u>	<u>Site Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/ MFR</u>
Elementary	10	\$0	483	\$0	0.0770	\$0
Junior	20	\$0	900	\$0	0.0220	\$0
Senior	40	\$0	1500	\$0	0.0220	\$0
					TOTAL	\$0

School Construction Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/MFR (est. 90%)</u>
Elementary	\$17,467,614	414	\$42,192	0.0770	\$2,924
Junior	\$0	0	\$0	0.0220	\$0
Senior (additional capacity)	\$0	0	\$0	0.0220	\$0
				TOTAL	\$2,924

Temporary Facility Cost:

	<u>Facility Cost</u>	<u>Facility Size</u>	<u>Bldg. Cost/ Student</u>	<u>Student Factor</u>	<u>Cost/MFR (est. 10%)</u>
Elementary	\$0	0	\$0	0.0770	\$0
Junior	\$0	0	\$0	0.0220	\$0
Senior	\$0	0	\$0	0.0220	\$0
				TOTAL	\$0

State Matching Credit Calculation:

	<u>Area Cost Allowance</u>	<u>Sq. Ft./ Student</u>	<u>State Match</u>	<u>Credit/ Student</u>	<u>Student Factor</u>	<u>Cost/ MFR</u>
Elementary	162.43	90.0	23.36%	\$3,415	0.0770	\$263
Junior	162.43	117.0	23.36%	\$0	0.0220	\$0
Senior	162.43	130.0	23.36%	\$0	0.0220	\$0
					TOTAL	\$263

**Estimated School Impact Fee Calculation
Based on King County Code 21.A.43**

Multiple Family Residence ("MFR")

Tax Payment Credit Calculation:

Average MFR Assessed Value	\$182,467
Current Capital Levy Rate (2007)/\$1000	\$0.91
Annual Tax Payment	\$166.72
Years Amortized	10
Current Bond Interest Rate	4.08%
Present Value of Revenue Stream	\$1,347

Impact Fee Summary for Single Family Residence:

Site Acquisition Cost	\$0
Permanent Facility Cost	\$2,924
Temporary Facility Cost	\$0
State Match Credit	(\$263)
Tax Payment Credit	(\$1,347)
Sub-Total	\$1,314
50% Local Share	\$657

MFR Impact Fee	\$657
-----------------------	--------------

2007 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History

SINGLE FAMILY DEVELOPMENTS	CITY/ COUNTY	# PLANNED	# COMPL.	# OCCUP.	2007 STUDENTS			2007 RATIO				
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Aaronwood	KC	21	21	21	6	5	0	11	0.286	0.238	0.000	0.524
Arbors at Pine Lake	S	26	26	26	33	6	6	45	1.269	0.231	0.231	1.731
Ardmore Village	R	47	47	47	7	4	1	12	0.149	0.085	0.021	0.255
Asbery Place	S	25	25	25	13	1	0	14	0.520	0.040	0.000	0.560
Aston Gardens	KC	19	19	19	3	2	0	5	0.158	0.105	0.000	0.263
Bear Creek Meadows	R	13	13	13	0	1	0	1	0.000	0.077	0.000	0.077
Bellasera	S	17	17	17	14	4	5	23	0.824	0.235	0.294	1.353
Castle Pines	S	62	62	62	40	11	10	61	0.645	0.177	0.161	0.984
Cobblestone	R	39	39	39	13	5	1	19	0.333	0.128	0.026	0.487
Columbia	S	54	54	54	37	12	6	55	0.685	0.222	0.111	1.019
Conover Commons	R	25	15	15	0	0	0	0	0.000	0.000	0.000	0.000
Crescent Ridge	KC	18	18	18	15	3	7	25	0.833	0.167	0.389	1.389
Crosswater	S	27	27	27	30	12	7	49	1.111	0.444	0.259	1.815
Eden Glen	S	19	19	19	10	2	0	12	0.526	0.105	0.000	0.632
Eltovar	S	11	11	11	10	4	0	14	0.909	0.364	0.000	1.273
Fox Hollow	R	18	18	18	6	3	3	12	0.333	0.167	0.167	0.667
Grasslawn Village	R	16	16	16	6	0	1	7	0.375	0.000	0.063	0.438
Grayson	R	52	52	52	17	6	6	29	0.327	0.115	0.115	0.558
Greystone	R	16	16	16	0	1	0	1	0.000	0.063	0.000	0.063
Hedges	KC	35	32	31	16	4	8	28	0.516	0.129	0.258	0.903
Heritage Bissell	KC	14	14	14	3	1	0	4	0.214	0.071	0.000	0.286
Illahee	S	88	46	46	9	6	6	21	0.196	0.130	0.130	0.457
Kensington	R	121	110	107	39	3	9	51	0.364	0.028	0.084	0.477
Kingsgate	KN	20	20	20	5	2	0	7	0.250	0.100	0.000	0.350
Latour	S	10	10	10	7	5	2	14	0.700	0.500	0.200	1.400
Lookout Ridge Division 2	R	12	12	12	2	2	0	4	0.167	0.167	0.000	0.333
Marivaux	S	21	21	21	17	3	5	25	0.810	0.143	0.238	1.190
Meadow Creek	S	27	27	27	10	4	1	15	0.370	0.148	0.037	0.556
Monticello	R	115	90	90	26	8	3	37	0.289	0.089	0.033	0.411
Moulinet	S	36	36	36	19	12	5	36	0.528	0.333	0.139	1.000
Muirfield	S	29	29	29	23	6	5	34	0.793	0.207	0.172	1.172
Northstar	R	133	90	90	21	13	11	45	0.233	0.144	0.122	0.500
One Eagle Place	KC	14	9	9	5	1	3	9	0.556	0.111	0.333	1.000

2007 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History

SINGLE FAMILY DEVELOPMENTS	CITY/ COUNTY	# PLANNED	# COMPL.	# OCCUP.	2007 STUDENTS				2007 RATIO			
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Pheasant Ridge	R	14	14	14	4	3	4	11	0.286	0.214	0.286	0.786
Portico on Finn Hill	KC	20	20	20	5	1	3	9	0.250	0.050	0.150	0.450
Redmond 74 Acres	R	107	15	15	2	0	0	2	0.133	0.000	0.000	0.133
Redmond Ridge	KC	987	987	987	389	107	63	559	0.394	0.108	0.064	0.566
Reserve at Patterson Creek	KC	29	19	19	16	3	5	24	0.842	0.158	0.263	1.263
Retreat at Crosswater	S	46	46	46	9	2	2	13	0.196	0.043	0.043	0.283
Rowan's View	R	13	13	13	4	0	0	4	0.308	0.000	0.000	0.308
Sable & Aspen Ridge	R	43	11	9	0	0	0	0	0.000	0.000	0.000	0.000
Sterling Woods	S	67	67	67	59	20	13	92	0.881	0.299	0.194	1.373
Sweetbrier	KC	47	47	47	23	6	12	41	0.489	0.128	0.255	0.872
The Villages at Redmond Heights	R	18	18	18	2	0	0	2	0.111	0.000	0.000	0.111
The Woodlands	R	69	69	66	12	1	5	18	0.182	0.015	0.076	0.273
Timberline Ridge Div I, II, III	S	200	200	200	211	58	43	312	1.055	0.290	0.215	1.560
Toulon	S	38	38	38	20	13	6	39	0.526	0.342	0.158	1.026
Waterbrook	S	114	102	102	24	6	3	33	0.235	0.059	0.029	0.324
Westmont	S	44	44	44	23	7	2	32	0.523	0.159	0.045	0.727
Whistler Ridge	R	62	46	46	13	4	0	17	0.283	0.087	0.000	0.370
Woodbridge Divisions I-IV	R	356	356	356	49	8	4	61	0.138	0.022	0.011	0.171
Wynstone	R	46	21	13	13	4	0	17	1.000	0.308	0.000	1.308
TOTALS		3,520	3,194	3,177	1,340	395	276	2,011	0.422	0.124	0.087	0.633

**2007 MITIGATION DEVELOPMENT SUMMARY
STUDENT GENERATION FACTORS
Five Year History**

MULTI-FAMILY DEVELOPMENTS	CITY/ COUNTY	# OF UNITS	% OCCUP/ # COMPL.	# OCCUP.	2007 STUDENTS				2007 RATIO			
					ELEM	JUNIOR	SENIOR	TOTAL	ELEM	JUNIOR	SENIOR	TOTAL
Archstone Redmond Hill Apartments	R	108	96%	103	14	3	4	21	0.136	0.029	0.039	0.204
Avalon Bay at Juanita	KC	211	95%	200	4	3	2	9	0.020	0.015	0.010	0.045
Avondale Park Townhouses	R	85	86%	73	27	6	12	45	0.370	0.082	0.164	0.616
Bon Terra Apartments	R	60	98%	60	0	0	0	0	0.000	0.000	0.000	0.000
Chelsea Apartments at Juanita Village	K	196	96%	188	1	0	0	1	0.005	0.000	0.000	0.005
Cheswick Lane Townhomes	S	71	71	71	3	1	3	7	0.042	0.014	0.042	0.099
Cobblestone Court	K	72	72	72	20	6	3	29	0.278	0.083	0.042	0.403
Evans Creek at Woodbridge Apartments	R	205	98%	201	22	3	1	26	0.110	0.015	0.005	0.129
Heather Glen Townhomes	K	13	13	13	3	0	0	3	0.231	0.000	0.000	0.231
Reflections at Marymoor (Jefferson)	R	230	92%	212	8	1	4	13	0.038	0.005	0.019	0.061
Juanita Drive Condos	KN	18	18	18	0	0	0	0	0.000	0.000	0.000	0.000
Juanita Residential Community	KN	31	31	31	0	0	0	0	0.000	0.000	0.000	0.000
Kirkland Central Condos	K	110	110	85	4	0	0	4	0.047	0.000	0.000	0.047
Redmond Ridge Apartments - The Lodge	KC	272	94%	256	18	7	5	30	0.070	0.027	0.020	0.117
Redmond Ridge Condominiums	KC	242	242	242	19	10	6	35	0.079	0.041	0.025	0.145
Villa Juanita Townhomes	KN	32	32	32	0	0	0	0	0.000	0.000	0.000	0.000
TOTALS		1,924		1,857	143	40	40	223	0.077	0.022	0.022	0.120

Calculation Back-Up

Elementary school construction cost estimated to be built in 2008.

	<i>Comparable Project</i>	<i>Rosa Parks Elementary</i>
Cost	2006 Rosa Parks Elementary New Construction	\$18,137,316
	Future Value of Project in 2008 @ 6%	\$19,225,554
Size	2006 Project	483 (21 classrooms x 23 students per classroom)
	2008 Project	414 (18 classrooms x 23 students per classroom)
Capacity Adjustment	2006 Project	483 x \$37,551/per student space (based on Rosa Parks 2006 total project costs) = \$18,137,316*
	2008 Project	414 x \$37,551/per student space (based on Rosa Parks 2006 total project costs) = \$15,546,114
Adjusted Costs	2008 Project – Value Based on 2006 Project Costs	\$15,546,114
	Future Value of Project in 2008 @ 6%	\$17,467,614
	Present Value of Project in 2007	\$17,467,614

*Sum is adjusted to account for variations due to rounding.

X. TABLES

Table 1: Six-Year Enrollment Projections

Table 2: Enrollment History

Table 3: 06-07 Inventory and Capacities of Existing Schools

Table 4: Inventory of Undeveloped Land

Table 4a: Map

Table 5: Projected Capacity to House Students

Table 6: Six-Year Finance Plan

Six-Year Enrollment Projections

	<u>2006*</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
County Live Births**	21,778	21,863	22,431	22,874	22,680	22,680	22,680
change		85	568	443	(194)	0	0
Kindergarten ***	1,789	1,806	1,887	1,955	1,970	1,997	2,014
Grade 1 ****	1,916	2,053	2,068	2,148	2,217	2,223	2,241
Grade 2	1,860	1,873	2,028	2,040	2,119	2,180	2,176
Grade 3	1,870	1,844	1,874	2,024	2,038	2,108	2,158
Grade 4	1,776	1,824	1,818	1,847	1,995	2,002	2,060
Grade 5	1,810	1,733	1,793	1,792	1,817	1,961	1,958
Grade 6	1,726	1,814	1,763	1,819	1,825	1,842	1,973
Grade 7	1,818	1,696	1,776	1,720	1,778	1,781	1,815
Grade 8	1,806	1,776	1,685	1,763	1,709	1,764	1,763
Grade 9	1,765	1,761	1,707	1,623	1,698	1,642	1,690
Grade 10	1,824	1,745	1,750	1,690	1,600	1,666	1,606
Grade 11	1,856	1,830	1,762	1,768	1,708	1,623	1,684
Grade 12	1,881	1,885	1,876	1,807	1,814	1,756	1,668
Total Enrollment	23,697	23,640	23,787	23,996	24,288	24,545	24,806
Total Enrollment with 1/2 K at .5	23,040	22,975	23,081	23,256	23,541	23,784	24,037
Yearly Increase		(65)	106	175	285	243	253
Yearly Increase		-0.28%	0.46%	0.76%	1.23%	1.03%	1.06%
Cumulative Increase		(65)	41	216	501	744	997

* Number of Individual Students (10/1/06 Headcount).

** County Live Births estimated based on OFM projections. 2010 and prior year birth rates are actual births 5 years prior to enrollment year.

*** Kindergarten enrollment is calculated at 7.49% of County Live Births plus anticipated developments.

**** First Grade enrollment is based on District's past history of first grade enrollment to prior year kindergarten enrollment.

Enrollment History *

	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
County Live Births **	20,423	21,275	22,386	22,951	22,799	23,049	22,301	22,010	21,817	21,573	21,646	22,212	22,007	22,487	21,778
Kindergarten / Live Birth	8.41%	7.37%	7.16%	7.51%	7.39%	7.00%	7.61%	7.23%	6.96%	7.48%	7.26%	7.45%	7.54%	7.71%	8.21%
	Period Average														
Kindergarten	1,718	1,567	1,602	1,723	1,684	1,613	1,696	1,592	1,518	1,613	1,572	1,654	1,660	1,734	1,789
Grade 1	1,946	1,925	1,757	1,832	1,919	1,839	1,750	1,820	1,781	1,730	1,804	1,761	1,825	1,846	1,916
Grade 2	1,944	1,978	1,891	1,792	1,842	1,942	1,834	1,738	1,818	1,799	1,744	1,834	1,755	1,881	1,860
Grade 3	2,006	1,937	1,955	1,871	1,828	1,844	1,967	1,834	1,777	1,882	1,818	1,760	1,863	1,792	1,870
Grade 4	1,896	1,997	1,941	1,946	1,902	1,884	1,854	1,959	1,838	1,807	1,871	1,870	1,781	1,868	1,776
Grade 5	1,973	1,902	1,961	1,910	1,944	1,908	1,844	1,856	1,983	1,823	1,807	1,873	1,871	1,775	1,810
Grade 6	1,858	1,944	1,870	1,969	1,953	1,944	1,854	1,854	1,845	1,956	1,833	1,838	1,866	1,872	1,726
Grade 7	1,935	1,831	1,930	1,875	1,942	1,971	1,898	1,828	1,808	1,812	1,919	1,857	1,829	1,828	1,818
Grade 8	1,832	1,894	1,825	1,914	1,871	1,944	1,996	1,884	1,839	1,813	1,813	1,917	1,886	1,807	1,806
Grade 9	1,712	1,794	1,856	1,836	1,897	1,824	1,899	1,964	1,843	1,850	1,803	1,822	1,889	1,860	1,765
Grade 10	1,754	1,745	1,801	1,918	1,904	1,951	1,854	1,928	1,975	1,846	1,841	1,802	1,889	1,887	1,824
Grade 11	1,669	1,761	1,745	1,827	1,970	1,984	2,017	1,809	1,866	1,890	1,801	1,812	1,700	1,853	1,856
Grade 12	1,565	1,667	1,724	1,779	1,943	2,043	1,962	2,078	1,703	1,855	1,849	1,831	1,900	1,799	1,881
Total Enrollment	23,808	23,942	23,858	24,192	24,599	24,691	24,425	24,144	23,594	23,676	23,475	23,631	23,714	23,802	23,697
Yearly Change		134	(84)	334	407	92	(266)	(281)	(550)	82	(201)	156	83	88	(105)

* October 1st Headcount

** Number indicates actual births
5 years prior to enrollment year.

Average increase in the number of students per year	-8
Total increase for period	-111
Percentage increase for period	0%
Average yearly increase	-0.03%

2006-2007 Inventory and Capacities of Existing Schools

* <u>Juanita Area</u>	<u>Address</u>	<u>Capacity (w/ portables)</u>
25 Frost Elementary	11801 NE 140th	507
03 Juanita Elementary	9635 NE 132nd	391
04 Keller Elementary	13820 108th NE	484
26 Muir Elementary	14012 132nd NE	506
06 Discovery Community School	12801 84th NE	92
06 Sandburg Elementary	12801 84th NE	575
02 Thoreau Elementary	8224 NE 138th	391
63 Finn Hill Jr. High	8040 NE 132nd	558
60 Environmental & Adventure School	8040 NE 132nd	126
67 Kamiakin Jr. High	14111 132nd NE	696
82 Juanita High School	10601 NE 132nd	1,380
<u>Kirkland Area</u>		
07 Bell Elementary	11212 NE 112th	414
96 Community School	11133 NE 65th	69
16 Franklin Elementary	12434 NE 60th	483
09 Kirk Elementary	1312 6th Street	529
10 Lakeview Elementary	10400 NE 68th	438
15 Rose Hill Elementary	8044 128th NE	369
18 Rush Elementary	6101 152nd NE	460
14 Twain Elementary	9525 130th NE	529
96 International Community School	11133 NE 65th	360
65 Kirkland Jr. High	430 18th Avenue	585
84 Northstar Jr. High	12033 NE 80th	105
69 Rose Hill Jr. High	13505 NE 75th	675
61 Stella Schola	13505 NE 75th	63
80 Best High School	10903 NE 53rd St	224
84 Lake Washington High	12033 NE 80th	1,492
<u>Redmond Area</u>		
19 Audubon Elementary	3045 180th NE	437
53 Alcott Elementary	4213 228th NE	598
54 Blackwell Elementary	3225 205th PL NE	552
46 Dickinson Elementary	7040 208th NE	541
24 Einstein Elementary	18025 NE 116th	414
46 Explorer Community School	7040 208th NE	92
22 Mann Elementary	17001 NE 104th	414
57 McAuliffe Elementary	23823 NE 22nd	644
58 Mead Elementary	1725 216th NE	587
23 Redmond Elementary	16800 NE 80th	415
21 Rockwell Elementary	11125 162nd NE	529
41 Rosa Parks Elementary	22845 NE Cedar Park Crescent Dr	483
56 Smith Elementary	23305 NE 14th	713
32 Wilder Elementary	22130 NE 133rd	575
74 Evergreen Jr. High	6900 208th NE	864
77 Inglewood Jr. High	24120 NE 8th	1,095
71 Redmond Jr. High	10055 166th NE	908
78 Renaissance Jr. High	400 228th NE	100
85 Redmond High School	17272 NE 104th	1,431
86 Eastlake High School	400 228TH NE	1,526

* Note: See Table 4a for District Map. Locations indicated by numbers stated in this column.

* Note: "Standard capacity" does not include capacity for special programs as identified in Section III

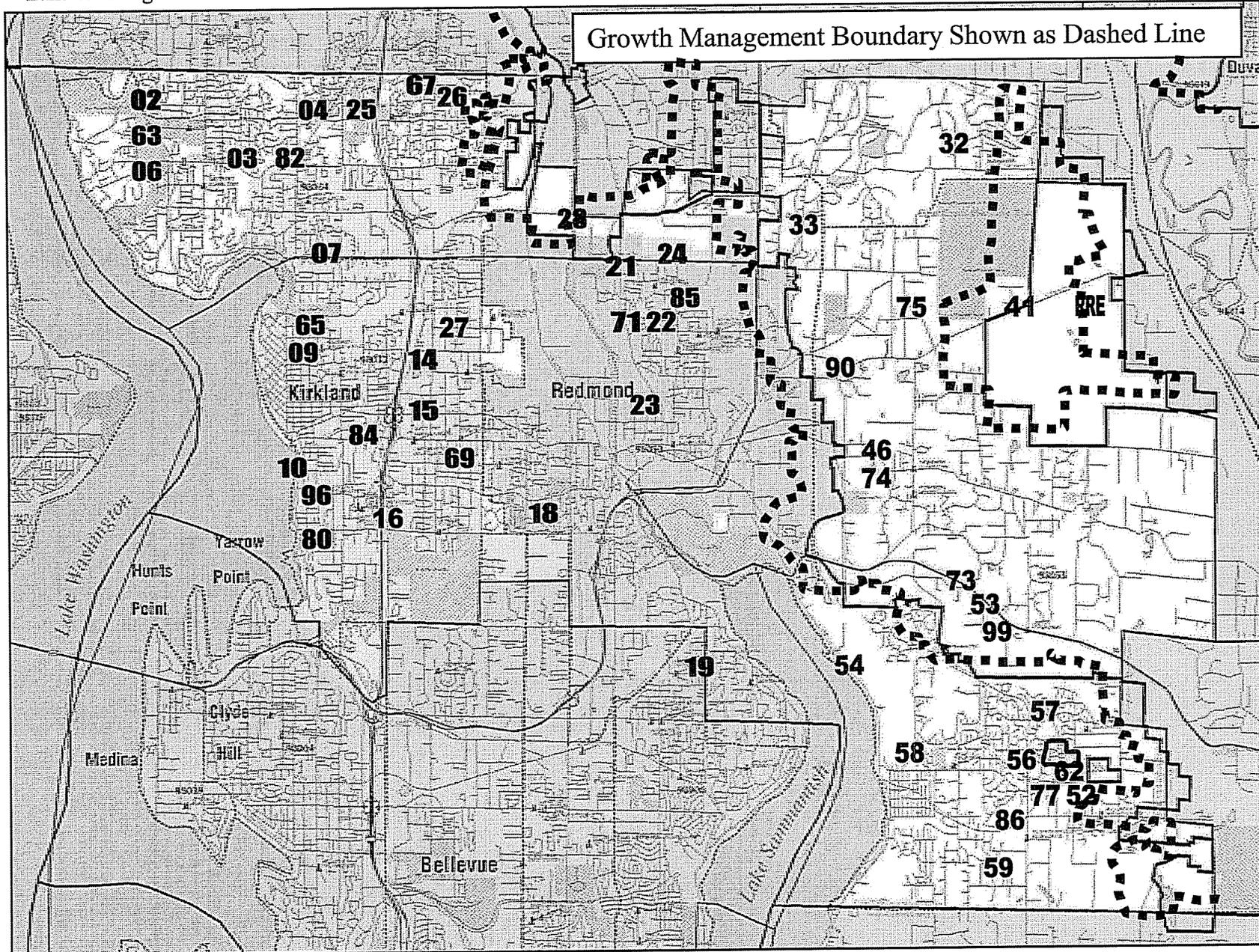
Inventory of Undeveloped Land

	Address	Jurisdiction	Status
* <u>Juanita Area</u>			
	None		
<u>Kirkland Area</u>			
27	Elementary 10638 134th Ave NE	Redmond	In reserve***
<u>Redmond Area</u>			
28	Elementary 172nd NE & NE 122nd	King County	In reserve***
33	Elementary 194th NE above NE 116th	King County	In reserve***
59	Elementary Main and 228th NE	Sammamish	In reserve***
73	Undetermined 4213 228th NE	King County	In reserve***
75	Undetermined 22000 Novelty Hill Road	King County	In reserve***
90	Undetermined NE 95th & 196th NE	King County	In reserve***
99	Bus Satellite 22821 Red-Fall Road	King County	In reserve***
	Redmond Ridge East	King County	In planning

* See Table 4a for District Map. Locations indicated by numbers stated in this column.

** These sites are identified in the Bear Creek Community Plan

*** "In reserve" refers to sites owned by the district. While the district does not anticipate constructing school facilities on these sites within these six years, they are being held for the district's long term needs.



August 27, 2007

Table 4a

Projected Capacity to House Students

	2006	2007	2008	2009	2010	2011	2012
Permanent Capacity	22,573						
New Construction*:							
Close Old Dickinson		(138)					
Sammamish Plateau Elementary #52			414				
Redmond Ridge East Elementary #34							414
Modernization:							
Frost Elementary #25				42			
Muir Elementary #26					42		
Rush Elementary #18						42	
Finn Hill Jr. #63					(50)		
Lake Washington High School #84						(200)	
Permanent Capacity Subtotal (Permanent + SS)	22,573	22,435	22,849	22,891	22,883	22,725	23,139
Total Enrollment with .5 K**	23,040	22,975	23,081	23,256	23,541	23,784	24,037
Permanent Surplus / (Deficit Capacity)	(467)	(540)	(232)	(365)	(658)	(1,059)	(898)
Transitional Capacity [Relocatables]	2,846	2,731	2,616	2,501	2,386	2,271	2,156
Change in number of Classrooms***	(5)	(5)	(5)	(5)	(5)	(5)	(5)
Total Surplus / Deficit Capacity	2,846	2,191	2,384	2,136	1,728	1,212	1,258
Total Permanent and Transitional Capacity	25,419	25,166	25,465	25,392	25,269	24,996	25,295

*New schools and additional permanent capacity through modernization.

**Headcount with 1/2 day kindergarten counted as .5 (only includes enrollment that impacts capacity)

***Note: Numbers of relocatables (portables) to be removed from capacity (decrease avg. of 23 students per portable).

**** Note: Number and identification of Phase II modernization projects that will occur during this plan have not been determined
Capacity numbers reflect new standard of service resulting from I-728 implementation.

Six-Year Finance Plan

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>	<u>Local</u>	<u>Est Secured State</u>	<u>Unsecured Local *</u>
Site 52 New - Sammamish Plateau El		24,600,000					24,600,000	21,600,000	0	3,000,000
Site 25 Mod - Frost Elementary			25,600,000				25,600,000	24,000,000	1,600,000	
Site 63 Mod - Finn Hill Junior				53,300,000			53,300,000	50,300,000	3,000,000	
Site 26 Mod - Muir Elementary				26,500,000			26,500,000	24,800,000	1,700,000	
Site 84 Mod - Lake Washington High					95,200,000		95,200,000	89,200,000	6,000,000	
Site 34 New - Redmond Ridge East El						29,300,000	29,300,000	24,900,000 **	0	4,400,000
Site 18 Mod - Rush Elementary					25,700,000		25,700,000	23,900,000	1,800,000	
Site 69 Mod - Rose Hill Junior						67,050,000	67,050,000	63,050,000	4,000,000	
Totals	\$0	\$24,600,000	\$25,600,000	\$79,800,000	\$120,900,000	\$96,350,000	\$347,250,000	\$296,850,000	\$18,100,000	\$7,400,000

* These are expected to be secured through Impact and Mitigation Fees. (Calculation of estimated impact fees are shown in Appendix B & C.)

** Monies for Redmond Ridge East Elementary have not been secured, monies for all other projects have been secured

Note 1: Dollars are adjusted for expected inflation.

Note 2: Phase II school modernization (2006-2014) financing is based on a bond measure approved in February 2006.

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

MEMORANDUM

To: Kirkland City Council

From: David Ramsay

Date: January 4, 2008

Subject: **2008 City Council Retreat**

This is a follow-up to the discussion of this item at the January 2nd City Council meeting. At that meeting the City Council agreed to the following topics for the retreat agenda:

Friday morning session

- Financial Update
- Community Survey
- Community Conversation Regarding the City's Finances

Friday afternoon session

- Affordable Housing
- Human Services

Saturday morning session

- City Council Goals
- City Council Policies and Procedures

In addition to these discussion items, there would also be white papers prepared on environmental stewardship and the community grants process.

Towards the end of the January 2nd meeting there was a discussion on the possibility of including the issue of downtown development on the retreat agenda. If this item is to be included, it will likely be necessary to eliminate one or more of the above topics. One option would be remove the discussion on human services set for Friday afternoon and replace it with the topic of downtown. Other options would include moving the affordable housing and human service discussions to Saturday morning (thereby eliminating the City Council goals and policies discussions) or having the downtown discussion on Saturday morning.

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

MEMORANDUM

To: David Ramsay, City Manager

From: Tracy Burrows, Intergovernmental Relations Manager

Date: January 4, 2008

Subject: 2008 City of Kirkland Legislative Agenda

Recommendation

It is recommended that the City Council adopt the proposed 2008 City of Kirkland Legislative Agenda.

Background Discussion

The Kirkland City Council reviewed the draft Legislative Agenda at the January 2nd City Council Meeting. At that meeting, the Council requested the addition of items related to a pilot program for the public funding of local elections and the recovery of local government's direct costs related to completion of and response to the State's performance audits. In addition, the Council requested changes to broaden the scope of the annexation funding and climate change agenda items.

These additions and changes are reflected in the proposed final draft of the 2008 Legislative Agenda. The Legislative Agenda will guide Kirkland's advocacy during this year's legislative session. Staff will work with the Association of Washington Cities and the City's lobbyist to draft legislation that is consistent with this agenda. Staff will also track relevant issues of concern throughout the session and will write letters to the state legislature supporting or opposing issues as identified in the legislative agenda. As is customary, staff will apprise Council of issues needing City action as they unfold.

**City of Kirkland
2008 Legislative Agenda**

LAW AND JUSTICE

Municipal Courts

Kirkland supports cities' ability to form municipal courts and is working to preserve all options for providing municipal court services in the future.

Local governments should have the authority to choose the court structure that best meets local needs, including municipal courts that feature cities contracting with neighboring cities to provide court services. The authority for these courts has recently been affirmed in the King County Superior Court decision in *City of Medina v. Melody Primm*. The community court structure allows the contracting cities to keep the court local, while realizing cost efficiencies that would not be possible if each city were required to have its own court. It also increases citizen access to court services by having the courts located closer to home. By reducing law enforcement travel time to and from court, it allows law enforcement personnel to spend more time ensuring public safety.

To maintain the efficiency and independence of these courts, cities should retain the ability to appoint municipal judges who work less than full time. In addition, State law should continue to allow cities to retain and direct municipal court revenues at the local level.

Municipal Courts should retain their current authority to determine whether or not to extend their jurisdiction to anti-harassment and domestic violence protection orders. The City of Kirkland opposes any requirements to take on these additional responsibilities without adequate funding for staffing and training.

PUBLIC SAFETY

Kirkland supports legislation that provides additional funding options for public safety purposes, including public safety facilities.

Cities expend substantial resources on fire protection, emergency medical services, law enforcement, and jail services. Homeland security responsibilities, including planning, training, mitigation, and emergency response increasingly fall on local governments as first responders. Kirkland considers the state a partner in local government efforts to create safe communities.

ANNEXATION

Kirkland supports legislation that extends the deadline for eligibility for the State annexation sales tax credit and that provides additional funding options for annexation-related expenses.

Annexation of Kirkland's PAA presents complex service delivery and financial challenges. The Kirkland Council is committed to taking the time that is required to make informed and prudent decisions about whether annexation fits into Kirkland's future. To support this decision-making process, the City requests an extension of the 2010 deadline to commence annexation and retain eligibility for the State's annexation incentive funding. The City also

supports additional funding to support capital facilities needs and level of service standards for annexing cities.

ECONOMIC DEVELOPMENT/INFRASTRUCTURE

Local Infrastructure

Kirkland supports legislation that provides a new permanent source of funding for infrastructure.

Infrastructure is critical to the health, safety, and welfare of local communities and the citizens of the state. Infrastructure lays the foundation for economic well-being, growth, and quality of life of a community. Adequate infrastructure is required to accommodate Growth Management Act requirements, other state requirements, and a series of federal requirements administered by the state. Enhanced infrastructure funding is required to meet these requirements and ensure our communities excel.

The City of Kirkland supports new funding to address growth for economic development purposes, to repair an aging utility system and to upgrade streets and roads. The current state loan and grant programs are significantly under-funded and the need for an increase is great.

Kirkland supports local economic development incentives that help to attract, retain, expand and support economic activity that promotes prosperity and improves the quality of life in the community.

Condemnation Authority and Water Law

The City of Kirkland supports clear condemnation authority to Cascade Water Alliance. Clarification of the current statutes and granting of this authority is necessary as Cascade begins construction on the Tacoma/Cascade Regional Pipeline.

The City of Kirkland opposes changes to the municipal water law statutes that would jeopardize the ability of Cascade Water Alliance to be a regional water agency and meet obligations to Members. Cascade's status as a municipal and regional water provider must be protected.

Redistribution of Gas Tax

Kirkland supports legislation to implement a more equitable distribution of the state gas tax, with an increased share allocated to cities. Since 1991, the per capita gas tax distribution has declined significantly because the tax is not distributed equitably to growing municipal areas.

City population has grown 43% since 1990, compared to 3.5% in unincorporated areas. Washington's cities are home to nearly two-thirds of the state's population. Despite this, transportation funding is increasingly focused on state needs, while neglecting city streets. Nearly 90% of the state GDP is generated in the state's top nine metropolitan areas, yet funding to support transportation in these employment centers continues to decline. Future

gas tax distributions should ensure a fairer return to cities, which handle a disproportionate amount of the state's employment and commuter traffic. Cities that are meeting their Growth Management growth and density targets face significant transportation needs and should receive a proportionately higher percentage of the gas tax distribution.

HOUSING

Homelessness

Kirkland supports legislative action aimed at preventing homelessness and moving the homeless to stable, supported housing as quickly as possible. To accomplish these goals, the City supports the appropriation of funding for temporary rental assistance and supportive services, increased resources for mental health and substance abuse treatment services, and support services to young people who age out of the foster care system.

East King County lacks an adequate supply of shelter beds and transitional housing. From 2001-2002, there was a 42% increase in the number of families and individuals turned away from the Hopelink Family Shelter in Kenmore. The largest multi-service center in East County reports an average turn-away rate of 6 families for every family served in transitional housing.

Funding for Affordable Housing

Kirkland supports increasing the Housing Trust Fund to \$363 million through significant contributions to the Fund to support statewide public-private investment in low-income housing.

Lack of affordable housing is a significant problem throughout King County, including the City of Kirkland. About one third of the City's residents earn less than 80 percent of median income and face considerable difficulty in affording housing. According to the 2003 Kirkland Housing Needs Analysis, prepared by A Regional Coalition for Housing (ARCH), Kirkland's current housing market is most lacking in providing rental housing units priced appropriately for low-income households (those earning zero to 50 percent of median income) and ownership housing priced appropriately for median-income households (earning 80 – 120 percent of median income).

Washington State provides funding for low-income housing needs through the Housing Trust Fund (HTF). These monies help local housing providers to develop much needed affordable housing throughout the state. The state has increased funding for the Housing Trust Fund in recent years and should continue its investment in this vital fund.

In addition, the City of Kirkland supports a percent of the Housing Trust Fund being dedicated for emergency bridge funding and earnest money deposits. Properties are placed on the market in affluent real estate markets and due to quick sales and funding restrictions they are unattainable as affordable housing. To create diverse housing markets it is important to provide the tools and resources necessary to save potential affordable housing sites. One of the tools needed is bridge funding to ensure non-profits and local governments can enter into purchase options quickly

Inclusionary Zoning

Kirkland supports legislation that provides jurisdictions clear authority to require the inclusion of affordable housing in permitted housing developments.

Inclusionary zoning, also known as inclusionary housing, refers to city planning ordinances that require that a given share of new construction be affordable to people with low to moderate incomes. The term inclusionary zoning is derived from the fact that these ordinances seek to counter exclusionary zoning practices which aim to exclude affordable housing from a municipality through the zoning code. In practice, these policies involve placing deed restrictions on 10%-30% of new houses or apartments in order to make the costs of the housing affordable to lower income households. The mix of "affordable" and "market-rate" housing in the same neighborhood is seen as beneficial by many, especially in jurisdictions where housing shortages have become acute. Inclusionary zoning is becoming a common tool for local municipalities in the United States to help provide a wider range of housing options than the market provides on its own.

The City of Kirkland supports legislation that provides jurisdictions the authority to require inclusionary zoning. The City does not support legislation mandating inclusionary zoning be implemented.

TELECOMMUNICATIONS

Kirkland supports maintaining local franchising and opposes any legislation that would create a statewide franchise. Kirkland recognizes the importance and need for local governments to manage their rights-of-ways and be able to deliver local programming. We support telecommunications legislation that is balanced and addresses the concerns and interest of local government and telecommunication/ broadband providers.

Kirkland supports competition in video, telephone and broadband services and their social obligation to support public, education and government channels. Kirkland supports protecting consumers from monopoly pricing and providers.

Kirkland supports like services being treated alike with clear definitions and requirements. For example, in today's environment, cable and telephone companies are regulated differently even though they provide very similar services in today's marketplace.

Kirkland supports leasing of public rights-of-ways by telecommunication providers and the payments of video franchise fees.

GAMBLING

Kirkland supports legislation that would clarify that local governments have the ability to ban and zone gambling activities.

Local jurisdictions should have binding authority to determine the land use and zoning regulations that apply to gambling establishments. This is particularly important given the potential negative impacts of gambling establishments on the surrounding community.

ENVIRONMENT

Climate Change

Kirkland supports legislation that builds on the land use and transportation planning that is already required of state and local governments to help accomplish the State's adopted greenhouse gas emissions reduction goals. This approach should be targeted at the more populous cities, counties and regions and mandated climate change planning should be fully funded by the State. Kirkland also supports legislation that implements the Governor's Climate Advisory Team recommendations and that provides monetary incentives for reducing vehicle miles traveled and increasing fuel efficiency through annual motor vehicle license fees.

The State of Washington has adopted the following goals for reduction in greenhouse gas emissions:

- a. By 2020, reduce emissions to 1990 levels;
- b. By 2035, reduce emissions to 25 percent below 1990 levels; and
- c. By 2050, reduce emissions to 50 percent below 1990 levels, or 70 percent below the state's expected emissions that year.

At the local level, progress towards these goals depends on reducing land use patterns that increase vehicle usage and maximizing land use patterns that encourage compact communities, in-filling, denser development, linkages with transit options, and projects that reduce vehicle miles traveled (VMT).

Local Farms - Healthy Kids

Kirkland supports legislation that will address:(1) establishing a state Farm to School Program, (2) improving state procurement policies to increase institutional purchasing from local farms, and (3) dedicating state funds to jump start school, food bank and other institutional purchases from local sources.

The local farms-healthy kids effort addresses two major challenges facing our state: concerns about the diet and health of our children, and the well-being of our small and mid-sized farms. By getting more locally grown produce into our schools and food banks, we can improve children's health and create new and thriving markets for our farmers.

Evergreen Cities

Kirkland supports the development of a statewide performance standards and grants program to enable cities and counties to restore their urban forests.

Kirkland supports local government efforts to retain urban forests through local ordinances, urban forest management plans, statewide grants and funding for local governments, and partnerships with volunteers to restore and maintain urban forests. Keeping existing trees and planting new ones enhances quality of life for people, increases property values and gives us cleaner water and habitat for birds and wildlife.

LOCAL GOVERNMENT REFORM

Campaign Finance

Kirkland supports the passage of legislation that would remove the prohibition against the use of public funds to finance campaigns for local office and would allow cities, towns, and counties to determine whether and how to fund campaigns for local office.

The Fair Campaign Practices Act, enacted as part of Initiative 134 in 1992, imposed campaign contributions limits on elections for state office and also prohibited the use of public funds to finance political campaigns for state or local office. Prior to the passage of Initiative 134, some local governments had ordinances providing the availability of public funds for political campaigns for municipal offices. Kirkland supports pilot legislation that would give local jurisdictions the discretion to publicly fund local elections, but would not require public funding of political campaigns and would not involve any state funds.

Cost Recovery for Performance Audit- Related Expenses

Kirkland supports legislation that would reimburse local governments for the direct expenses related to the completion of and response to state performance audits. This reimbursement would be made from the Performance Audits of Government Account established by Initiative 900.

Capital Funding Requests:

Kirkland Public Safety Campus

Kirkland has a critical need for a new public safety campus that provides a wide range of services to citizens that are engaged in the criminal justice system. A recent space study undertaken by the City identified both severe overcrowding in the Police Department and a lack of key functional operational spaces in our current facilities. The campus will include a police station, municipal court, municipal jail, probation services, and crime lab. The Kirkland Public Safety Campus consolidates key services to manage transportation demand, decrease congestion, and reduce the cost and critical staff resources devoted to jail transport. The City is seeking an additional \$500,000 to help fund phase II activities related to land acquisition and site planning.

NORCOM

Kirkland, in partnership with 13 other eastside jurisdictions, formed a consolidated police, fire, and emergency medical services call-taking and dispatch agency in November of 2007 to consolidate and strengthen the interoperable communications and information sharing capabilities of these agencies. Kirkland supports NORCOM's efforts to seek additional funds to support implementation of new Computer Assisted Dispatch and Records Management Technology needed to consolidate the centers.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
January 02, 2008

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION
 - a. Potential Annexation Zoning

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Planning and Community Development Eric Shields and Senior Planner Teresa Swan.

4. OATH OF OFFICE
 - a. Councilmember Dave Asher
 - b. Councilmember Jessica Greenway
 - c.. Councilmember Bob Sternoff

5. ELECTION OF MAYOR AND DEPUTY MAYOR

Motion to to elect Jim Lauinger as Mayor.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

Motion to to elect Joan McBride as Deputy Mayor.

Moved by Councilmember Tom Hodgson, seconded by Councilmember Jessica

Greenway

Vote: Motion carried 7-0

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

6. EXECUTIVE SESSION

- a. To Discuss Labor Negotiations

7. SPECIAL PRESENTATIONS

- a. Kirkland Green Business Program Participation Awards

Solid Waste Coordinator John MacGillivray presented information about local businesses that received Kirkland Green Business Program Participation Awards.

8. REPORTS

- a. City Council

- (1) Regional Issues

Councilmembers shared information regarding the Suburban Cities Association north caucus; Metropolitan Solid Waste Advisory Committee joint meeting with the Solid Waste Advisory Committee; Heritage Park; 520 Mediation meeting; Redmond Mayor John Marchione swearing-in ceremony; Suburban Cities Association upcoming caucus orientation and networking dinner; and Governing Magazine's selection of Governor Christine Gregoire as one of their nine top public officials and negotiator of the year.

- b. City Manager

- (1) 2008 City Council Retreat Topics

- (2) Calendar Update

9. COMMUNICATIONS

- a. Items from the Audience

Carol Dore, 211 Kirkland Ave, Kirkland, WA 98033
Margaret Moore, 109 2nd St S, #335, Kirkland, WA 98033

Bea Nahon, 129 3rd Ave, Kirkland, WA 98033
Tony Trifiletti, 20148 Bagley Dr N, #2-301, Shoreline, WA 98183
Tom Payne, 403 Garfield St, #20, Tacoma, WA 98444
Doug Engle, 11515 NE 103rd PL, Kirkland, WA 98033
Tim Olson, 1571 3rd St, Kirkland, WA 98033

b. Petitions

(1) Residents of 10th Street West Initiating Local Improvement District (LID) Undergrounding Existing Overhead Lines Project.

10. CONSENT CALENDAR

a. Approval of Minutes:

(1) December 4, 2007

(2) December 11, 2007

b. Audit of Accounts:

Payroll \$ 1,826,833.33

Bills \$ 2,021,943.30

run # 712 check #'s 494551-494748

run # 713 check #'s 494775-494825

run # 714 check #'s 494826-495004

run # 715 check #'s 495005-495022

run # 716 check #'s 495023-495051

c. General Correspondence

(1) Todd Boyle, Regarding Community Centers

(2) Brian and Sylvia Lindgren, Chuck Pilcher, Patricia Rice and David Wall Regarding Downtown Development

This item was pulled and moved to item 13.e. under New Business.

d. Claims

(1) Steve Carbonetti

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Acknowledging Parking Advisory Board Resignation

(2) Ordinance No. 4123, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SIDEWALK CONSTRUCTION AND MAINTENANCE AND AMENDING PORTIONS OF CHAPTER 19.20 OF THE KIRKLAND MUNICIPAL CODE."

Motion to Approve the Consent Calendar with the exception of item 10.c(2) which was pulled and moved to item 13.e under new business.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 7-0

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

11. PUBLIC HEARINGS

a. Resolution R-4681, Adopting Water Conservation Goals

Mayor Lauinger opened the public hearing. Public Works Facilities and Administrative Manager Erin Leonhart presented information on the water conservation goals. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4681, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING WATER CONSERVATION GOALS."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 7-0

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

Council recessed for a short break.

12. UNFINISHED BUSINESS

a. Financial Statement/2006 Audit Results

Director of Finance and Administration Tracey Dunlap provided an overview of the Comprehensive Annual Financial Report and the 2006 audit results. She also noted that Kirkland had received the Government Finance Officers Association Award for financial reporting achievement for the third year in a row.

b. NE 85th Street Driveway Access

Public Works Director Daryl Grigsby reviewed the staff recommendation and responded to questions from Council.

Motion to Approve the staff recommendation as presented.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 5-2

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

No: Councilmember Dave Asher, and Councilmember Bob Sternoff.

c. Awarding Contract for 116th Avenue NE (North Section) Non-Motorized Facilities Project to Johansen Excavating Inc. and Authorizing Additional Funds

Motion to award the contract for 116th Avenue NE (North Section) Non-Motorized Facilities Project to Johansen Excavating Inc. in the amount of \$1,080,972.64 and authorize the use of additional \$236,000 from Surface Water Transportation Reserve.

Moved by Councilmember Jessica Greenway, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 7-0

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

d. Lodging Tax Advisory Committee Recommendations for Kirkland Uncorked

Special Projects Coordinator Sheila Cloney shared information about revisions to the proposed 2008 event and responded to Council questions and comment.

Motion to approve the Lodging Tax Advisory Committee's recommendation for allocation of \$15,000 of Lodging Tax funds to support marketing of the 2008 Kirkland Uncorked Event.

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

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

13. NEW BUSINESS

- a. Resolution R-4682, Approving the Short Subdivision of Running as Applied for by Kirk Running being Department of Planning and Community Development File No. SPL07-00025 and Setting Forth Conditions to which such Short Subdivision be Subject

Motion to to suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 6-1

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

No: Councilmember Tom Hodgson.

Motion to Approve Resolution R-4682, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SHORT SUBDIVISION OF RUNNING AS APPLIED FOR BY KIRK RUNNING BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SPL07-00025 AND SETTING FORTH CONDITIONS TO WHICH SUCH SHORT SUBDIVISION BE SUBJECT."

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Bob Sternoff

Vote: Motion carried 4-3

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

No: Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

Project Planner Ron Hansen reviewed the application process and staff

recommendation.

- b. Transportation Commission's Proposed Improvements to Concurrency System

Council postponed this item to a future meeting date.

- c. Affordable Housing Update

Council postponed this item to a future meeting date.

- d. 2008 Legislative Agenda

Senior Management Analyst Tracy Burrows presented a draft legislative agenda. Council provided feedback and directed staff to bring back the revised legislative agenda for approval at their regular meeting on January 15, 2008.

- e. Correspondence from Brian and Sylvia Lindgren, Chuck Pilcher, Patricia Rice and David Wall regarding Downtown Development

Following Council discussion, staff received direction to revise the draft response letters.

14. ANNOUNCEMENTS

15. ADJOURNMENT

The Kirkland City Council regular meeting of January 2, 2008 was adjourned at 11:20 p.m.

City Clerk

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 Shields, Planning Director
Date: January 4, 2008
Subject: E-mail from Helen Roller

RECOMMENDATION

Authorize that the attached letter (Attachment 1) be sent to Helen Roller and that this informational letter also be sent in response to future correspondence relating to the Park Place proposal. The correspondence received from citizens will be forwarded to the City Council in a timely manner.

BACKGROUND DISCUSSION

Ms. Roller sent the attached e-mail (Attachment 2) expressing her concerns about the private amendment request for redevelopment of the Park Place site. It is expected that Council will be receiving a number of these e-mails and letters in the future since the PAR review process will be continuing through August of 2008. Staff is recommending that an informational letter like the one that is proposed to be sent to Ms. Roller also be sent in response to future correspondence. These response letters will be signed by the Mayor. The correspondence from citizens will be forwarded to the City Council as it is received.

cc: ZON07-00016

From: Helen Roller [mailto:hroller@rollergroup.com]
Sent: Friday, December 14, 2007 1:45 PM
To: Kirkland Council
Subject: Downtown development!

Hello, Concerned Council Members,

I have lived in Kirkland since 1983, and the thing I admired and respected most, when I moved here, was the building code. I appreciate the limits on height, and especially the requirement for open spaces.

I have lived downtown since 1991, and I am very concerned about the current and proposed development of our city. We are changing from being a "funky" downtown, to being Bellevue North. This totally takes away the former charm of our neighborhood, and it frightens me to see it go further, with even taller structures.

- Mr. Howe's requests for variances flies in the face of all of us who live in this community. Why does he demand to have 8 stories, when even the recently built Heathman hotel has only five? (Even though that is getting too tall for the character of the lake neighborhood.) Why do they feel entitled to such a variance? PLEASE don't set this precedent for higher buildings!!

I would respectfully request that Touchstone be held to the same standards that are only fair and reasonable for the others in the neighborhood. Why are they allowed to come in here and develop whatever they want? Where is the formerly strict code?

We desperately need to maintain setbacks from the street and park. Our open spaces are part of what makes Kirkland. To have taller buildings, closer to the street, would make Central Way into more of a canyon below 6th street than it already is. The current Park Place office building is high enough, visually, for the area.

As for the need for more office space, I have noticed many new buildings with space for lease for Spring 2007, not yet leased.

Can Touchstone put its high rises in Totem Lake? That is a dismal, but large, area that is begging for good development!

As a side comment, I resent the comment from the July meeting that indicates the only people who care about the 8 story hotels are the condo owners with views.

This is an insult! I do not have a view. I care about our open spaces, and my daylight!

My family uses the Peter Kirk Park frequently, since my 9-year old was born. Touchstone should not be allowed to carve out parts of the Park for entrance into Park Place.

Regarding parking....aren't the proposed 3500 spaces overkill? University Village has been recently advertising that they have 2000 spaces, usually enough to accommodate them. Last time I looked, that was a much bigger area than Park Place.

Do we really want that kind of density in Kirkland? Where will everybody go when they leave all those spaces?

I live close enough to Park Place that I walk over there almost daily and use many of the conveniences available. Also, I have not seen a movie theater in the plans, either. Are we still going to have a theater in Kirkland? The current management of the theater is doing a fabulous job of updating and keeping current with new releases. We frequent this theater for almost all (90+%) new movies that we see.

The sketches look like there is some open space, due to the parking all being underground (?) but the space, covered by concrete, does not look as inviting as patches of lawn and mature trees.

There is a lot of reference to "superior retail". What the heck does that mean?!! What happened to Kirkland as a funky place to go, and friendly place to walk to the various, kitschy, specialty shops? That is what we need to support.

Please, as a council, I beg you to make the reasonable decision, not the greedy one, and represent your constituents that appreciate the almost-formerly funky Kirkland. If you don't, I fear the next elections of council may just reflect our disgust with the runaway development.

Mr. Howe refers to Kirkland as a "bedroom community". Yeah, so?! It is MY bedroom he is trying to destroy!!

Thank you for your consideration of this letter.

Helen Roller
422 4th Ave.

January 15, 2008

DRAFT

Ms. Helen Roller
422 4th Avenue
Kirkland, WA 98033

Dear Ms. Roller:

Subject: Proposed Touchstone (Park Place) Development

Thank you for your recent e-mail concerning the Comprehensive Plan private amendment request (PAR) for redevelopment of the Park Place site. Your correspondence expresses several issues about the proposal by Touchstone to amend the Comprehensive Plan and Zoning for the site. The Touchstone request includes a building height increase from 3-5 stories to 4-8 stories as measured from the grade of 6th Street and Central Way and allowance of taller buildings next to Central Way and 6th Street. It also includes a building setback reduction from 20 feet to 0 feet on Central Way and 6th Street, and possibly from 10 feet to 0 feet next to Peter Kirk Park. There may also be requests for flexibility in other regulations such as lot coverage. An explanation of the review process for the Touchstone PAR is included in this letter.

The City accepts Comprehensive Plan PARs biennially. The City Council then decides which PARs will be studied further. The PARs that are to be studied go through a full analysis by the Planning Commission and a public review. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The Council then reviews the recommendation and makes a final decision on whether any changes should be made to the Comprehensive Plan and Zoning Code.

In July of 2007, the City Council made a decision to further study the Park Place PAR. At that time, the Council also passed a resolution which directed the Design Review Board (DRB) to play a role in advising the Planning Commission on this proposal. This was done to take advantage of the contribution that the design professionals on the DRB could make to the review process.

The typical role of the DRB is to review projects for consistency with the design guidelines in the Kirkland Municipal Code and the neighborhood plans and design principles in the Comprehensive Plan. In this case, the DRB will review and provide direction on conceptual development plans submitted by the applicant. The primary issues that the DRB will focus on will be the site layout and building massing.

An environmental impact statement (EIS) is being done for the Park Place proposal as well as for two other proposals located in the vicinity of the downtown (the Altom and Orni PARs). The EIS will analyze the potential impacts of the proposals on land use, aesthetics, transportation, public services, and water and

sewer utilities. The end result will be a planned action EIS that is expected to be issued in June 2008. The EIS will be used by the Planning Commission and City Council to help in their decision making process. It is anticipated that the Council will make a decision on the proposal in August 2008.

The City Council appreciates you taking the time to express your concerns and ask questions. We encourage you to stay informed and involved as the Comprehensive Plan Amendments proceed through the required legislative process. We hope that you will attend meetings and address the City Council, Planning Commission and DRB during the public comment periods provided at these meetings.

The City's website (www.ci.kirkland.wa.us) is a good source of information regarding the Comprehensive Plan Amendments and this particular project. The Council, Planning Commission and DRB meeting agendas are posted to the site. You may want to subscribe to the e-mail bulletin to receive updates about this project.

On behalf of the City Council, thank you for your correspondence. Your e-mail and this response will be shared with the entire Council, the Planning Commission and the DRB. If you'd like to discuss your concerns further, please contact Angela Ruggeri, Project Planner at (425) 587-3256 or at aruggeri@ci.kirkland.wa.us

Sincerely,

KIRKLAND CITY COUNCIL

By Jim Lauinger
Mayor

File #ZON07-00016



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Betsy Adams, Environmental Education & Outreach Specialist

Date: December 20, 2007

Subject: Response to email from Jeff Schumacher, Kirkland resident, re. Juanita Creek

On December 4, 2007, Jeff Schumacher, a Kirkland resident, sent an email (Attachment A) to City Council members. In this email, he expressed concern regarding the health of Juanita Creek, referring specifically to the litter that he saw in the creek and along its banks.

Attached is the response (Attachment B) that was sent to Mr. Schumacher. In summary, the response recognizes Mr. Schumacher's concern and discusses the City's ongoing efforts to improve and restore Juanita Creek. Efforts include monitoring for and tracing of pollutant sources, construction of projects to address flooding and improve fish habitat, and education and outreach programs such as Natural Yard Care Neighbors and Salmon Watchers that seek to involve residents in caring for their watershed. Additionally, in response to Mr. Schumacher's concern, the Surfacewater division plans to document littering and other pollution issues along the Kirkland stretch of Juanita Creek this winter.

For more information, please contact Betsy Adams at x3858.

Attachments:

- A Email from Jeff Schumacher, Subject: Juanita Creek Kirkland WA
- B Response letter from Mayor Lauinger

From: JEFF SCHUMACHER [mailto:schumacher2000@gmail.com]

Sent: Tuesday, December 04, 2007 6:01 PM

To: James Lauinger; Joan McBride; Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff

Subject: Juanita Creek Kirkland WA

To the fellow Council members of Kirkland WA

Just a thought....

My name is Jeff Schumacher, a fellow Kirkland resident. I have recently moved from the Redmond area to a townhouse next to Juanita Creek. I found the creek to be a special place that contains vital environmental habitat. I see raccoons, salmon, crans, birds of all types, possoms, and etc. Amazing how a small habitat can intertwine within a big city.

I have walked closely along public sections of the creek down to the finish line of Lake Washington. My concern is that you would be amazed to see all the unenvironmental friendly pieces in the creek such as bicycles, couches, park benches, TV, platics, cans, glass, toys, drug needles, road construction signs, and much more. If you want just a sample then please visit the Juanita park and there you will find a sample of a bicycle, road construction signs, and park bench actually in the creek. In comparison, I simply don't see this at the Sammamish river in Redmond WA.

Fully I understand the city has limitations when it comes to private property. My responds is to encourage the city to come up with a cooperative environmental cleanup plan for the city itself. The city has many options, but here are just a couple ideas :

- 1) Issues laws of financial penalty for property owners to have unenvironmental friendly items in the creek for salmon habitat.
- 2) Establish a small team of volunteers to go door-to-door of the Juanita creek residents to educate them about the importance of environmental friendly property for salmon habitat and other animals. The reaction is financially important because property value will increase.

I myself am a busy individual and can't further partake on this case. Simply just wanted to bring the concept of juanita creek pollution to your attention.

Jeff Schumacher
(425) 968-8290

January 15, 2008

Mr. Jeff Schumacher
PO Box 3547
Redmond WA 98073

D R A F T

RE: Email – Subject: Juanita Creek Kirkland WA

Dear Mr. Schumacher,

Thank you so much for your email regarding the health of Juanita Creek. Your concerns about the creek are well-recognized and shared by our division. We have begun to address this issue through monitoring for and tracing of pollutant sources, construction of projects to address flooding and improve fish habitat, and education and outreach programs such as Natural Yard Care Neighbors and Salmon Watchers that seek to involve residents in caring for their watershed.

To augment and focus efforts on Juanita Creek, staff from the Surfacewater division of Kirkland Public Works will walk the length of Juanita Creek that is within City limits this winter. They will record its current physical state through photo documentation and a summary of litter and other pollutants found both in the creek and along the banks.

Using this documentation, staff will develop a cleanup plan for the creek. The successful cleanup of Juanita Creek will require a partnership of City staff, streamside property owners, and Kirkland residents. Possible ways to proceed may include: the development of a Friends of Juanita Creek group, small stream improvement grants for residents, a series of volunteer clean-ups along the creek organized by residents and supported by the City. Based on the results of our creek walk, discussion with residents, and direction from the City Council, we will make further progress toward a clean and healthy Juanita Creek.

Also, please note the progress that has been made in cleaning and restoring Juanita Creek in Juanita Beach Park. A project was constructed this summer that will improve fish habitat and water quality in the creek. Construction included removal of garbage and concrete debris and extensive regrading of the banks of the creek. Numerous other projects to clean and improve Juanita Creek have been constructed since the surface water utility was created in 1998. A summary of these projects, and of the current priorities and goals of the Surface Water Utility, is available in the 2005 Surface Water Master Plan, which is available on the city website (www.ci.kirkland.wa.us) and then search for “surface water master plan”).

We recognize that there is a long way to go to recreate a clean and healthy creek, and we are, with the help of concerned citizens such as yourself, making progress toward that goal. If you would like to participate in the creek walk, or volunteer for cleanups or other activities, please contact Betsy Adams, Community Education and Outreach Coordinator, at (425) 587-3858.

Sincerely,

James Lauinger
Mayor, City of Kirkland

cc: Jenny Gaus, Senior Stormwater Utility Engineer
Daryl Grigsby, Director of Public Works
Bobbi Wallace, Surface & Wastewater Manager
Betsy Adams, Environmental Education & Outreach Specialist



CITY OF KIRKLAND

Department of Finance and Administration

123 Fifth Avenue, Kirkland, WA 98033 425.587.3100

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Kathi Anderson, City Clerk

Date: January 4, 2008

Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.(040)).

BACKGROUND DISCUSSION

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

- (1) Linda Lake
11107 NE 97th Street
Kirkland, WA 98033

Amount: Unspecified Amount

Nature of Claim: Claimant states damage occurred due to inaccessible water shut off valve.

- (2) Margaret Schwarz
235 Lake Avenue West
Kirkland, WA 98033

Amount: Unspecified Amount

Nature of Claim: Claimant states damage resulted from ineffective drainage system.



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

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

Date: January 2, 2008

Subject: 2007 STREET PRESERVATION PROJECT – ACCEPT WORK

RECOMMENDATION:

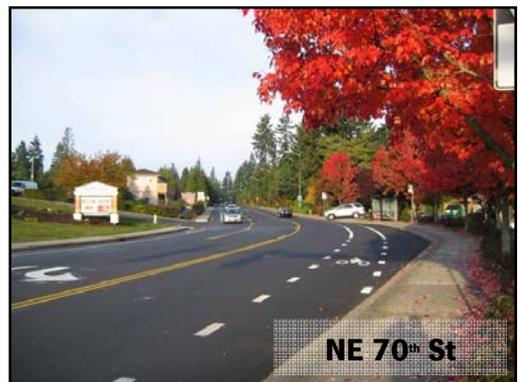
It is recommended that the City Council accept the construction work for the 2007 Street Preservation Project, as completed by Watson Asphalt Paving Co. of Redmond, Washington and establish the statutory 45-day lien period.

BACKGROUND DISCUSSION:

The annual Street Preservation Project maintains and rehabilitates the City's street network through subgrade repair, asphalt grinding, and the application of a new surface layer of asphalt that is applied to selected streets. The work also includes installation of new curb ramps, as required by the Americans with Disabilities Act, and replaces adjacent broken curb and sidewalk panels. The 2007 Street Preservation Project resulted in the resurfacing of approximately 9.2 lane miles of roadway in four neighborhoods throughout the City (Attachment A).

The Street Preservation Project has an annual budget of \$1.8 million. With the addition of \$297,734 in unused funds from the 2006 Street Preservation Program, the overall total budget for the 2007 Project is \$2,097,734 (Attachment B). A transfer of \$15,000 from the 2007 Sidewalk Maintenance Project to address certain sidewalk repair and approved by Council during their meeting of June 5, 2007, was not needed and will remain in the Sidewalk Maintenance Budget.

At their meeting of June 5, 2007, Council awarded the contract for the 2007 Street Preservation Program Project to Watson Asphalt Paving Company in the amount of \$1,263,064.55. The construction began on July 9, 2007 and was completed on December 12, 2007. As presented in the June award memo, bids came in lower than anticipated at the bid opening primarily due to an unexpected drop in asphalt prices from the previous year (Attachment C). During the project construction, Staff evaluated opportunities to increase the overall project scope as a way to maximize the amount of City streets that could be resurfaced. Two streets in the Central Houghton neighborhood (NE 47th Street and NE 47th Place) were added to the project through negotiated change order; these streets were anticipated to be completed in the 2008 Project. The total payments to the Contractor were increased to \$1,469,540.32.



In addition to the construction contract with Watson Asphalt, Staff has set aside approximately \$71,000 of the 2007 project budget for the paving of the Waverly Beach Park parking lot and pavement repair on 116th Ave NE, between NE 48th Pl and NE 60th St. Repaving of the Waverly Beach Park parking lot was mitigation for impacts of the recently reconstructed Waverly Lift station, construction impacts to the parking lot, and repair of the access road leading from Waverly Way. Construction of these was originally scheduled for Fall, 2007, however will now be completed in Spring 2008 when weather conditions are more favorable for paving. The total remaining project budget for the 2007 Project is approximately \$280,000 (which includes the \$71,000 set aside for paving Waverly Beach Park parking lot and pavement repair on 116th Ave NE). It is proposed that the balance of funds be carried over to the 2008 Street Preservation Project.

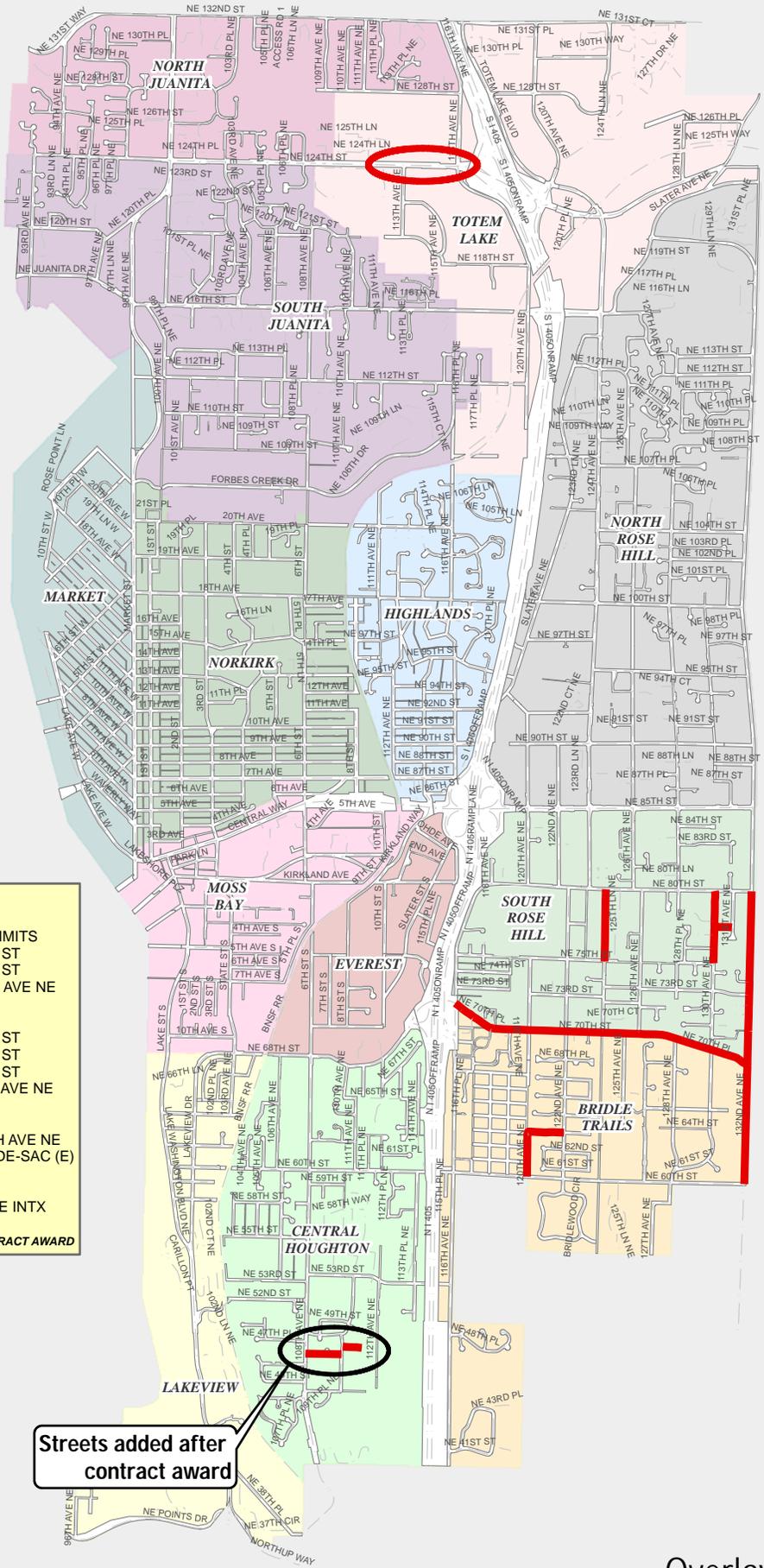
Attachments: (3)



1 inch equals 3,000 feet

Legend

- █ 2007 Overlay Street
- Neighborhoods**
- Bridle Trails
- Central Houghton
- Everest
- Highlands
- Lakeview
- Market
- Moss Bay
- Norkirk
- North Juanita
- North Rose Hill
- South Juanita
- South Rose Hill
- Totem Lake



LENGTH (CL MI)	LENGTH (LANE MI)	BRIDLE TRAILS
1.04	3.6	NE 70TH ST - 116TH AVE NE to CITY LIMITS
0.41	1.4	132ND AVE NE - NE 60TH ST to NE 70TH ST
0.15	0.3	120TH AVE NE - NE 60TH ST to NE 64TH ST
0.12	0.3	NE 64TH ST - 120TH AVE NE to 122ND AVE NE
SOUTH ROSE HILL		
0.60	2.0	132ND AVE NE - NE 70TH ST to NE 80TH ST
0.25	0.5	124TH AVE NE - NE 75TH ST to NE 80TH ST
0.24	0.6	130TH AVE NE - NE 75TH ST to NE 80TH ST
0.06	0.1	NE 78TH ST - 130TH AVE NE to 131ST AVE NE
HOUGHTON		
0.11	0.3	*NE 47TH ST - 108TH AVE NE TO 110TH AVE NE
0.03	0.1	*NE 47TH PL - 110TH AVE NE TO CUL-DE-SAC (E)
TOTEM LAKE		
N/A	N/A	NE 124TH ST - PRELEVEL AT 116TH AVE INTX

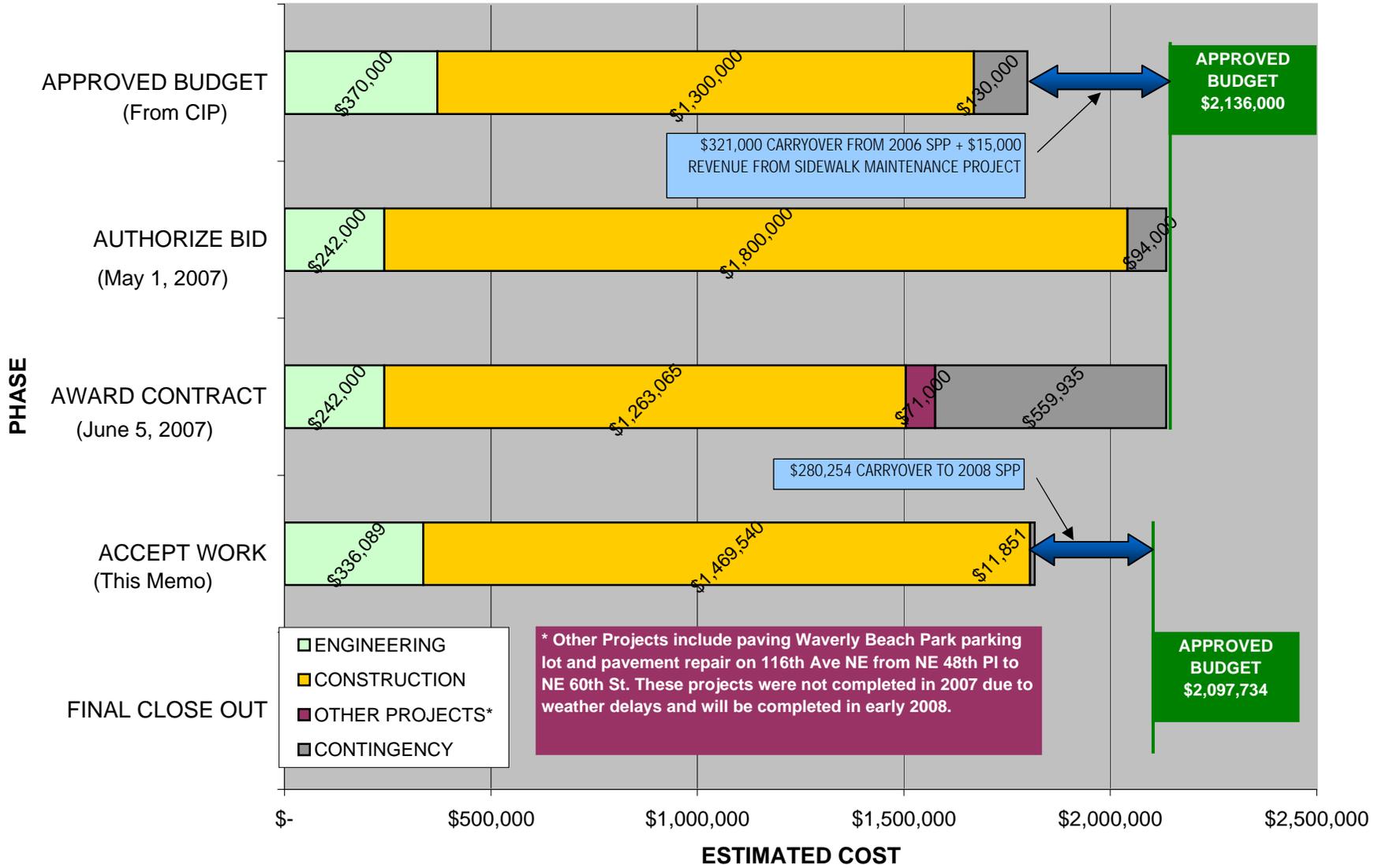
*STREETS ADDED AFTER CONTRACT AWARD

Streets added after contract award

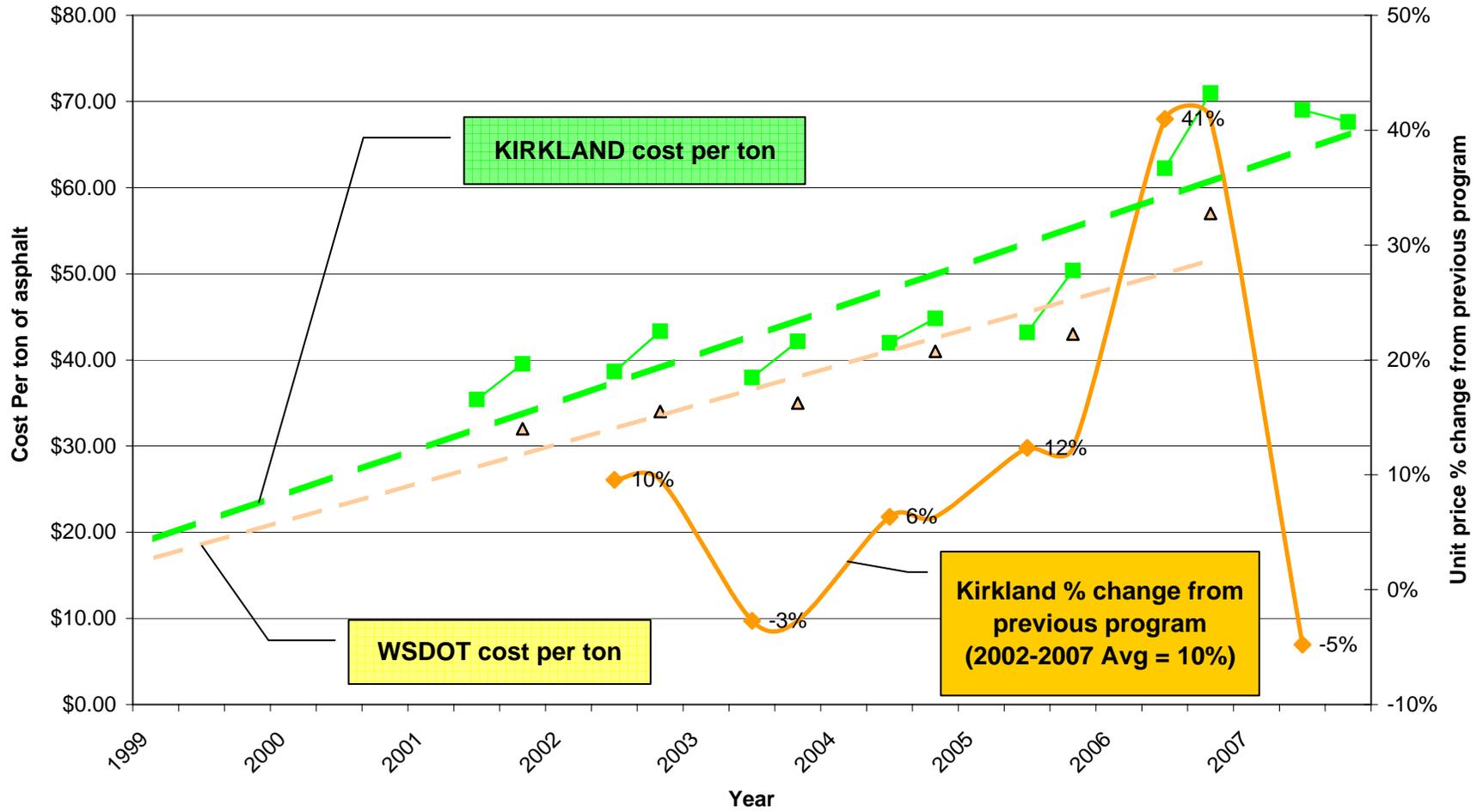


PROJECT BUDGET REPORT

2007 Street Preservation Project (CST-0706)



Kirkland Annual overlay program Cost Comparison





CITY OF KIRKLAND
Department of Planning and Community Development
123 Fifth Avenue, Kirkland, WA 98033 425-587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Dawn Nelson, AICP, Planning Supervisor

Date: January 2, 2008

Subject: ARCH 2008 WORK PROGRAM AND BUDGET, File MIS08-00001

RECOMMENDATION

Staff recommends that the City Council, by motion, approve the 2008 ARCH Work Program and Budget.

BACKGROUND DISCUSSION

The ARCH Executive Board has reviewed and approved the 2008 Work Program and Budget. Pursuant to the ARCH Interlocal Agreement, these are being forwarded to the member Councils for their review and approval (see Attachments 1 and 2).

This year, ARCH will assist the City of Kirkland with follow up work related to the priorities established by the City Council in 2007. This will include evaluating regulations that encourage affordable housing as part of market rate housing development and analyzing inclusionary approaches, preserving existing affordable housing, and exploring the feasibility of mixed use transit oriented development at the South Kirkland Park & Ride. A complete list of activities to be undertaken by ARCH in 2008 is contained in Attachment 1.

The proposed 2008 Budget for ARCH, which totals \$417,836, is itemized in Attachment 2. A comparison with the 2007 Budget is provided. Resource distribution by the various ARCH member cities is also included. Kirkland's share increased from \$53,198 to \$55,858 – an increase of \$2,660 in cash contributions. The percentage increase in contributions for the City of Kirkland is 5% and is consistent with increases requested of most member jurisdictions. The contribution of \$55,858 for the ARCH Administrative Budget was approved as part of the City's budget for 2008.

Cc: Art Sullivan, ARCH, 16225 NE 87th Street, Suite A-3, Redmond, Washington 98052

**Attachment 1
ARCH Work Program
& Budget**

12/07

ARCH WORK PROGRAM: 2008

I. PROJECT ASSISTANCE

A. Oversight of Local Monetary Assistance

ARCH Trust Fund. Review applications and make recommendations for requests of local monetary funds through the ARCH Housing Trust Fund process. Includes helping to coordinate the application process and use of funds for various programs. Also assist with preparing contracts for awarded projects and do quarterly progress reports on funded projects.

Objective: Allocation of \$1,000,000 or more through the ARCH Housing Trust Fund Process.

Funding commitments to create or preserve a minimum of 75 units.

For the 'Parity Program', provide updated annual information to members, and achieve the base line goal for levels of direct assistance.

Provide a variety of types of affordable housing as specified in the ARCH Trust Fund Criteria.

For projects requesting Bellevue funds, provide housing which is consistent with any priorities set by the Bellevue Council.

Evaluation of ARCH Trust Fund: Dedicated Funding Source. As follow up to the ARCH Workshops in 2007, explore and evaluate the feasibility of a dedicated funding source.

Objective: Develop a sustainable strategy for the HTF to meet increasing project costs and the reduction of federal housing funds.

Centralized Trust Fund Account. Initiate a centralized trust fund that will consolidate all affordable housing trust fund monies in a single account and allow loan repayments to revolve back into affordable housing.

Funded Projects Follow-up. Monitor progress of funded projects and assist local staff with contracting and distributing funds, and ongoing monitoring of loans.

King County / State Funding Programs Review and provide input to other funders for Eastside projects that apply for County (HOF, RAHP, HOME, etc) and State (Tax Credit, DCTED) funds. Includes providing input to the King County Home Consortium on behalf of participating Eastside jurisdictions.

**Attachment 1
ARCH Work Program
& Budget**

Objective: In consultation with County, local staff and housing providers, seek to have funds allocated on a countywide basis by the County and State allocated proportionately throughout the County including the ARCH Sphere of Influence.

B. Special Projects This includes a range of activities where ARCH staff assist local staff with specific projects. Activities can range from feasibility analysis, assisting with requests for proposals, to preparation of legal documents (e.g. contracts, covenants). Following is a list of several specific projects that are already underway. One of ARCH's priorities is to be available to assist cities as they assess other potential special projects that arise.

Surplus Property. Assist as needed member cities evaluation of potentially surplus public property or underutilized private property for suitability of affordable housing. One potential use of surplus property is for the HomeChoice Way ownership initiative. This task is consistent with one of the priority strategies identified at the ARCH Workshops in 2007.

Objective: Identify one or more specific sites on the eastside to be made available for housing.

Preserving HUD Financed Housing ARCH will continue to monitor and actively pursue efforts to directly assist developments in order to preserve existing HUD assisted affordable housing.

Objective: . Preserve existing federally assisted affordable housing in East King County and prevent from converting to market rate housing

Solicit support from federal legislators to maintain funding for Section 8 and other HUD housing programs.

Metro Park n' Ride/Transit Sites. ARCH staff will continue to work with local staff on exploring the feasibility of pursuing housing projects on Park n' Ride or transit oriented lots. . As needed ARCH staff will assist City, County and transit staff with feasibility analysis, and if applicable, project development.

Objective: Assist Redmond and Kenmore with administering affordability requirements associated with their downtown Park n Ride sites.

To assist Kirkland in exploring the feasibility of mixed use transit oriented development housing at Kirkland's Park and Ride Facilities.

Issaquah Master Planned Development Sites. Both the Issaquah Highlands and Talus master planned developments (MPD) include 'land set-aside' parcels that are reserved for the development of affordable housing for a specified period of time. ARCH will work with City staff to identify developers of the land 'set-aside' parcels and assist as needed with specific aspects of these parcels. including negotiate and track covenants and resale restrictions to guarantee long term affordability.

Objective: Assist City with work related to development of the 'TOD site in Issaquah

**Attachment 1
ARCH Work Program
& Budget**

Highlands by the YWCA, and Parcel 95 by Habitat for Humanity. Could involve assisting with preparation of land transfer and affordability agreements with the City and their preferred developer, YWCA.

Objective: To assist as needed with implementing the remaining affordability requirement in the privately developed portion of the affordable housing required in Talus, .

Eastside Homebuyer Assistance Program. In late 2005 the House Key Plus ARCH down payment assistance program was launched with funding from many East King County cities, King County and the Washington Housing Commission and in 2006 a second round of funding was received from the same initial funders. In 2008, the goal is to award the remaining balance of funds received in both the first and second round of funding. In addition there will be an assessment of the effectiveness of the program, if there should be any modifications to the program, and if appropriate, seek additional funding.

Objective Allocate all funds set-aside for the down payment program and assess long term viability and potential modifications to the program.

If deemed successful, seek additional funding to extend the program.

Reserve Fund Innovative Program. In the past, ARCH has used its reserve funds to provide unsecured predevelopment loans for innovative projects being sponsored by communities (e.g. Greenbrier (Woodinville), Coast Guard Site. ARCH will work with local staff and the broader community to identify other potential new innovative projects.

Objective: On an as needed basis, assist members with doing feasibility, community outreach and other predevelopment activity on specific sites or programs to assess their potential to provide affordable housing.

II. HOUSING POLICY PLANNING

A. Local Planning Activities

ARCH Housing Strategy Program. As follow up to the ARCH Workshops in 2007, the workshops identified both a set of potential priority strategies, and an education program for members. In 2008 the objective is to implement the education program and to initiate work on several of the strategies. Several work program tasks

Objective: Complete the initial round of education of member jurisdictions, and review of ARCH Housing Strategies by councils for consideration of including one or more strategies in their local Work Programs.

Objective: Assist cities that incorporate any of the priority strategies in their local work program. (Note: If individual members have identified specific strategies for their work program, they are listed below under Local Housing Efforts.)

**Attachment 1
ARCH Work Program
& Budget**

Objective: Identify if any strategies should be pursued in a more collective manner (e.g. dedicated funding source for Trust fund), and if so, outline work program and begin work on those strategies. ..

Property tax exemption program In 2007, the legislation adopted revisions to existing legislation (RCW 84.14) that now allows communities as small as 5,000 persons to utilize a short term property tax exemption for multifamily housing in mixed use areas. **Considering use of temporary Property Tax Exemption program to encourage affordable housing is one of the priority strategies identified in the ARCH Workshops.** ARCH staff will assist members who are considering such programs. Several cities began work in 2007 on evaluating programs and several others may consider such a program in 2008. These are listed under individual cities in the Local Housing Efforts section below.

Legislative Items

a) Prosperity Partnership and AWC Housing Task Forces. The Prosperity Partnership's Housing Task Force identified several potential legislative priorities, These include sales tax exemption for affordable housing, and creating a Growth Management Infrastructure Account (GMIA) that would provide funding for local infrastructure projects that help achieve GMA affordable housing goals. **The first item is consistent with one of the long term strategies identified in the ARCH Workshops.** In addition, AWC has formed a housing advisory board to identify potential housing issues, and presumably track legislative proposals. Staff will track such efforts and report back to the Executive Board and members of ARCH on such efforts.

b) Employer Assisted Housing Legislation. There is potential interest in creating some form of tax incentive to employers who create employer assisted housing programs. **This could potentially help one of the priority strategies identified in the ARCH Workshops.**

c.) Federal Funding Support. (See Special Project, Preserving HUD Financed Housing

Housing Background Information. Historically, ARCH has provided a range of housing and demographic information for its members. On an annual basis, ARCH will continue to provide updated housing data information as available. Consider updating and expanding ARCH website to allow members easier access to ARCH studies, background reports and demographic data. **This updated housing information will be incorporated into the education fliers developed as part of the ongoing Housing Education Program developed in the ARCH Workshops.**

Objective:

Continue to keep member jurisdictions and the broader community aware of local

**Attachment 1
ARCH Work Program
& Budget**

housing conditions as input for jurisdictions to evaluate current and future efforts to meet local housing objectives.

Accessory Dwelling Units (ADU) Continue to provide information to the broader community on ADUs through fliers and the ARCH website. As needed, ARCH staff will assist local staff with assessing and modifying existing local ADU regulations.

Objective Increase general community awareness of ADU's and provide basic information to help those interested in creating an ADU.

Local Housing Efforts: ARCH jurisdictions are updating land use, zoning and other codes in order to implement policies identified in their Comprehensive Plans. ARCH staff will continue to assist local staffs in these efforts. Following are specifically identified areas that ARCH will assist local staff with accomplishing.

Objective: Assist local staff with completion of the following updates of local codes and specific plans:

Bellevue

Assist City staff as needed with Bellevue's planning initiatives that are identified by the Council for its housing work programs. Initial work will focus on emerge from the update of the Housing Element. (e.g. updates to ADU regulations, more innovative forms of housing.)

Assist City staff with researching potential incentives to encourage work force housing in the Bel-Red Planning Area, including potential public funding sources such as the 10 year property tax exemption allowed under RCW 84.14.

As part of the larger ARCH Implementation Strategy work, re-assess Bellevue Housing Trust Fund guidelines to ensure they are consistent with community needs and priorities.

Explore regulatory and non-regulatory approaches to improve compatibility of single family infill development, major remodels and SF conditional uses. (Is this an ARCH item?)

Survey housing conditions and develop strategies to encourage the maintenance and updating of the city's older housing stock.

Assist City staff to evaluate long term options for the Landmark property which was purchased in 2002 by the King County Housing Authority.

Bothell

Assist City staff preparing a Housing Strategy Plan and implementation of initial strategies.

**Attachment 1
ARCH Work Program
& Budget**

Assist City staff and Planning Commission with update to the Downtown Plan, specifically providing assistance on components related to housing and affordable housing. This will include ARCH staff participating in the Downtown Resources Group and the Housing/Affordable Housing Round Table.

Clyde Hill

Assist City staff with a general review of housing regulations.

Assist City with rental of City's affordable rental unit.

Issaquah

Assistance is anticipated for the following projects:

Talus: Assist in administering the first group of the Phase II affordable rental and owner units.

Issaquah Highlands: Monitor the implementation of the Issaquah Highlands affordable housing development agreement. This includes monitoring annual progress toward achieving affordability goals and providing information to developers on details about how the program is implemented.

Winter 2008: Work with City staff to educate the Planning Policy Commission, the City Council and the public about housing, affordable housing and incentives potentially applicable to the Central Issaquah Area.

Fall 2008: Work with City Staff to write affordable housing regulations for the Central Issaquah Area.

Assist City staff in working with the Issaquah School District to provide school impact fees waivers for affordable housing.

Assist City staff with the implementation of the Block 9, YMCA affordable housing project.

Kenmore

Downtown Site. Assist with implementing the affordability requirements for the site, including if applicable, the property tax exemption program .

Downtown Plan /LakePointe: As needed, work with City staff to implement the requirement to provide affordable units in the downtown area and/or the LakePointe master planned development.

Housing Regulations: Assist city staff with their update of its zoning and subdivision codes as they relate to housing and housing affordability.

Kirkland

**Attachment 1
ARCH Work Program
& Budget**

Assist City staff with follow-up work related to the priorities established by the City Council in 2007 including:

- Evaluating regulations to encourage affordable housing as part of market rate housing development, especially in the downtown area and other business districts. This will include a detailed analysis of inclusionary approaches that will be considered, and legal issues and constraints associated with these options;
- Preservation of existing affordable housing. This will include completion of inventory work undertaken in 2007, and assistance with subsequent tasks such as analysis of data, contacts to property owners and evaluation of possible funding sources for preservation efforts.
- Exploring the feasibility of mixed use transit oriented development housing at the South Kirkland Park & Ride facility. Assistance from ARCH will include coordination with Metro, the City of Bellevue, and for profit or non-profit housing developers, if needed. Additional tasks associated with administering affordability requirements and project development may be included;
- Identify underutilized/vacant land and/or existing housing; and
- Identifying and exploring use of a small surplus city property for an innovative housing (e.g. cottages, duplex or triplex).

Assist City staff with housing issues as part of neighborhood plan updates.

Mercer Is.

Assist staff and council with evaluating and, if appropriate, implementing a tax incentive program for affordable housing in the Mercer Island Town Center, as allowed under ESSHB 1910.

Assist City staff and City Council evaluate options for an innovative housing project on surplus City property.

Assist City Staff and Planning Commission with updating the Housing Strategy Plan, and with initial implementation of high priority strategies.

Newcastle

Assist City staff with implementation of high priority strategies from their Housing Strategy Program.

Assist City staff in reviewing development agreements for any project that would include an affordable housing requirement, including those related to the Community Business Center. Anticipated projects in 2008 include the mixed use Library/housing development and Newcastle Trails.

**Attachment 1
ARCH Work Program
& Budget**

Assist with establishing administrative guidelines and implementing the property tax exemption program for the Community Business Center.

Redmond

Help with update of housing regulations related to the update in the Housing Element of the Comprehensive Plan that are part an overall housing initiative, that will result in the development of a package of policy and regulatory reforms to help increase the supply and diversity of new housing.

Continue to assist with negotiating, and administering the provision of affordable housing in developments required to provide affordable housing units pursuant to city regulations.

Provide assistance as needed in updating Overlake and Viewpoint Neighborhood Plans with respect to housing, including periodic attendance at CAC meetings to help identify housing issues within the neighborhood and develop policy responses.

Help with the refinement of existing incentive programs to create affordable housing, especially related to methods for alternative compliance. May include help with convening a panel of builders and developers to speak to staff and/or the Planning Commission.

Assist in making ADU presentation to Grass Lawn Neighborhood Association pursuant to Neighborhood Plan policy.

Assist in implementing and preliminary analysis of the Cty's innovative housing ordinance and pilot program

Woodinville

Review and strengthening of affordable housing and accessory dwelling unit programs and regulations

Continue work to assist City staff and Planning Commission with ways to encourage housing in the Downtown/Little Bear Creek Master Plan area.

Sammamish

In 2008 ARCH staff will assist City staff on several efforts including:

Assist with policy and regulatory development for the Town Center plan including Planning Commission and City Council review. Respond to questions and request for follow up information and help staff selected meetings. Guide and participate in the financial analysis for Town Center regulations and zoning to help ensure effectiveness.

Attachment 1 ARCH Work Program & Budget

Assist with evaluating and potentially implementing a demonstration program for cottage housing.

Assist with initial implementation of high priority strategies identified in the Housing Strategy Plan, including efforts to encourage Accessory Dwelling Units, regulatory incentives to include affordable units within private developments, and processes and standards for homeless encampments

King County See Regional/Planning Activities below.

Complete standard covenants, and monitor the implementation of the Northridge/Blakely Ridge and Redmond Ridge Phase II affordable housing development agreements. This includes monitoring annual progress toward achieving affordability goals; and providing information to developers on details about how the program is implemented.

General Assistance. In the past, there have been numerous situations where member staffs have had requests for support on issues not explicitly listed in the Work Program. Requests range from technical clarifications, to assisting with negotiating agreements for specific development proposals, to more substantial assistance on unforeseen work. ARCH sees this as a valuable service to its members and will continue to accommodate such requests to the extent they do not jeopardize active work program items.

B. Regional/Countywide Planning Activities

Affordable Housing Tracking System. The Growth Management Act/Countywide Affordable Housing Policies call for jurisdictions to track the development/preservation of housing affordable to low and moderate income families. This work is being coordinated through the Benchmarks Task Force. ARCH staff will continue to assist cities and the County with collecting data needed for Benchmarks.

Objective: Collection and analysis of data as specified in Benchmark Task Force report.

Maintain an eastside housing database for storing benchmark and related housing data. The database should allow the creation of standardized reports, yet be flexible enough to also meet the individual reporting needs of members. This database will be updated to include permit data and funding activities from 2006.

Information collected for this will be incorporated into the annual updates prepared as part of the ongoing ARCH Housing Education program.

County-Wide Housing Committees. Support local staff by providing staff support as needed to

Attachment 1 ARCH Work Program & Budget

'regional'/statewide working groups/committees, and disseminating key information back to local staffs. Groups include the Growth Management Planning Council (GMPC), the McKinney review team, and DCTED Housing Trust Fund Policy Advisory Team.

Committee to End Homelessness (CEH)/ Eastside Homeless Advisory Committee (EHAC).

Anticipated work of the CEH in the coming year include: evaluating ways to more effectively use existing resources, including more coordinated allocation of resources; and initiating several specific proposals for East King County. A primary role ARCH staff have provided is to help coordinate having an ongoing dialogue and planning effort within East King County of cities, agencies and providers through EHAC to better coordinate local efforts to tie into the work of CEH.

Objective: Keep member jurisdictions informed of significant regional issues and pending legislation that could affect providing housing in East King County.

Ensure that perspectives of communities in East King County are addressed in regional housing activities, including the Committee to End Homelessness.

Have one or more specific local programs initiated as part of the 10 Year Plan to End Homelessness.

III. HOUSING PROGRAM IMPLEMENTATION

Monitoring Affordable Rental Housing. Administer ongoing compliance of affordability requirements. This primarily includes affordable rental housing created through direct assistance (e.g. Trust Fund allocation, land donations) from member jurisdictions, and occasionally through land use incentives. Some Trust Fund projects also require monitoring of project cash flow related to loans made by jurisdictions to projects.

Objective: Ensure projects are in compliance with affordability requirements which involves collecting annual reports from projects, screening information for compliance, and preparing summary reports for local staffs. To the extent possible this work shall:

- Minimize efforts by both owners and public jurisdictions;
- Coordinate ARCH's monitoring efforts with efforts by other funding sources such as using shared monitoring reports;
- Utilize similar documents and methods for monitoring developments throughout East King County.
- Ensure accurate records for affordable ownership units, including audit units for owner occupancy and proper recording of necessary documentation.
- Establish working relationship with other public organizations that can help assess how well properties are maintained and operated (e.g. code compliance, police, and schools).

Monitoring Affordable Ownership Housing. As more price restricted homes are created and

**Attachment 1
ARCH Work Program
& Budget**

given changes in lending practices the past few years, monitoring of affordable ownership housing created through local land use regulations is becoming of increased importance. In 2006, several issues emerged related to the long term implementation of affordable housing covenants (e.g. owners over borrowing on homes). Several actions were taken in 2006 to address these issues. In 2008, the goal is to complete revisions to the ownership covenants in order to better insure long term affordability of ownership units.

Objective: Oversee resale of affordable ownership homes.

Complete revisions to the affordability covenant and administrative procedures to better protect against potential loss of long term affordability

Mailing List of Low/Moderate Income Households Maintain a list of families potentially interested in affordable housing (both rental and ownership) created through the efforts of the participating jurisdictions.

Objective: Maintain lists of affordable housing in East King County, and making that available as needed to people looking for affordable housing.

Maximize use of the ARCH web site to assist persons looking for affordable housing.

Relocation Plans. Assist as necessary with preparing relocation plans and coordinate monitoring procedures for developments required to prepare relocation plans pursuant to local or state funding requirements.

Objective: Maximize efforts to ensure that existing households are not unreasonably displaced as a result of the financing or development of new or existing housing.

IV. SUPPORT/EDUCATION/ADMINISTRATIVE ACTIVITIES

Education/Outreach. Education efforts should include 'Big Picture' subject matters and, in some cases, tie into efforts related to public outreach/input on regional housing issues. However, much of ARCH's outreach/education work will occur through work with individual members on local housing efforts. Potential outreach tools include the ARCH video, a display board, a portfolio of successful projects, ARCH brochure, and housing tours.

Objective: **Consistent with the Education program discussed at the ARCH Workshops**, using input from the broader community , develop education tools to inform councils, staffs and the broader community of current housing conditions, and of successful efforts achieved in recent years.

Objective: **Consistent with the Education program discussed at the ARCH Workshops** , on a regular basis, conduct education sessions for new local officials and staffs on local housing conditions and programs (Housing Eastside 101, East King

**Attachment 1
ARCH Work Program
& Budget**

County Plan to End Homelessness), and hold annual discussion with member councils on recent housing trends and efforts.

ARCH Web site. Currently this site is primarily geared to those utilizing programs administered through ARCH (e.g. listing of available rental and ownership affordable units, application for Trust Fund, consumer information on Accessory Dwelling Units, linkages to other housing related services in the community). There is some information on the site related to local housing issues and efforts, and it is hoped that this will be expanded through materials developed as part of ARCH's grant from the Innovations in American Government Award, as well as materials developed for the ARCH Housing 101 education program, Eastside Plan to End Homelessness, and links to Committee to End Homelessness (CEH) website. .

Objective: Maintain the ARCH web site and update the the community outreach portion by incorporating information from Housing Eastside 101, as well as updated annual information, and links to other sites with relevant housing information (e.g. CEH, HDC).

Make presentations, including housing tours, to at least 10 community organizations.

Media coverage on at least six topics related to affordable housing in East King County related to work done by Cities/ARCH and articles in local city newsletters.

Advice to Interested Groups. Provide short-term technical assistance to community groups, churches and developers interested in community housing efforts. Meet with groups and provide suggestions on ways they could become more involved.

Objective: Increase awareness of existing funding programs (e.g. rental rehab) by potential users.

Increase opportunities of private developers and Realtors working in partnership with local communities on innovative/affordable housing.

Assist community based groups who want to provide housing information to the broader community by assisting with preparing background information.

Administrative Procedures. Prepare quarterly budget performance and work program progress reports. Prepare the Annual Budget and Work Program. Staff the Executive and Citizen Advisory Boards.

Objective: Maintain a cost effective administrative budget for ARCH, and keep expenses within budget. Administrative costs should be equitably allocated among ARCH's members.

Maintain membership on the ARCH Citizen Advisory Board that includes broad geographic representation and wide range of housing and community

**Attachment 1
ARCH Work Program
& Budget**

perspectives.

C:\Data\ARTFILES\GENERAL\Monitor&Workprogram&Budget\2008\Workprogram08dec Exec.Doc

2008 ARCH Administrative Budget

12/7/2007

I. ANNUAL OPERATING EXPENSES

Item	2007 Budget	2008 Budget	Change Budget	Percent Change
Staffing				
Sub-total	\$ 398,285	\$ 417,836	\$ 19,551	5%
Rent	\$ 11,222	\$ 11,531	\$ 309	3%
Utilities	Incl^	Incl^	Incl^	Incl^
Telephone	\$ 2,575	\$ 2,575	\$ -	0%
Operating				
Travel/Training	\$ 2,000	\$ 2,000	\$ -	0%
Auto Mileage	\$ 2,500	\$ 3,000	\$ 500	20%
Copier Costs	\$ 2,500	\$ 2,610	\$ 110	4%
Office Supplies	\$ 2,000	\$ 2,000	\$ -	0%
Office Equipment Service	\$ 4,000	\$ 4,000	\$ -	0%
Fax/Postage	\$ 2,000	\$ 2,060	\$ 60	3%
Periodical/Membership	\$ 3,450	\$ 3,588	\$ 138	4%
Misc. (e.g. events,etc.)	\$ 1,840	\$ 1,840	\$ -	0%
Insurance	\$ 5,800	\$ 7,000	\$ 1,200	21%
Equipment Replacement	\$ 2,870	\$ 2,870	\$ -	0%
Sub-total	\$ 28,960	\$ 30,968	\$ 2,008	7%
TOTAL	\$ 441,042	\$ 462,910	\$ 21,868	4.96%

* Actual salary increases based on Bellevue's approved Cost of Living Adjustment

II. ARCH ADMINISTRATIVE BUDGET: RESOURCE DISTRIBUTION

A. Cash Contributions	2007		2008		Change	Percent Change	
Bothell	\$	34,883	\$	36,627	\$	1,744	5.00%
Issaquah	\$	13,082	\$	13,736	\$	654	5.00%
King County	\$	45,149	\$	47,406	\$	2,257	5.00%
Kirkland	\$	53,198	\$	55,858	\$	2,660	5.00%
Mercer Island	\$	26,598	\$	27,927	\$	1,330	5.00%
Newcastle	\$	8,865	\$	9,308	\$	443	5.00%
Redmond	\$	53,198	\$	55,858	\$	2,660	5.00%
Woodinville	\$	10,590	\$	11,120	\$	530	5.00%
Beaux Arts Village	\$	1,397	\$	1,467	\$	70	5.00%
Clyde Hill	\$	2,367	\$	2,486	\$	118	5.00%
Hunts Point	\$	1,397	\$	1,467	\$	70	5.00%
Medina	\$	2,367	\$	2,486	\$	118	5.00%
Yarrow Point	\$	1,397	\$	1,467	\$	70	5.00%
Sammamish	\$	41,111	\$	43,167	\$	2,056	5.00%
Kenmore	\$	22,425	\$	23,546	\$	1,121	5.00%
TOTAL	\$	318,025	\$	333,926	\$	15,901	
B. In-Kind Contributions	\$	2,007	\$	2,008	Change	Percent Change	
Bellevue	\$	123,019	\$	128,985	\$	5,966	4.85%
TOTAL	\$	123,019	\$	128,985	\$	5,966	
C. Total Contributions							
Bellevue	\$	123,019	\$	128,985	\$	5,966	4.85%
Bothell	\$	34,883	\$	36,627	\$	1,744	5.00%
Issaquah	\$	13,082	\$	13,736	\$	654	5.00%
King County	\$	45,149	\$	47,406	\$	2,257	5.00%
Kirkland	\$	53,198	\$	55,858	\$	2,660	5.00%
Mercer Island	\$	26,598	\$	27,927	\$	1,330	5.00%
Newcastle	\$	8,865	\$	9,308	\$	443	5.00%
Redmond	\$	53,198	\$	55,858	\$	2,660	5.00%
Woodinville	\$	10,590	\$	11,120	\$	530	5.00%
Beaux Arts Village	\$	1,397	\$	1,467	\$	70	5.00%
Clyde Hill	\$	2,367	\$	2,486	\$	118	5.00%
Hunts Point	\$	1,397	\$	1,467	\$	70	5.00%
Medina	\$	2,367	\$	2,486	\$	118	5.00%
Yarrow Point	\$	1,397	\$	1,467	\$	70	5.00%
Sammamish	\$	41,111	\$	43,167	\$	2,056	5.00%
Kenmore	\$	22,425	\$	23,546	\$	1,121	5.00%
TOTAL	\$	441,043	\$	462,911	\$	21,867	4.96%
TOTAL COSTS	\$	441,042	\$	462,910	\$	21,868	4.96%
BALANCE	\$	1	\$	0			



CITY OF KIRKLAND
Department of Planning and Community Development
123 Fifth Avenue, Kirkland, WA 98033 425-587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Dawn Nelson, AICP, Planning Supervisor

Date: January 2, 2008

Subject: ARCH HOUSING TRUST FUND RECOMMENDATION FOR FALL 2007, File MIS08-00001

RECOMMENDATION

Staff recommends that the City Council adopt a motion to approve the recommendations and conditions of approval of the ARCH Executive Board for the Fall 2007 Housing Trust Fund to allocate \$40,000 to the Friends of Youth New Ground Kirkland project and \$25,000 to the Housing at the Crossroads Kensington Square project.

BACKGROUND DISCUSSION

As in previous funding rounds, general funds set aside by the Council for low and moderate income housing development projects are administered through the ARCH Housing Trust Fund application process. The ARCH Executive Board has recommended that \$40,000, previously allocated from the Kirkland general fund to the ARCH Housing Trust Fund, be awarded to the Friends of Youth New Ground Kirkland project. They would use the funds to remodel an existing apartment building they recently purchased at 11005 NE 68th Street in Kirkland. They will use the six apartments to provide transitional housing for homeless young adults aged 18 to 21 (at the time of entry into the program). The award would be made in the form of a secured grant.

The Executive Board has also recommended that \$25,000, previously allocated from the Kirkland general fund to the ARCH Housing Trust Fund, be awarded to the Housing at the Crossroads Kensington Square project in Bellevue. This project will provide six units of transitional family housing to households at or below 30% of median income. The project was previously funded by ARCH and the applicant is seeking an amendment from ARCH and other public and private funding sources to cover cost overruns and unanticipated construction costs. The award would be made in the form of a secured grant.

A summary of the Executive Board recommendation is included as Attachment 1 to this memorandum. Additional information about the projects and their financing is included as Attachment 2. Additional information regarding the proposed projects can be provided at the January 15th City Council meeting, if desired.

Cc: Art Sullivan, ARCH, 16225 NE 87th Street, Suite A-3, Redmond, Washington 98052



**Attachment 1
ARCH Housing Trust Fund**

Family Resource Center Campus
16225 NE 87th Street, Suite A-3 ♦ Redmond, Washington 98052
(425) 861-3677 ♦ Fax: (425) 861-4553 ♦ WEBSITE: www.archhousing.org

TO: City of Bellevue Council Members
City of Redmond Council Members
City of Kirkland Council Members
City of Mercer Island Council Members
City of Kenmore Council Members
City of Newcastle Council Members
City of Issaquah Council Members
City of Woodinville Council Members
City of Clyde Hill Council Members
City of Medina Council Members
City of Sammamish Council Members
Town of Hunt' Point Council Members
Town of Yarrow Point Council Members

FROM: Ava Frisinger, Chair, ARCH Executive Board

DATE: December 18, 2007

RE: Fall 2007 Housing Trust Fund (HTF) Recommendation

The ARCH Executive Board has completed its review of the four applications applicable to the Fall funding round of the 2007 Housing Trust Fund. Three projects were recommended for funding by the ARCH Executive Board. The recommendations total \$568,000 of local funding as summarized in the attached table, Proposed Funding Sources. The actual amount will depend on final action by the City Councils.

Following is a summary of the applications, our recommendation and rationale, and recommended contract conditions. Also enclosed is an economic summary for the two project seeking funding, leveraging charts, project summary table, and a summary of projects funded to date through the ARCH Trust Fund.

1. Friend's of Youth: New Ground Kirkland

Funding Request: \$ 268,000 (Secured Grant)

Ex. Bd. Recommendation: \$ 268,000 (Secured Grant)
See attached Funding Chart for distribution of City Funds.

Project Summary:

Friend's of Youth has already purchased an 8 unit apartment complex (built in 1968) in Kirkland, to provide transitional housing for homeless young adults (18-21 years of age at the time of entry into the program). This project replaces the applicants Transitional Living Center property in Bothell (that operated since 1988). The Bothell property has been closed and sold. The bulk of the site is covered with building and surface parking lot. The unit mix is 4 one-bedroom flats and 4 two-bedroom flats.

The applicant proposes to remodel the building to create 4 one-bedroom units and 2 two-bedroom units (total of 6) for the tenant population (both male and female). Because of the two-bedroom units, there could be an additional one or two tenants, doubling up in the larger units. One of the remaining two units would be a resident manager's unit, and the other unit would be remodeled into office/community space.

The typical profile of these young adults is that they are in an in-between area for existing services. Too old for youth shelters (serving ages 11-17) and are generally too immature to fit into adult shelters. Many of the target population lives outside, sleeping wherever they can, and turning to criminal activities to support basic needs. Most of the population has experienced physical or sexual abuse and have mental health or substance abuse issues.

Services include case management, basic life skills, education and job training, assistance in establishing good credit, treatment of mental and physical health issues, and assistance in following their individual Independent Living Plan. On site amenities would include internet connections in all units. Office computer for resident use, a no-cost laundry facility, an office for individual or group meetings and a resident manager for direct supervision.

Friend's of Youth will do all intake and resident admission to the program. The federal funding associated with the program is designed for residents to have a maximum stay of approximately one and a half years, which can be extended. However, Friend's of Youth has found that the average stay required is only 9 months.

Funding Rationale:

The Executive Board supported this application for the following reasons:

- Serves an underserved, special needs population
- Long term affordability to special needs clientele

Attachment 1
ARCH Housing Trust Fund

- Is a relatively new and successful model (for the Agency) for serving this type of clientele
- Is located adjacent to transit and convenient to neighborhood level shopping and services.

Conditions:

1. Funds shall be used by Friend's of Youth (Agency) toward construction costs, developer fee, development utilities and/or other costs of the project, as approved by City Staff. Funds may not be used for any other purpose unless city staff has given written authorization for the alternate use.
2. The funding commitment shall continue for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion.
3. Funds will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained.
4. A covenant is recorded ensuring affordability for at least six (6) units of housing for homeless young adults, for at least fifty (50) years. The units shall be affordable at the time of occupancy to residents with incomes at or below 30% of median income, adjusted for household size, and including an appropriate utility allowance.
5. The Agency shall submit evidence of funding commitments from all proposed public sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Agency shall immediately notify city staff, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to city staff's review and approval. In the event the Agency requests utilizing any city funds prior to securing all other public capital sources (e.g. State Trust Fund), they will furnish evidence that the Agency has its own resources available and guarantees they will be available to meet project costs in the event funding is not received from those public funding sources.
6. The Agency shall provide revised development and operating budgets based upon actual funding commitments, which must be approved by city staff. If the Agency is unable to adhere to the budgets, city staff must be immediately notified and a new budget(s) shall be submitted by the Agency for the City's approval. The City shall not unreasonably withhold its approval to a revised budget(s), so long as such new budget(s) does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.
7. The capitalized reserves in the development budget is a critical component of the overall strategy to defer some rehabilitation work in order to take advantage of the remaining useful life of some building components (e.g. roofing) These reserves shall not be used for any

Attachment 1
ARCH Housing Trust Fund

other project costs during the development phase of the project without approval of City staff.

8. If there is excess net cash flow generated by the project after payment of the expenses established in the operating budget, they shall be used for project reserves.
9. The Agency shall maintain documentation of any necessary land use approvals and permits required by the City.
10. The Agency shall submit a property management plan prior to release of funds. At a minimum, the property management plan will address: a description of the relationship of residents to the program and services, resident selection procedures, management procedures to address resident needs, services available for residents and a short and long term strategy for covering operating expenses. It shall also include a summary of the ARCH annual monitoring procedures. The management plan must be approved by City Staff to insure compliance with the funding conditions.
11. City staff will be consulted as formal lease and service program documents are developed for the property. Final lease and service program documents will be submitted to City staff for their review and approval.
12. In the event that support services funding levels will be reduced, the Agency shall inform City Staff about the impacts the proposed reduction will have on the budget and plan for services to residents, and what steps shall be taken to address the impacts. A new budget or services plan must be approved by the City.
13. If CDBG funds are used, comply with all applicable federal rules and procedures. CDBG funds may not be used to repay (bridge) acquisition finance costs.
14. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If required for City reporting, submit initial resident information.

2. Habitat for Humanity: Issaquah Townhomes

Funding Request: \$ 200,000 (Secured Grant)

Ex. Bd. Recommendation: \$200,000 (Secured Grant)
See attached Funding Chart for distribution of City Funds.**Project Summary:**

Habitat for Humanity of East King County proposes to buy a parcel of land in the Issaquah Highlands area of Issaquah, and build ten (10) new ownership homes within five duplex units. There would be two 2-bedroom units, six 3-bedroom units and two 4-bedroom units. All homes would be sold to households at less than 50% of median income (approx. \$35,000 for a family of two and \$39,000 for a family of four). Purchase price has not been set yet, but is projected to be in the area of \$120,000 each. Based on the projected purchase price, Habitat envisions a 20 year mortgage, at \$500 per month with no interest. A homeowners association will be formed to manage the common areas of the development.

Proposed funding would be used primarily to buy the property, and install infrastructure. Habitat would use volunteers to construct the units, and each of the families selected to own homes would be required to perform at least 500 hours of sweat equity in the development of the homes.

Habitat intends to solicit potential homeowners through a broad media campaign. Each household must have lived or worked in East King County for a year prior to application. A group of mortgage lenders and certified financial planners would assist Habitat in the selection process by screening and evaluating candidates. While performing their sweat equity, the selected households would also go through Habitat's Homeowner Education Program, which includes financial planning, credit reports, homeowner association management, home maintenance and repair, budgeting, living with diversity, mortgage documents, family support and community development.

Habitat uses a land trust model. Habitat owns the land and sells the units built on the land. Habitat carries the mortgage at no-interest, and holds the rights to purchase the unit if the owner wants to sell it. Habitat also maintains a fund for such purchases if the need arises.

Funding Rationale:

The Executive Board supported this application for the following reasons:

- Creates home ownership for low income families
- Long term affordability through resale controls.
- Is located on a land set-aside parcel for affordable housing within a master planned community.
- Contains mostly 3 and 4 bedroom units (accommodates families), which is appropriate given its location within Issaquah Highlands.

Conditions:

1. Funds shall be used by Habitat for Humanity of East King County (Agency) toward project acquisition or other development costs, as approved by City Staff. Except, if Community Development Block Grant (CDBG) Funds are used, they must be used at the time of initial property purchase by the Agency. CDBG funds may not be used to repay (bridge) acquisition finance costs. Funds may not be used for any other purpose unless city staff has given written authorization for the alternate use.
2. The funding commitment shall continue for eighteen (18) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion.
3. Funds will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained.
4. A resale agreement is recorded ensuring affordability for each of ten (10) ownership housing units for families, for at least seventy-five (75) years. The units shall be affordable to families with incomes at or below 50% of median income. Form of resale agreements will be submitted to City staff for their review and approval.
5. The Agency shall submit evidence of funding commitments from all proposed public and private sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Agency shall immediately notify city staff, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to city staff's review and approval. Prior to initiating construction on any home, the Agency shall submit evidence of all public and private resources needed to complete the home.
6. The Agency shall provide a revised development budget based upon actual funding commitments, which must be approved by city staff. If the Agency is unable to adhere to the budget, city staff must be immediately notified and a new budget shall be submitted by the Agency for the City's approval. Prior to starting construction on individual buildings, Habitat shall provide evidence that it has sufficient resources to complete the building. A budget narrative shall also be provided to establish a fundraising plan for replacing any sponsors that terminate their commitment either before or after construction of a unit has begun. The City shall not unreasonably withhold its approval to a revised budget, so long as such new budget does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.
7. The Agency shall submit an appraisal for the land that confirms the purchase price and insurance that is in compliance with City requirements.

Attachment 1
ARCH Housing Trust Fund

8. The Agency shall maintain documentation of any necessary land use approvals and permits required by the City.

9. The Agency shall submit an updated homeowner association budget for City staff review and approval showing a breakdown of homeowner association dues, and which includes sufficient reserves for long term maintenance of the common areas. Also, submit a copy of the proposed land trust and Homeowner Association documents. The Homeowner Association documents must provide for the ongoing maintenance of the property and buildings and set forth the ongoing role of Habitat in the operations and management of the property, as well as to identify how the Homeowner Association budget decisions, including the use of dues, will be controlled, so that appropriate property management is assured throughout the duration of affordability.

10. The Agency shall provide a final site plan approved by the City of Issaquah, as well as a copy of any hazardous materials inspection or survey for the site. If any hazardous materials were found to be present, the Agency shall provide a plan and budget for mitigating the hazardous materials on the site.

11. If CDBG funds are used, comply with all applicable federal rules and procedures.

12. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If required for City reporting, submit initial resident information.

3. Amendment: Housing at the Crossroads (HAC)—Kensington Square

Amendment Funding Request: \$ 50,000 (Secured Grant)

Ex. Bd. Recommendation: \$100,000 (Secured Grant)
See attached Funding Chart for distribution of City Funds.

Original Award: \$150,000 (Secured Grant, City of Bellevue)

Note: This project is seeking a funding amendment from ARCH to cover a portion of the unanticipated costs and cost overruns that have accrued during construction. The applicant is seeking the remainder of the needed funding through other public funders, the Master Builder Care Foundation, and/or private fundraising or loans.

Project Summary

The Kensington Square project is 6 units of new construction transitional housing on property located near the intersection of 8th street and 148th avenue in Bellevue. When HAC bought the property, the purchase price included the permit ready design work.

The project consists of six units in three buildings (one four-plex and two detached single family homes).

The site is located next to the intersection of two arterial streets, and is adjacent to transit services. The Overlake shopping and employment area is about a mile north of the site, which is also served by transit.

The units will serve transitional households at or below 30% of median income, for a period of up to two years. All six families will be homeless or at risk of being homeless. Households would be selected on a first come/first served basis. Kirkland Interfaith Transitions in Housing (KITH) will provide intake and case management services, developing a transition plan for each household. Each household will receive emergency assistance, transportation, child care, tutoring, health services, life skills training, budgeting, employment training, and other supportive services, according to their case management plans. Off-site referrals will be made for medical, dental, legal, and other issues. Upon completion of their stay, KITH will assist with finding permanent housing and tracking/following up with each household for a post stay period of two years. KITH may also provide permanent housing from their portfolio of housing, depending on availability.

Funding Rationale:

The Executive Board supported this amendment application for the following reasons:

- Provides housing for very low income persons.
- Provides long term affordability
- Strong leverage of other public funding.
- Location adjacent transit and convenient to shopping and employment.

Attachment 1
ARCH Housing Trust Fund

Conditions (applicable to amendment funding)

1. This additional funding commitment shall continue for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion.
2. Funds for this additional funding commitment will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained.
3. The Agency continues to work closely with the Master Builder Care Foundation to seek donations of labor and materials applicable to completion of the project.
4. Up to \$50,000 of this commitment may be released to the Agency when the City receives documentation that all public and private funds and resources are in place to complete the project. The remaining \$50,000 of this commitment may be released when the project has received a temporary certificate of occupancy (or equivalent form of substantial completion) from the City of Bellevue.

Conditions already approved and under contract:

1. Funds shall be used by the Housing at the Crossroads (Agency) toward the acquisition costs of the property construction sales tax, developer fee, permit costs, design costs, and project management costs. In the event that CDBG funds are approved for the project, they shall not be used for acquisition expenses. Funds may not be used for any other purpose unless city staff have given written authorization for the alternate use.
2. A covenant is recorded ensuring affordability for six (6) units of transitional housing, for a period of at least fifty (50) years. The transitional units shall be affordable to households at the time of occupancy with incomes at or below 30% of median income, adjusted for household size, and including an appropriate utility allowance. The maximum residency of transitional housing clients shall be two years. City staff will have the discretion to approve modifications to the requirement that all of the units be reserved as transitional units. In the event such a modification is approved, the project will still be required to meet the affordability requirements.
3. If, at any point, Project Based Section 8 is no longer available or feasible, the City shall be notified at the earliest time the Agency knows Section 8 is/will no longer be available or feasible. The City and the Agency shall work together to determine if the affordability requirements need to be adjusted for some or all of the units, not to exceed 50% of median income, in order to generate sufficient revenue to meet the Project's housing expenses (including reserves, debt service and asset management fee).
4. The Agency shall submit an appraisal by a qualified appraiser. The appraisal shall be equal to or greater than the purchase price. In the event the appraisal is less than the purchase

Attachment 1
ARCH Housing Trust Fund

price, the Agency shall submit documentation that the difference is based upon design and other predevelopment work that was included in the purchase price.

5. The Applicant shall provide a written supplement that sets forth whether the two bedroom detached home can be reconfigured to include a third bedroom, without significantly affecting the permit process or overall project costs. The supplement shall also include a strategy for controlling construction costs, such as through specification of finish materials.
6. The Agency shall provide a revised project implementation timeline, development budget and operating budget based upon more complete cost estimates, approved Section 8 rent levels, and the assumption that a professional management company will be used to manage the property. If the Agency is unable to adhere to the timeline and/or budgets, City Staff must be immediately notified and a new timeline and/or budgets shall be submitted by the Agency for the City Staff's approval. The City shall not unreasonably withhold its approval to a revised timeline and/or budgets, so long as such new timeline and/or budgets does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the timeline and budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.
7. The Agency shall maintain documentation of any necessary licenses, land use approvals and permits required for construction and operation of the property.
8. The Agency shall submit evidence of insurance as required by the City.
9. The Agency shall submit a property management plan. At a minimum, the plan must address: tenant selection procedures, management procedures to address tenant needs, services provided for or required of tenants, and a short and long term strategy for covering operating expenses. It shall also include a summary of ARCH's affordability requirements as well as annual monitoring procedure requirements. The management plan must be submitted for review and approval by city staff. The plan shall set forth the management responsibilities that will be followed by a professional management company. The plan shall also address how the Agency will insure necessary monitoring and reporting will be completed in a timely manner, and strategies the Agency has to manage the property as a long term asset to the Agency.
10. Submit monitoring reports quarterly through the development phase of the project. Submit a final budget upon project completion. Thereafter, submit the required annual monitoring. If applicable, submit tenant information as required by the City or County.

1. St. Andrew's Housing Group: St. Margaret's Apartments

Funding Request: \$1,500,000 (Loan)
35 units of Project Based Section 8

CAB Recommendation: \$ -0- (At this time)

Project Summary:

The St. Margaret's Apartment development is a new construction housing project of up to 133 units, proposed to be located on a portion of the undeveloped area of the St. Margaret's church and an adjacent parcel located in the Factoria (southeast) area of Bellevue.

The property is located in close proximity to transit, shopping and employment. The church intends to sell the applicant about 2.1 acres to construct two levels of structured parking with four levels of housing built on top (within three separate buildings). The existing thrift store on the property will be converted to common area, office space and service provider space and the thrift shop will be located in the new building.

Units mix will be 12 studio, 52 one-bedroom, and 66 two-bedroom. There will be Affordability levels will be 30%, 50% and 60%. The proposal includes seeking up to 35 units of Section 8 assistance. Twenty-eight (28) units will be used to stabilize homeless individuals and 26 units will be targeted to veterans households. Supportive services will be provided to both groups.

The partnering agencies for referrals for the supportive housing will include the Department of Veterans Affairs and Congregations for the Homeless. SAHG will have 1.5 FTE direct service staff to provide case management and services to all the tenants. An array of outside agencies have committed to off-site services, such as Hopelink, Friends of Youth, YWCA, Eastside Healthy Start, and the Veterans Edge Program. Property management will be done by Legacy Management, who also manages the rest of St. Andrews' housing properties.

Funding Rationale:

The CAB strongly supports the concept of the proposed affordable housing project, as well as SAHG as a potential community partner. Elements of the proposal that the CAB supported include:

- Will include supportive housing for veterans and homeless populations;
- Is consistent with the objectives of the King County 10 Year Plan and East King County Plan to End Homelessness, including providing units for individuals as well as families.
- Long term affordability to a vulnerable population, including housing affordable at 30% of median income;
- Strong leverage of other public and private funding;
- The site would be located convenient to employment, shopping and transit.
- Proposal takes advantage of using underutilized church property.

However, the CAB did not feel it was appropriate to take action at this time due to the nature of several of the issues related to the proposal. They strongly encouraged reapplying in the Spring Round as several issues are better clarified. These issues raised by the CAB are described below.

Attachment 1
ARCH Housing Trust Fund

Most significant of these is a pending land use approval from the City of Bellevue and a final determination of the property to be included in the proposal.

Following is a summary of several issues that it is assumed that an application in the Spring Funding Round will have either addressed, or will be able to provide more detailed information.

- Comprehensive plan amendment. This project requires a Comprehensive Plan amendment which is currently being reviewed by Bellevue and is expected that the City will consider in early 2008. Action by the City will provide clarification regarding the allowed use of the property.
- Determination of Property Area. Currently the applicant has a formal agreement with St Margarets. However St Andrews is also trying to secure another small adjacent parcel of land. Depending on the outcome of that negotiation, that could significantly impact the number of housing units and parking that can be provided. Parking needs may also trigger other parking arrangements by the Church and St Andrews. Because of the impact on the amount of housing that could be provided, resolution on the land area and parking should be addressed in a subsequent funding application.
- Development and operating budgets. Both development and operating budgets are preliminary and once there is more certainty on the unit count, can be better refined. This would also provide an opportunity to refine some other elements of the budgets including funding sources for supportive services and clarifying potential sources for potential Section 8 vouchers for the project.

**ARCH HOUSING TRUST FUND (HTF) RECOMMENDATION
FALL 2007**

Applicant	Housing Type	# of units/ bdrms	Income served	Project Location	Duration of benefit	Total cost per unit	HTF cost per aff. unit	Funds Requested // Recommendation
St Andrew's Housing Group	New Construction	133	57 at 30% 40 at 50% 35 at 60% 1 Mngr Unit	4428 Factoria Blvd, SE	50 Years	\$240,147	\$11,364	<u>Request</u> \$1,500,000 (Loan) // <u>Recommendation</u> \$ -0- Reapplication encouraged in Spring round
St. Margarets Apartments				Bellevue				
Friend's of Youth	Acquisition/ Rehab	6	6 at <30% 1 Mngr Unit	11005 NE 68 th St.	50 Years	\$296,946	\$44,667	<u>Request</u> \$ 268,000 (Secured Grant) // <u>Recommendation</u> \$ 268,000 (Secured Grant)
New Ground Kirkland				Kirkland				
Habitat for Humanity	New Construction	10	10 at <50%	Issaquah Highlands	75 Years	\$ 294,150	\$20,000	<u>Request</u> \$200,000 (Secured Grant) // <u>Recommendation</u> \$ 200,000 (Secued Grant)t
Issaquah Highlands Homes				Issaquah				
Housing at the Crossroads	Amendment application for	6	6 at <30%	8 th and 148 th in Bellevue	50 Years	\$327,201	Amendment \$16,666	<u>Request</u> \$50,000, plus portion of \$199,000 subsequent request to funders
Kensington Square	New Construction						Total \$41,667	<u>Recommendation</u> \$ 100,000 (Secured Grant) (\$150,000 previous commitment)

FALL 2007 HOUSING TRUST FUND: PROPOSED FUNDING SOURCES

SOURCE	PROJECT				
		FOY New Ground Kirkland	Habitat Issaquah Highlands	Housing at Crossroads Bellevue	St Andrews St Margarets
Request		\$ 268,000	\$ 200,000	\$ 50,000 plus	\$ 1,500,000
CAB Recommendation		\$ 268,000	\$ 200,000	\$ 100,000	Return in Spring
Sub-Regional CDBG					
Bellevue					
CDBG General Fund		\$ 40,000		\$ 50,000	
Issaquah			\$ 100,000		
Kirkland					
General Fund		\$ 40,000		\$ 25,000	
Mercer Is.					
General Fund		\$ 20,000			
Redmond					
General Fund		\$ 40,000		\$ 25,000	
Newcastle					
General Fund		\$ 19,400	\$ 40,000		
Kenmore					
General Fund		\$ 25,000			
Sammamish					
General Fund		\$ 40,000	\$ 60,000		
Woodinville					
General Fund		\$ 20,000			
Clyde Hill					
General Fund		\$ 15,000			
Medina					
General Fund		\$ 2,500			
Yarrow Point					
General Fund		\$ 3,600			
Hunts Point					
General Fund		\$ 2,500			
TOTAL		\$ 268,000	\$ 200,000	\$ 100,000	
CDBG General Fund		\$ -	\$ -	\$ -	
		\$ 268,000	\$ 200,000	\$ 100,000	

ARCH HOUSING TRUST FUND, FALL 2007

Leveraging Funds - - Based on Executive Board's Recommendation

	FRIENDS OF YOUTH		HABITAT FOR HUMANITY		HOUSING AT THE CROSSROADS				TOTAL
	New Ground Kirkland		Issaquah Highlands Townhomes		Kensington Square amendments				
ARCH Committed	\$268,000	13%	\$200,000	7%		Previous			\$718,000
Local Public					Amendment	Commitment	TOTAL		
					\$100,000	\$150,000	\$250,000	13%	
King County HOF/Challenge HOME CDBG HOPWA									
KC TOTAL	\$599,488	29%	\$800,000	27%	\$79,500	\$451,112	\$530,612	27%	\$1,930,100
WA HAP	\$534,030	26%	\$350,000	12%	\$0	\$462,837	\$462,837	23%	\$1,346,867
Federal/HUD Section 811 McKinney									
FEDERAL TOTAL									
Tax Credits	\$0	0%	\$150,000	5%				0%	\$150,000
Federal Home Bank									
Bonds									\$0
Bank Loans	\$0	0%	\$0	0%	\$136,000	\$174,000	\$310,000	16%	\$310,000
Private	\$677,105	33%	\$1,441,500	49%	\$36,362	\$262,387	\$298,749	15%	\$2,417,354
Other	\$0	0%	\$0	0%	Sound Families	\$120,000	\$120,000	6%	\$120,000
TOTAL COST	\$2,078,623	100%	\$2,941,500	100%	\$351,862	\$1,620,336	\$1,972,198	100%	\$6,992,321

ECONOMIC SUMMARY: NEW GROUND KIRKLAND

1. Applicant/Description: FOY/ Acquisition/Rehab for 6 units permanent rental housing for 6 homeless young adults (age 18-21) with supportive services (plus a resident manager).

2. Project Location: 11005 NE 68th Street, Kirkland, Wa.

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 268,000	Applied for Fall 2007
King County	\$ 599,488	Applied for Fall 2007
State	\$ 534,030	Apply for Spring 2008
Private	\$ 677,105	Proposed
TOTAL	\$ 2,078,623	

4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$ 1,104,000	\$184,000	
Construction (rehab)	\$ 433,340	\$ 72,223	\$ 257,751
Design	\$ 22,000	\$ 3,667	
Consultants	\$ 61,287	\$ 10,215	
Developer fee	\$ 10,000	\$ 1,667	\$ 10,000
Finance costs	\$ 12,448	\$ 2,074	
Reserves	\$ 315,000	\$ 52,500	
Taxes/insurance	\$ 11,400	\$ 1,900	
Other	\$ 109,148	\$ 18,191	\$ 249
TOTAL	\$ 2,078,623	\$346,437	\$268,000

5. Debt Service Coverage: The project is proposed to serve very low income (<30% of median income). Therefore, no debt service is proposed.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for at least 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the entire grant amount upon non-compliance with any of the conditions of loan approval.

ECONOMIC SUMMARY:**HABITAT ISSAQUAH HIGHLANDS TOWNHOMES**1. Applicant/Description:

HFHEKC/ 10 units of new construction ownership housing for low income families. Includes 1 accessible unit

2. Project Location:

Issaquah Highlands, Issaquah, Wa.

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 200,000	Applied for Fall 2007
King County	\$ 800,000	Applied for Fall 2007
State	\$ 350,000	Apply for Dec 2007
HUD (Shop Grant)	\$ 150,000	Applied for Fall 2007
Donations/private fundraising	\$ 1,441,500	Proposed (\$813,400 committed)
TOTAL	\$ 2,941,500	

4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$ 452,000	\$ 45,200	\$ 125,000
Construction	\$ 2,193,000	\$ 219,300	
Design	\$ 130,000	\$ 13,000	
Developer Fee	\$	\$	
Finance Fees (includes Tax Credits)	\$	\$	
Permits/Fees	\$ 75,000	\$ 7,500	\$ 75,000
Utilities during const.	\$ 38,000	\$ 3,800	
Property taxes	\$ 12,000	\$ 1,200	
Insurance	\$ 8,000	\$ 800	
Other	\$ 1,000	\$ 100	
TOTAL	\$ 2,941,500	\$ 294,150	\$ 200,000

5. Debt Service Coverage: The project is proposed to serve low income (<50% of median income). Therefore, no debt service is proposed.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for at least 75 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the entire grant amount upon non-compliance with any of the conditions of funding approval.

ECONOMIC SUMMARY: KENSINGTON SQUARE AMENDMENT

1. Applicant/Description: HAC/ New construction for 6 units permanent rental housing for very low income (<30% of median income) households, with supportive services.

2. Project Location: 14727 NE 8th Street, Bellevue, Wa.

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 250,000	\$ 50,000 Applied for Fall 2007, \$150,000 already committed. (Additional \$50,000
King County	\$ 530,612	\$ 79,500 Applied for Fall 2007 \$451,112 already committed
State	\$ 462,837	Already committed (maximum award)
Private	\$ 558,732	Master Builders Care Foundation
Private Loan	\$ 310,010	WCRA-committed
Sound Families	\$ 120,000	Committed
Grants	\$ 98,503	Committed
Unspecified	\$ 199,294	Sources unspecified (ARCH recommendation includes \$50,000 of this
TOTAL	\$ 2,479,988	

4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$ 340,598	\$ 56,766	\$ 61,707
Construction (*includes \$319,057 donated labor)	\$ 1,705,298	\$ 284,216	\$ 130,983
Design	\$ 49,387	\$ 8,231	\$ 6,064
Consultants	\$ 59,772	\$ 9,962	\$ 9,696
Developer fee	\$ 77,000	\$ 12,833	\$ 15,000
Finance costs	\$ 108,773	\$ 18,129	
Reserves	\$ 21,077	\$ 3,513	
Permits/fees/insurance	\$ 109,262	\$ 18,210	\$ 26,050
Other	\$ 8,821	\$ 1,470	\$ 500

5. Debt Service Coverage: The project is proposed to serve very low income (<30% of median income). Therefore, no debt service is proposed.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for at least 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the entire grant amount upon non-compliance with any of the conditions of loan approval.

FIGURE 1
ARCH: EAST KING COUNTY TRUST FUND SUMMARY
LIST OF PROJECTS FUNDED (1993 - Fall 2006)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
1. Family Housing						
Andrews Heights Apartments	Bellevue	St. Andrews	24	\$400,000		
Garden Grove Apartments	Bellevue	DASH	18	\$180,000		
Overlake Townhomes	Bellevue	Habitat of EKC	10	\$120,000		
Glendale Apartments	Bellevue	DASH	82	\$300,000		
Wildwood Apartments	Bellevue	DASH	36	\$270,000		
Somerset Gardens (Kona)	Bellevue	KC Housing Authority	198	\$700,000		
Pacific Inn	Bellevue *	Pacific Inn Assoc.	118	\$600,000		
Eastwood Square	Bellevue	Park Villa LLC	48	\$600,000		
Chalet Apts	Bellevue	St Andrews	14	\$163,333		
YWCA Family Apartments	K.C. (Bellevue Sphere)	YWCA	12	\$100,000		
Highland Gardens (Klahanie)	K.C. (Issaquah Sphere)	St. Andrews	54	\$291,281		
Crestline Apartments	K.C. (Kirkland Sphere)	Shelter Resources	22	\$195,000		
Parkway Apartments	Redmond	KC Housing Authority	41	\$100,000		
Habitat - Patterson	Redmond	Habitat of EKC	24	\$446,629		
Avon Villa Mobile Home Park	Redmond **	MHCP	93	\$525,000		
Terrace Hills	Redmond	St. Andrews	18	\$442,000		
Village at Overlake Station	Redmond	KC Housing Authority	308	\$1,645,375		
Summerwood	Redmond	DASH	166	\$1,198,034		
Habitat - Bothell Site	Bothell	Habitat of EKC	8	\$170,000		
Habitat - Newcastle Site	Newcastle **	Habitat of EKC	12	\$240,837		
RoseCrest	Issaquah ***	St. Andrews	40	\$1,063,718		
Mine Hill	Issaquah	St. Andrews	28	\$450,000		
Clark Street	Issaquah	St Andrews	30	\$355,000		
Issaquah Highlands Property	Issaquah ***	SAHG/SRI	45	\$569,430		
Greenbrier Family Apts	Woodinville **	DASH	50	\$286,892		
Plum Court	Kirkland	DASH	61 /66	\$1,000,000		
Kenmore Court	Kenmore	LIHI	33	\$350,000		
ADU Loan Program	Various		6 est	\$70,000		
Homeowner Downpayment Loan	Various	KC/WSHFC/ARCH	60 est	\$415,000		
SUB-TOTAL			1659	\$13,247,530	58.7%	(56%)
2. Senior Housing						
Cambridge Court	Bellevue	Resurrection Housing	20	\$160,000		
Ashwood Court	Bellevue *	DASH/Shelter Resources	50	\$1,070,000		
Evergreen Court (Assisted Living)	Bellevue	DASH/Shelter Resources	64 /84	\$1,280,000		
Vasa Creek	K.C. (Bellevue Sphere)	Shelter Resources	50	\$190,000		
Riverside Landing	Bothell **	Shelter Resources	50	\$225,000		
Kirkland Plaza	Kirkland	St. Andrews	24	\$610,000		
Heron Landing	Kenmore	DASH/Shelter Resources	50	\$65,000		
Ellsworth House Apts	Mercer Island	St. Andrews	59	\$900,000		
Greenbrier Sr Apts	Woodinville **	DASH/Shelter Resources	50	\$131,192		
SUB-TOTAL			417	\$4,631,192	20.5%	(19%)

FIGURE 1
ARCH: EAST KING COUNTY TRUST FUND SUMMARY
LIST OF PROJECTS FUNDED (1993 - Fall 2006)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
3. Homeless/Transitional Housing						
Hopelink Place	Bellevue	**	Hopelink	20	\$500,000	
Chalet	Bellevue		St Andrews	4	\$46,667	
Kensington Square	Bellevue		Housing at Crossroads	6	\$150,000	
Dixie Price Transitional Housing	Redmond		Hopelink	4	\$71,750	
Avondale Park	Redmond		Springboard (EHA)	18	\$280,000	
Avondale Park Redevelopment	Redmond	**	Springboard (EHA)	60	\$1,502,469	
Petter Court	Kirkland		KITH	4	\$100,000	
Talus Property	Issaquah	***	St. Andrews	10	\$265,930	
Issaquah Highlands Property	Issaquah	***	SAHG/SRI	5	\$70,000	
SUB-TOTAL				113	\$2,986,815	13.2% (13%)
4. Special Needs Housing						
My Friends Place	Uninc. KC		EDVP	6 Beds	\$65,000	
Stillwater	Redmond		Eastside Mental Health	19 Beds	\$187,787	
Foster Care Home	Kirkland		Friends of Youth	4 Beds	\$35,000	
DD Group Home 4	Redmond		Community Living	5 Beds	\$111,261	
DD Group Homes 5 & 6	Redmond/TBD		Community Living	10 Beds	\$250,000	
United Cerebral Palsy	Bellevue/Redmond		UCP	9 Beds	\$25,000	
DD Group Home	Bellevue		Residence East	5 Beds	\$40,000	
AIDS Housing	Bellvue/Kirkland		Aids Housing of WA.	10 Units	\$130,000	
Harrington House	Bellevue		AHA/CCS	8 Beds	\$290,209	
DD Group Home 3	Bellevue		Community Living	5 Beds	\$21,000	
Parkview DD Condos III	Bellevue		Parkview	4	\$200,000	
IERR DD Home	Issaquah		IERR	6 Beds	\$50,209	
Foster Care Home	Bothell		FOY	4 Beds	\$50,000	
Oxford House	Bothell		Oxford/Compass Ctr.	8 Beds	\$80,000	
Parkview DD Homes VI	Bellevue/Bothell		Parkview	6 Beds	\$150,000	
SUB-TOTAL				109 Beds/Units	\$1,685,466	7.5% (12%)
TOTAL				2298	\$22,551,003	100.0%

* Funded through Bellevue Downtown Program

** Also, includes in-kind contributions (e.g. land, fee waivers, infrastructure improvements)

*** Amount of Fee Waiver still to be determined



CITY OF KIRKLAND

**Department of Planning and Community Development
123 Fifth Avenue, Kirkland, WA 98033 425-587-3225
www.ci.kirkland.wa.us**

MEMORANDUM

To: David Ramsay, City Manager

**From: Dawn Nelson, Planning Supervisor
Arthur Sullivan, ARCH Program Manager
Eric Shields, Planning Director**

Date: January 9, 2008

Subject: Multifamily Property Tax Exemption Update, File MIS07-00032

RECOMMENDATION

Staff recommends that the City Council approve the enclosed ordinance amending Kirkland Municipal Code Chapter 5.88 for Multifamily Housing Property Tax Exemption.

BACKGROUND DISCUSSION

The City needs to update the Multifamily Housing Property Tax Exemption (KMC 5.88) to be in compliance with amendments to RCW 84.14 that were adopted in Engrossed Second Substitute House Bill 1910 last spring, including annual reporting requirements. City Council provided direction on the proposed changes at the December 11, 2007 meeting. The packet materials for that meeting can be viewed at [12/11/07 City Council item for Multifamily Tax Exemption Update](#).

The proposal includes a two tier approach, with differing lengths of tax exemption and affordability requirements based on changes in RCW 84.14. Proposed Tier 1 is similar to the existing regulations, but allows an eight year exemption instead of ten years and requires 10 percent of the units to be affordable rather than 12.5 percent. Proposed Tier 2 allows a twelve year exemption, but requires 20 percent of the units to be affordable. In the second tier of the program, 10 percent of the units would be affordable at 50 percent (for rental) and 70 percent (for ownership) of King County median income and 10 percent of the units would be affordable at 80 percent (for rental) and 100 percent (for ownership) of King County median income. The top portion of the chart on the following page shows the components of the existing program. Major changes to the program are identified in bold red text.

	% Affordable Units Required	Affordability Level – Rental	Affordability Level – Ownership	Duration of Tax Exemption	Minimum Duration of Affordability
Current Program KMC 5.88	Rental: 12.5 % Ownership: No minimum - exemption applies only to affordable units	50% of King County Median Income	70% of King County Median Income	10 Years	30 Years
Proposed Tier 1	Rental: 10% Ownership: No minimum - exemption applies only to affordable units	50% of King County Median Income	70% of King County Median Income	8 Years	Rental: Life of Project Ownership: 50 Years
Proposed Tier 2	Rental: <u>Additional</u> 10% Ownership: 20%	80% of King County Median Income	First 10% at 70% of King County Median Income Second 10% at 100% of King County Median Income	12 Years	Rental: Life of Project Ownership: 50 Years

ORDINANCE NO. 4128

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MULTIFAMILY PROPERTY TAX EXEMPTION AND AMENDING CHAPTER 5.88 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Chapter 5.88 of the Kirkland Municipal Code is hereby amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

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

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, (pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council) as required by law.

PASSED by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2008.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Chapter 5.88

MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION

Sections:

- 5.88.010 Purpose.**
- 5.88.020 Definitions.**
- 5.88.030 Residential targeted areas—Criteria—Designation—Rescission.**
- 5.88.040 Project eligibility.**
- 5.88.050 Application procedure—Fee.**
- 5.88.060 Application review—Issuance of conditional certificate—Denial—Appeal.**
- 5.88.065 Amendment of contract.**
- 5.88.070 Extension of conditional certificate.**
- 5.88.080 Final certificate—Application—Issuance—Denial and appeal.**
- 5.88.090 Exemption—Duration—Limits.**
- 5.88.100 Annual certification—Cancellation of exemption.**
- 5.88.110 Appeals to hearing examiner.**
- 5.88.120 Annual reporting.**

5.88.010 Purpose.

- (a) The purposes of this chapter are:
- (1) To encourage more multifamily housing opportunities within the city;
 - (2) To stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing;
 - (3) To increase the supply of multifamily housing opportunities within the city for low and moderate income households;
 - (4) To accomplish the planning goals required under the Growth Management Act, Chapter 36.70A RCW, as implemented by the city's comprehensive plan;
 - (5) To promote community development and affordable housing; and
 - (6) To encourage additional housing in certain areas to support investment in public transit projects.
- (b) Any one or a combination of these purposes may be furthered by the designation of a residential targeted area under this chapter. (Ord. 3937 § 1 (part), 2004)

5.88.020 Definitions.

- (a) "Affordable" means: (1) for an owner-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income ~~is less than~~ does not exceed seventy percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than thirty percent of the monthly household income is paid for monthly housing expenses; or (2) for a renter-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income ~~is less than~~ does not exceed fifty percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size.
- (b) "Assessor" means the King County assessor.
- (c) "Director" means the director of the city's department of planning and community development, or any other city office, department or agency that shall succeed to its functions with respect to this chapter, or his or her authorized designee.

Attachment A

(d) “Eligible household” means one or more adults and their dependents who, as set forth in the regulatory agreement referenced in Section 5.88.040(87), certify that their household annual income does not exceed the applicable percent of the median household income for King County, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD); and who certify that they meet all qualifications for eligibility, including, if applicable, any requirements for recertification on income eligibility.

(e) “Household annual income” means the aggregate annual income of all persons over eighteen years of age residing within the same household for a period of at least four months.

(f) “Multifamily housing” means a building or townhouse project having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

(g) “Owner” means the property owner of record.

(h) “Permanent residential occupancy” means multifamily housing that provides either rental or owner occupancy for a period of at least one month, and excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(i) “Rehabilitation improvements” means:

(1) Modifications to an existing structure, the residential portion of which has been vacant for at least twelve months prior to application for exemption under this chapter, that are made to achieve a condition of substantial compliance with the applicable building and construction codes contained in Title 21 of this code; or

(2) Modifications to an existing occupied residential structure or mixed use structure that contains occupied residential units, that add at least four multifamily dwelling units.

(j) “Residential targeted area” means an area within an urban center as defined by Chapter 84.14 RCW and the city that has been so designated by the city council pursuant to this chapter.

(k) “Substantial compliance” means compliance with the applicable building and construction codes contained in Title 21 of this code that is typically required for rehabilitation as opposed to new construction. (Ord. 3937 § 1 (part), 2004)

5.88.030 Residential targeted areas—Criteria—Designation—Rescission.

(a) Following notice and public hearing as prescribed in RCW 84.14.040, the city council may designate one or more residential targeted areas, in addition to the areas stated in subsection (d) of this section, upon a finding by the city council in its sole discretion that the residential targeted area meets the following criteria:

(1) The residential targeted area is within an urban center as defined by Chapter 84.14 RCW;

(2) The residential targeted area lacks sufficient available, desirable and convenient residential housing to meet the needs of the public who would be likely to live in the urban center if desirable, attractive and livable residences were available; and

(3) Providing additional housing opportunity in the residential targeted area will assist in achieving one or more of the following purposes:

(A) Encourage increased residential opportunities within the city; or

(B) Stimulate the construction of new affordable multifamily housing; or

(C) Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.

(b) In designating a residential targeted area, the city council may also consider other factors, including:

(1) Whether additional housing in the residential targeted area will attract and maintain an increase in the number of permanent residents;

(2) Whether providing additional housing opportunities for low and moderate income households would meet the needs of citizens likely to live in the area if affordable residences were available;

Attachment A

(3) Whether an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under Chapter 36.70A RCW, as implemented through the city's comprehensive plan; or

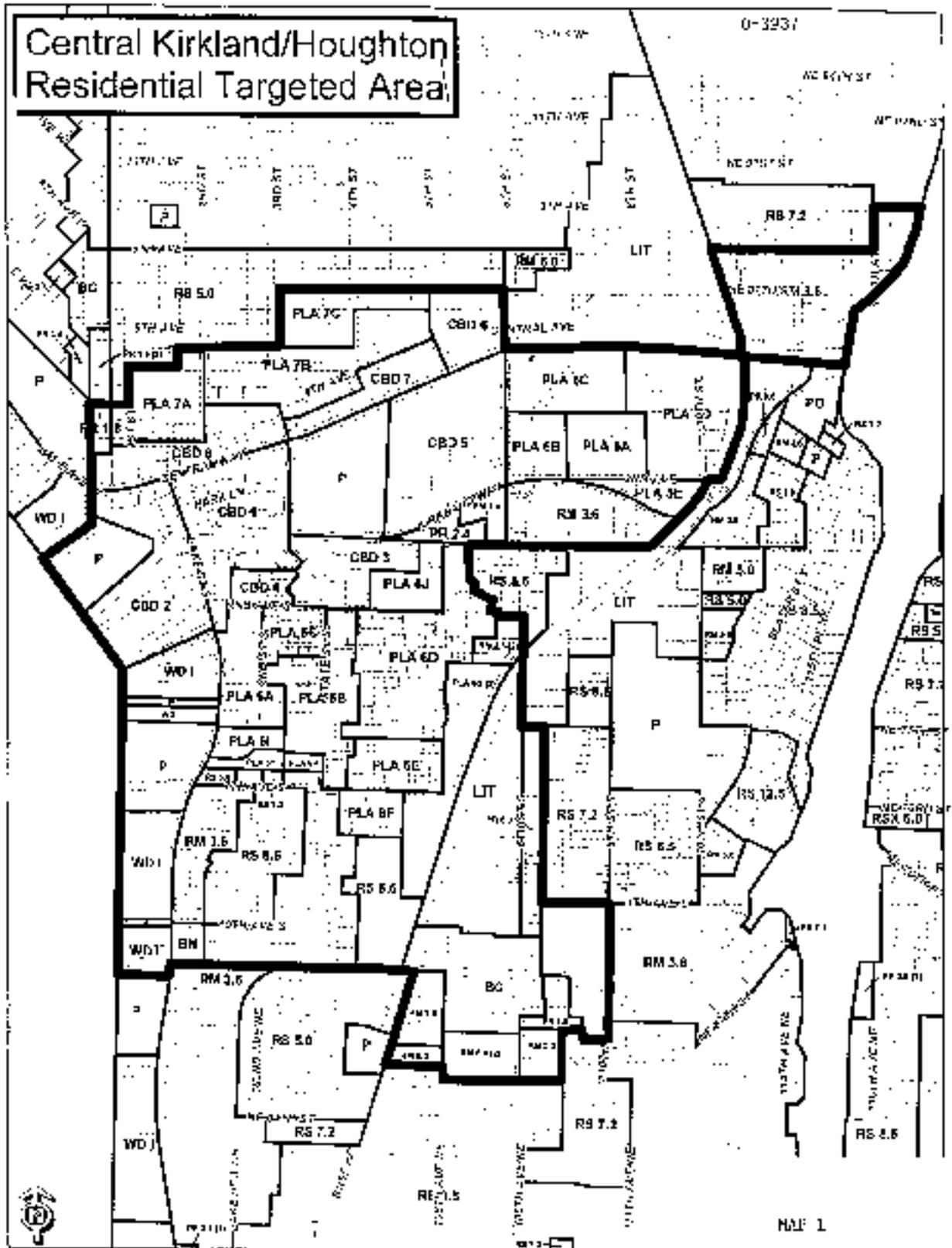
(4) Whether encouraging additional housing in the residential targeted area supports plans for significant public investment in public transit or a better jobs and housing balance.

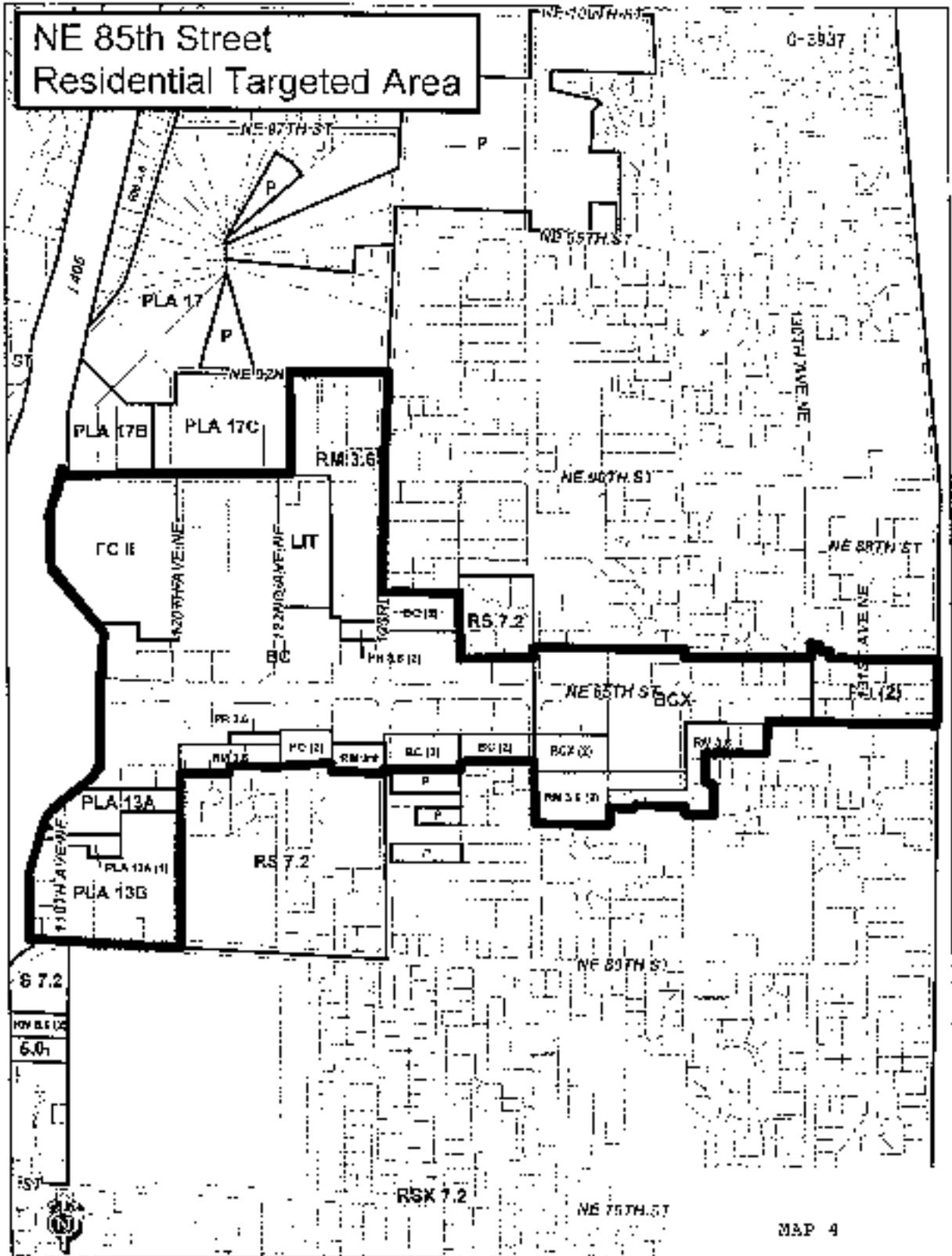
(c) At any time the city council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.

(d) The following areas, as shown Maps 1 through 4 in this section, meet the criteria of this chapter for residential targeted areas and are designated as such:

- (1) Central Kirkland/Houghton;
- (2) Totem Lake and North Rose Hill;
- (3) Juanita; and
- (4) NE 85th Street.

(e) If a part of any legal lot is within a residential targeted area as shown in Maps 1 through 4, then the entire lot shall be deemed to lie within such residential targeted area.





(Ord. 3937 § 1 (part), 2004)

5.88.040 Project eligibility.

To be eligible for exemption from property taxation under this chapter, the property shall satisfy all of the following requirements:

- (1) The property must be located in a residential targeted area.
- (2) The project must be multifamily housing consisting of at least four dwelling units within a residential structure or as part of a mixed use development, in which at least fifty percent of the space within such residential structure or mixed use development is intended for permanent residential occupancy.
- (3) For new construction, a minimum of four new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four additional dwelling units must be added.
- (4) Existing dwelling units proposed for rehabilitation shall have been unoccupied for a minimum of twelve months prior to submission of an application and shall fail to comply with one or more requirements the building code as set forth in Title 21 of this code.
- (5) No application may result in the net loss of existing affordable housing which receives housing assistance through federal low or moderate income housing programs (e.g., HUD Section 8 program).
- (6) Affordable housing shall be provided in the project as described in Section 5.88.090.
- ~~(6) For rental projects to receive an exemption for the entire residential portion of the project, at least twelve and one half percent of the units shall be affordable as defined in Section 5.88.020(a), or shall have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code. To the extent allowed by Chapter 84.14 RCW, the city may grant a partial exemption if a lesser amount of affordability is provided. The amount of the partial exemption shall be proportional to the amount of affordability provided relative to that required for a full exemption. (For example, if a project includes six and one-quarter percent of the units affordable at fifty percent of median income, the property will receive an exemption on fifty percent of the residential portion of the project.) If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.~~
- ~~(7) For owner occupied projects, the property tax exemption shall apply only to those units that are affordable as defined in Section 5.88.020(a) or that have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code.~~
- ~~(8) Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the city attorney that addresses price restrictions, eligible household qualifications, long-term affordability, and any other applicable topics of the affordable housing units shall be recorded with King County department of records and elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Affordable housing units that are provided under this section shall remain as affordable housing for a minimum of ~~thirty~~ fifty years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units.~~
- ~~(9) The owner may request that the city approve a partial or full exemption in circumstances where less affordability is proposed than is required in sub Section 5.88.090-(6) or (7) of this section. Criteria for considering such requests shall include the owner's inability to utilize some or all of the incentives available in Chapter 112 of the Kirkland Zoning Code. Requests under this subsection (9) require city council approval and shall be made at the sole discretion of the city council.~~
- ~~(10) The mix and configuration of housing units (e.g., studio, one-bedroom, two-bedroom, etc.) used to meet the requirement for affordable units under subsections (6), (7) and (9) of this section Section 5.88.090 shall be substantially proportional to the mix and configuration of the total housing units in the project.~~
- ~~(11) For owner-occupied projects, the contract with the city required under Section 5.88.060 shall identify those units that shall be eligible per Section 5.88.090 subsection (7) of this section.~~

~~(4211)~~ The project shall comply with all applicable zoning requirements, land use regulations, and building and housing code requirements contained in Titles 21 and 23 of the Kirkland Municipal Code.

~~(4312)~~ New construction of multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application, or within an authorized extension of this time limit. (Ord. 3937 § 1 (part), 2004)

5.88.050 Application procedure—Fee.

(a) The owner of property applying for exemption under this chapter shall submit an application to the director, on a form established by the director. The owner shall verify the application by oath or affirmation. The application shall contain such information as the director may deem necessary or useful, and shall include:

(1) A brief written description of the project, including phasing if applicable, and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located;

(2) A statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this chapter;

(3) Information describing how the applicant will comply with the affordability requirements in Sections ~~5.88.090(4)(6) or (7)~~ of this chapter; or if applicable, request for approval under Section 5.88.040(98) of this chapter and their justification for such request; and

(4) In the case of rehabilitation of an existing vacant structure under Section 5.88.020(i)(1), verification from the fire and building department of non-compliance with applicable building and housing codes as required under Section 5.88.020(i)(1), and an affidavit from the owner verifying that the existing dwelling units have been vacant for a period of twelve months prior to filing the application.

(b) At the time of application under this section, the applicant shall pay to the city an initial application fee as established by ordinance. In addition, at the time of application under this section, the applicant shall pay to the city a fee of one hundred fifty dollars to cover the county assessor's administrative costs. If the director approves the application pursuant to Section 5.88.080, the city shall forward the fee for the county assessor's administrative costs to the county assessor. If the director denies the application pursuant to Section 5.88.080, the city shall refund the fee for the assessor's administrative costs to the applicant.

(c) The director shall notify the applicant within twenty-eight days of the application being filed if the director determines that an application is not complete and shall identify what additional information is required before the application will be complete. Within fourteen days of receiving additional information, the director shall notify the applicant in writing if the director determines that the application is still not complete, and what additional information is necessary. An application shall be deemed to be complete if the director does not notify the applicant in writing by the deadlines in this section that the application is incomplete; however, a determination of completeness does not preclude the director from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter.

(d) The application shall be submitted any time before, but no later than, the date the building or other construction permit is issued under Title 21 of this code. (Ord. 3937 § 1 (part), 2004)

5.88.060 Application review—Issuance of conditional certificate—Denial—Appeal.

(a) Other than requests under Section 5.88.040(98), the director shall approve or deny an application under this chapter. If the application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city council, regarding the terms and conditions of the project and eligibility for exemption under this chapter. The city council's resolution to approve the applicant's contract with the city shall take place within ninety days of the director's receipt of the completed application. Upon city council approval of the contract, the director shall execute the contract as approved by the city council, and shall issue a conditional certificate of acceptance of tax exemption. The

conditional certificate shall expire three years from the date of approval unless an extension is granted as provided in this chapter.

(b) If the application is denied, the director shall state in writing the reasons for the denial and send notice of denial to the applicant's last known address within ten days of the denial.

(c) An applicant may appeal the director's denial of the application to the city council by filing a notice of appeal with the city clerk along with the appeal fee as established by ordinance within thirty days of the date of the denial. The appeal before the city council shall be based upon the record before the director, and the director's decision shall be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal is final. (Ord. 3937 § 1 (part), 2004)

5.88.065 Amendment of contract.

(a) Any applicant seeking amendment(s) to the contract approved by the city council may do so by submitting a request in writing to the director at any time within three years of the date of the city council's approval of the contract.

(b) The director shall have authority to approve amendments to the contract between the applicant and the city that are reasonably within the scope and intent of the contract approved by the city council. Amendments that are not reasonably within the scope and intent of the approved contract, as determined by the director, shall be submitted to the city council for approval by resolution.

(c) Any applicant seeking amendments to the approved contract, which in the sole discretion of the director require approval by the city council, shall pay to the city an amendment application fee as established by ordinance.

(d) The date for expiration of the conditional certificate shall not be extended by contract amendment unless: (1) all the conditions for extension set forth in Section 5.88.070 are met, or (2) the conditions set forth in Section 5.88.070(1) and (2) are met and the city council specifically approves the extension. (Ord. 3937 § 1 (part), 2004)

5.88.070 Extension of conditional certificate.

The conditional certificate may be extended by the director for a period not to exceed twenty-four consecutive months. The applicant shall submit a written request stating the grounds for the extension together with a fee as established by ordinance. The director may grant an extension if the director determines that:

(1) The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

(2) The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

(3) All the conditions of the original contract between the applicant and the city will be satisfied upon completion of the project. (Ord. 3937 § 1 (part), 2004)

5.88.080 Final certificate—Application—Issuance—Denial and appeal.

(a) Upon completion of the rehabilitation improvements or new construction as provided in the contract between the applicant and the city, and upon issuance of a certificate of occupancy, the applicant may request a final certificate of tax exemption. The applicant shall file with the director such information as the director may deem necessary or useful to evaluate eligibility for the final certificate, and shall include:

(1) A statement of expenditures made with respect to each multifamily housing unit, including phasing if applicable, and the total expenditures made with respect to the entire property;

(2) A description of the completed work and a statement of qualification for the exemption;

(3) A statement that the work was completed within the required three-year period or any approved extension; and

Attachment A

(4) Information on the applicant's compliance with the affordability requirements in Section 5.88.090040(6), (7) and/or (9).

(b) Within thirty days of receipt of all materials required for a final certificate, the director shall determine whether the completed work is consistent with the application and contract approved by the city council and is qualified for limited exemption under Chapter 84.14 RCW, and which specific improvements completed meet the requirements of this chapter and the required findings of RCW 84.14.060.

(c) If the director determines that the project has been completed in accordance with subsection (a) of this section, the city shall file a final certificate of tax exemption with the assessor within ten days of the expiration of the thirty-day period provided under subsection (b) of this section.

(d) The director is authorized to cause to be recorded, or to require the applicant or owner to record, in the real property records of the King County department of records and elections, the contract with the city required under Section 5.88.060(a), and such other document(s) as will identify such terms and conditions of eligibility for exemption under this chapter as the director deems appropriate for recording, including requirements under this chapter relating to affordability of units.

(e) The director shall notify the applicant in writing that the city will not file a final certificate if the director determines that the project was not completed within the required three-year period or any approved extension or was not completed in accordance with subsection (b) of this section; or if the director determines that the owner's property is not otherwise qualified under this chapter or if the owner and the director cannot agree on the allocation of the value of the improvements allocated to the exempt portion of rehabilitation improvements, new construction and multiuse new construction.

(f) Within thirty days of the date of notice of denial of final certificate, the applicant may file a notice of appeal with the city clerk along with the appeal fee as established by ordinance specifying the factual and legal basis for the appeal. The appeal shall be heard by the city's hearing examiner pursuant to Section 5.88.110. (Ord. 3937 § 1 (part), 2004)

5.88.090 Exemption—Duration—Affordability Requirements—Limits.

(a) The value of new housing construction and rehabilitation improvements qualifying under this chapter shall be exempt from ad valorem property taxation for: ~~ten successive years as provided in RCW 84.14.020(1).~~

(1) Eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate for rental projects where at least ten percent of the units are affordable as defined in Section 5.88.020(a), or have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code. To the extent allowed by Chapter 84.14 RCW, the city may grant a partial exemption if a lesser amount of affordability is provided. The amount of the partial exemption shall be proportional to the amount of affordability provided relative to that required for a full exemption. (For example, if a project includes five percent of the units affordable at fifty percent of median income, the property will receive an exemption on fifty percent of the residential portion of the project.) If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

(2) Eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate for owner-occupied projects. The property tax exemption shall apply only to those units that are affordable as defined in Section 5.88.020(a) or that have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code.

(3) Twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate for rental projects where at least ten percent of the units are affordable as defined in Section 5.88.020(a) and at least an additional ten percent of the units are affordable to households whose household annual income does not exceed eighty percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than thirty percent

of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

(4) Twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate for owner-occupied projects where at least ten percent of the units are affordable as defined in Section 5.88.020(a) and at least an additional ten percent of the units are affordable to households whose household annual income does not exceed one hundred percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than thirty percent of the monthly household income is paid for monthly housing expenses. In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

(b) The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, to increases in assessed valuation of land and nonqualifying improvements, or to increases made by lawful order of the King County board of equalization, Washington State Department of Revenue, State Board of Tax Appeals, or King County, to a class of property throughout the county or a specific area of the county to achieve uniformity of assessment or appraisal as required by law. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter. (Ord. 3937 § 1 (part), 2004)

5.88.100 Annual certification—Cancellation of exemption.

(a) A property or individual affordable ownership unit that receives a tax exemption under this chapter shall continue to comply with the contract and the requirements of this chapter in order to retain its property tax exemption.

(b) Within thirty days after the first anniversary of the date the city filed the final certificate of tax exemption and each year ~~thereafter, for a period of ten years~~ for the tax exemption period, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:

- (1) A statement of occupancy and vacancy of the multifamily units during the previous year;
- (2) A certification that the property has not changed use since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the city and the requirements of this chapter;
- (3) A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable; ~~and~~
- (4) Information demonstrating the owner's compliance with the affordability requirements of Section 5.88.090040(6), (7), (8) and/or (9).
- (5) The total monthly rent or total sale amount of each unit;
- (6) The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase for each of the units receiving a tax exemption;
- (7) The value of the tax exemption for the project; and
- (8) Any additional information requested by the city in regards to the units receiving a tax exemption (pursuant to meeting any reporting requirements under RCW 84.14).

(c) Failure to submit the annual declaration may result in cancellation of the tax exemption.

(d) For the duration of the exemption granted under this chapter, the property shall have no violation of applicable zoning requirements, land use regulations, and building and housing code requirements contained in Titles 21 and 23 of the Kirkland Municipal Code for which the designated city department shall have issued a notice of violation or notice of civil infraction that is not resolved by a certificate of compliance, certificate of release, or withdrawal within the time period for compliance provided in such notice of violation or notice of civil infraction and any extension of the time period for compliance granted by the director.

(e) For owner-occupied affordable units, in addition to any other requirements in this chapter, the affordable owner-occupied units must continue to meet the conditions of Section 5.88.090(4)(7). In the event of a sale of an affordable owner-occupied unit to a household other than an eligible household, or at a price greater than prescribed in the regulatory agreement referenced in Section 5.88.040(87), the property tax exemption for that affordable owner-occupied unit shall be cancelled pursuant to this section.

(f) For property with renter-occupied dwelling units, in addition to any other requirements in this chapter, the affordable renter-occupied units must continue to meet the conditions of Section 5.88.090(4)(6). In the event of a rental of an affordable renter-occupied unit to a household other than an eligible household, or at a rent greater than prescribed in the regulatory agreement referenced in Section 5.88.040(87), the property tax exemption for the property shall be cancelled pursuant to this section.

(g) If the owner converts the multifamily housing to another use, the owner shall notify the director and the county assessor within sixty days of the change in use. Upon such change in use, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.

(h) The director shall cancel the tax exemption for any property or individual unit that no longer complies with the terms of the contract or with the requirements of this chapter. Upon cancellation, additional taxes, interest and penalties may be imposed pursuant to state law. Upon determining that a tax exemption shall be canceled, the director shall notify the property owner by certified mail, return receipt requested. The property owner may appeal the determination by filing a notice of appeal with the city clerk along with the appeal fee established by ordinance within thirty days of the date of notice of cancellation, specifying the factual and legal basis for the appeal. The appeal shall be heard by the hearing examiner pursuant to Section 5.88.110. (Ord. 3937 § 1 (part), 2004)

5.88.110 Appeals to hearing examiner.

(a) The city's hearing examiner is provided jurisdiction to hear appeals of the decisions of the director on the final certificate of tax exemption and cancellation thereof.

(b) The hearing examiner's procedures shall apply to hearings under this chapter to the extent they are consistent with the requirement of this chapter and Chapter 84.14 RCW. The hearing examiner shall give substantial weight to the director's decision and the burden of overcoming the weight shall be on the appellant. The decision of the hearing examiner constitutes the final decision of the city. An aggrieved party may appeal the decision to superior court under RCW 34.05.510 through 34.05.598 if the appeal is properly filed within thirty days of the date of the notification by the city to the appellant of that decision. (Ord. 3937 § 1 (part), 2004)

5.88.120 Annual reporting.

(a) If the city issues tax exemption certificates pursuant to this chapter, the director shall submit the report required by RCW 84.14.100 to the Department of Community, Trade and Economic Development by December 31st of each year.

(b) Annually, beginning in 2005, the director or designee shall review the program established by this chapter and provide a report to the city council outlining development activity, types and numbers of units produced and their locations, rent and sales prices, information regarding the number of low and moderate income households benefiting from the program, and other appropriate factors. These reports may include recommendations on whether any neighborhoods should be added or removed, whether affordability limits should be changed in certain areas, and will analyze any issues related to the use of the program for homeownership units. The annual report shall be submitted to the city council no later than March 30th of

Attachment A

each year the program is in effect, starting in 2005; each report shall include information for the previous year. (Ord. 3937 § 1 (part), 2004)

PUBLICATION SUMMARY
OF ORDINANCE NO. 4128

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MULTIFAMILY PROPERTY TAX EXEMPTION AND AMENDING CHAPTER 5.88 OF THE KIRKLAND MUNICIPAL CODE.).

SECTION 1 . Amends Chapter 5.88 of the Kirkland Municipal Code.

SECTION 2 . Provides a severability clause for the ordinance.

SECTION 3 . Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 20__.

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

City Clerk



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

MEMORANDUM

To: David Ramsay, City Manager

From: Barry Scott, Purchasing Agent

Date: January 4, 2008

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JANUARY 15, 2008

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated to be in excess of \$50,000. This report also includes the process being used to determine the award of the contract.

Following is a report on the City's major procurement activities since October 19, 2007:

	Project	Process	Estimate/Price	Status
1.	Telecommunications Legal Consultant (Verizon Franchise Negotiations)	Request for Qualifications	\$50,000 - \$80,000	RFQ issued on October 19 th . Two submittals received on October 31. Contract awarded to Miller & Van Eaton.

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



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

MEMORANDUM

To: Dave Ramsay
From: Tracey Dunlap, Director of Finance and Administration
Date: January 7, 2007
Subject: Cabaret Dance License

RECOMMENDATION:

City Council authorizes the issuance of a Cabaret Dance License to The Lake Street Grill.

BACKGROUND DISCUSSION:

The request and recommended action being presented to the City Council is consistent with the Municipal Code and City Council practice.

BACKGROUND DISCUSSION:

The Lake Street Grill, located at 15 Lake Street S #203, has made application for a Cabaret Dance License. Staff has completed its review/investigation and the above referenced establishment has met the requirements of the Municipal Code. Staff recommends the issuance of a Cabaret Music License be granted.

The restrictions contained within KMC 7.20.030 are the standards by which the police department representatives reviewing applications are legally allowed to approve or deny the issuance of a license. The City's application form was last updated in 2006 and was updated to include a perjury statement and waiver to allow a more stringent background check. These checks are completed prior to approval by the police department representative assigned to complete the investigation. The application form was also updated to include wording allowing approval by the designee of the Chief of Police, as has been past practice.



CITY OF KIRKLAND

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 425.587.3140

LICENSE APPLICATION FOR CABARET, CELEBRATION, PUBLIC DANCE

This application may be used for the procurement of any of the following: a **Public Dance License** whereby a public dance shall include any dance to which the general public is admitted for which an attendance charge or donation is imposed as a condition of attendance; a **Celebration License** for a one-time event, a **Cabaret License** permitting music only, or permitting both music and dancing, in a place of business in which food or liquor is sold and consumed on the premises.

This license may be issued to the manager of the place of business or in the name of a corporation or partnership. Full information must be supplied with references to all of the partners, officers and directors of the corporation, as required by City ordinances. Upon report by the Chief of Police, this application will be referred to the City Council for final determination.

PLEASE PRINT OR TYPE

1. CHECK ONE

- * Application for Public Dance License \$ 100.00 yearly
- * Application for Public Dance Permit \$ 25.00 per dance
- ** Application for Cabaret Music License \$ 100.00 yearly
- ** Application for Cabaret Dance License \$ 250.00 yearly
- Application for Celebration License \$ 25.00 one day - one-time

Date of Event Only _____

(* Application must be submitted 48 hours prior to dance.)

(** \$ 15.00 deposit for investigative costs required with application.)

2. Name of Applicant: Gary and Cynthia Power Applicant's Telephone: (714) 710-7777
 Applicants Address: 28531 Markuson Rd. Silverado, CA 92676
3. Name of Business: Lake Street Grill Business Telephone: 425-822-8386
4. Will any admission fee be charged for the listed activity? If so, how much? Various
5. Name and address where event is to be held (if different from business address): Business Address 215 Lake Street # 203
6. Name of Manager: Brett Runkel Manager's Telephone: 425-822-8386
 Manager's Address: 22255 Ne. Woodinville Durell Rd Woodinville, WA
7. Name of person(s) or corporation to whom or which license is to be issued: Gary and Cynthia Power
8. Qualifications of person signing this application:
- a. How long have you resided in King County? 0
 - b. How long have you resided in the State of Washington? 0
 - c. Previous address: 28531 Markuson Road Silverado, CA 92676 Dates at that address: 2004 to Present
9. Have you ever been convicted of committing a felony? no

DECLARATION:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

10. Signature and official capacity of applicant: Cynthia Power Proprietor
11. Signature of person accepting fee: Patricia Ball Date: 9/26/2007

RETURN COMPLETED FORM AND PAYMENT TO:

City of Kirkland/Licensing
123 Fifth Avenue
Kirkland WA 98033
(425) 587-3140 or Fax (425)587-3110

SEP 26 REC'D

FOR OFFICIAL USE ONLY

Record of Report of Chief of Police/or his designee

I hereby recommend L.H.S. Grant of license for which application has been made.

Remarks: I SEE NO REASON FOR DISAPPROVAL
CLEARANCE/NCIC - clean

Signature of the Chief of Police [Signature] Date: 12/17/07

Action of the Kirkland City Council (where applicable)

Application Approved by _____ Date: _____

Application Approved by _____ Date: _____

Reason for Disapproval _____

License No. BUS14591 Date: 12/18/2007

Receipt No. 145691 Date: 12/18/2007

Fee Amount: 125.00 (pro rated to end 2007)



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

MEMORANDUM

To: David Ramsey, City Manager

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

Date: January 4, 2008

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

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest in portions of unopened alleys being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 55, 56, and 57, Block 170 of Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington; together with a portion of unopened alley being identified as the west 8 feet of the unopened alley abutting the east boundary of the property described above.

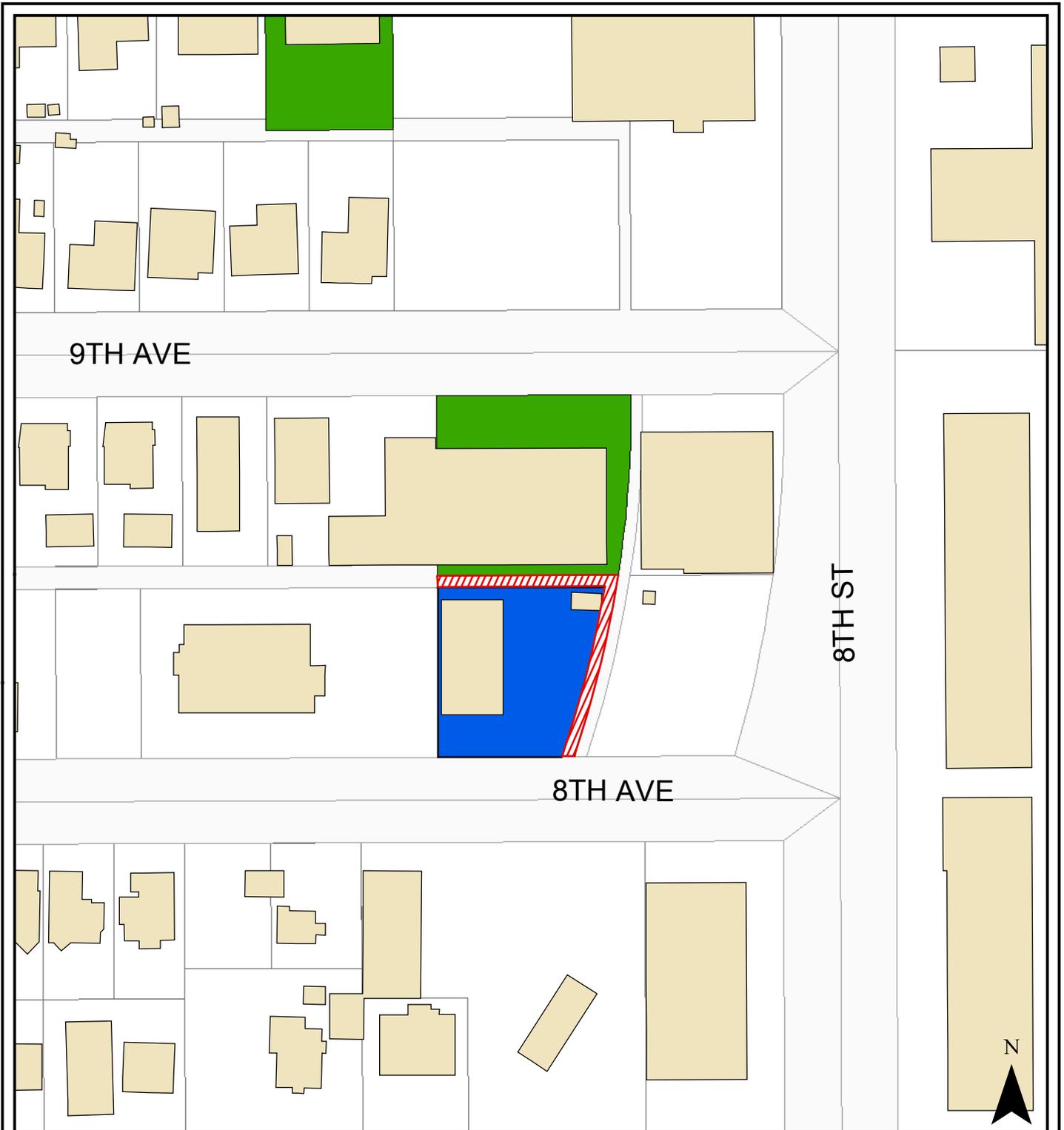
BACKGROUND DISCUSSION:

The unopened portions of the alleys abutting the property of 720 8th Ave were originally platted and dedicated in 1890 as Town of Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-ways have not been opened or improved.

720 Building, LLC, the owner of the property abutting these right-of-ways, submitted information to the City claiming the right-of-ways were subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Map
Resolution

Copy: Rob Jammerman, Development Engineering Manager



**720 BUILDING, LLC PROPERTY NON-USER VACATION
720 8TH AVE**

- | | |
|--|---|
|  Proposed Vacation |  Building Outline |
|  720 Building, LLC Property |  School |
|  Granted Non-User Vacation |  Park |
| |  Pedestrian Easement |



Produced by the City of Kirkland.
(c) 2007, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Map Printed Dec 6, 2007 - Public Works GIS



**720 BUILDING, LLC PROPERTY NON-USER VACATION
720 8TH AVE**

- | | |
|---|---|
|  720 Building, LLC Property |  School |
|  Proposed Vacation |  Park |
|  Other Pending Vacations |  Pedestrian Easement |
|  Granted Non-User Vacation | |



*Produced by the City of Kirkland.
(c) 2007, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
Map Printed Dec6, 2007 - Public Works GIS*

RESOLUTION R-4683

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER 720 BUILDING, LLC.

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

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

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

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

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

Section 1. As requested by the property owner 720 Building LLC, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 55, 56, and 57, Block 170 of Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington; together with a portion of unopened alley being identified as the west 8 feet of the unopened alley abutting the east boundary of the property described above.

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2008

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk



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

MEMORANDUM

To: David Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager
Tracy Burrows, Intergovernmental Relations Manager

Date: January 4, 2007

Subject: ANNEXATION POLICY OPTIONS AND COMMUNICATIONS STRATEGY

RECOMMENDATION:

City Council reviews the four policy options for annexation and provides staff with direction on which of the options to pursue.

BACKGROUND:

The purpose of this memo is to provide further background in support of the City Council's discussion regarding whether to proceed to Phase 3 of the annexation study. This memo includes:

- A recap of the discussion and direction provided at the December 4 and November 15 Council study sessions concerning annexation.
- A presentation of four policy options related to annexation. It is recommended that the Council choose a course of action within the range of options.
- A recommended public information strategy to keep Kirkland and PAA residents informed of annexation-related decisions.

Recap of November 15 and December 4th Council Meetings

At the November 15th Study Session, the City Council received updated financial information related to annexation including: discussions with fire and parks special districts; the outcome of the infrastructure study and financial capacity to fund a CIP for the PAA; an update to the financial model; financial assistance from King County; and rules for use of the State sales tax credit. In general, the updated financial information heightened the financial challenges associated with annexation of the PAA.

In light of these financial challenges, at the December 4th Study Session, the Council considered potential actions that the City could pursue to help bring the revenues and expenditures in the annexation area into balance. One of the key points of discussion at the December 4th meeting was around the issue of level of

impacts that may occur as a result of annexation. There was an interest in exploring what those level of service options would mean to residents of the PAA and the current City of Kirkland. The following bullets summarize key points raised at the November and December meetings but do not necessarily reflect Council consensus.

- The updated financial information provided by staff caused Council to become more pessimistic about pursuing annexation.
- Council confirmed that:
 - *The City Council would continue its ban on commercial card rooms which would require the casino located in the Kingsgate area to discontinue operation.*
 - *The City would assume the outstanding debt of Fire District #41 for the fire station consolidation or retire the debt with available cash reserves.*
- Council expressed an interest in an analysis of an alternative level of service delivery and the impacts within the PAA and throughout the City as a whole of this alternative staffing plan.
- Council acknowledged that Kirkland has a financial problem (structural imbalance) that needs to be solved apart from the issue of annexation and some council members believe it should be talked about and addressed with constituents before annexation decisions are made.
- Council is interested in engaging King County in conversations about Kirkland's financial picture, about the true costs of annexation, and the adequacy of the County incentive funding to provide sufficient assistance to close the financial gap to support Kirkland's annexation.
- Staff and Council need to approach legislators to see if there is any possibility the State funding window could be extended or additional funding could be made available.
 - Extend State funding beyond ten years.
 - Extend eligibility for "commencing annexation" beyond 2010.
 - Provide significant capital funding for new facilities.
- Council believes that they have been provided good information and are conducting their "due diligence."
- Council should not rush into a decision about annexation, but should have the information needed to make a decision about Phase 3.
- Council would like more information about the feasibility and financial impacts of a slower implementation schedule for ramping up services or annexing smaller areas.
- Council would like to see a mailing to all Kirkland residents updating them on the annexation study.
- Council members believe that Kirkland should ensure that every possible way to make annexation work has been explored.

Policy Options

In response to the Council's annexation discussions at the November and December Study sessions, staff has developed four annexation options. It is recommended that the Council choose one of these options (or a combination of one or more of the options) to pursue. The options are presented below in both text and chart format followed by a more in-depth description of each of the proposed action steps:

Option 1 – Go to Phase 3 with Election in November 2008 Proceed to Boundary Review Board as Soon as Possible

- a. Conduct public hearings on PAA zoning and proceed to Boundary Review Board
- b. Develop alternative level of service plan and assess its impacts on Kirkland and the PAA
- c. Pursue additional funding from King County and the State
- d. Initiate negotiations with the Woodinville Fire & Life Safety District
- e. Provide information updates to Kirkland and the PAA

Option 2 – Continue Phase 2 through April 2008, Potential Election Dates: November 2008, Spring or Fall 2009; No Change in Annexation Area Boundary

- a. Develop alternative level of service plan and assess its impacts on Kirkland and the PAA
- b. Pursue additional funding from King County and the State
- c. Initiate negotiations with the Woodinville Fire & Life Safety District
- d. Provide information updates to Kirkland and the PAA

Option 3 – Continue Phase 2 through Fall 2008, Potential Election Date: Fall 2009 Involves Change to Annexation Area Boundary

- a. Develop alternative level of service plan and assess its impacts on Kirkland and PAA
- b. Pursue additional funding from King County and the State
- c. Initiate negotiations with the Woodinville Fire & Life Safety District
- d. Analyze adjusted annexation boundary excluding Woodinville Fire & Life Safety
- e. Analyze different ways of phasing in annexation, i.e. one neighborhood at a time
- f. Provide information updates to Kirkland and the PAA

Option 4 – No Go to Phase 3

- a. Pursue alternatives to annexation with the PAA, including incorporation and annexation to neighboring cities
- b. Pursue additional funding from King County and the State and additional time from the State
- c. Provide information update to Kirkland and the PAA

Chart of Policy Options:

	Go Decision	Defer Decision Pending Additional Information		No Go Decision
Timing of Decision	Jan 2008	Apr 2008	Fall 2008	Jan 2008
Assess Level of Service Impacts of Annexation	X	X	X	
Pursue Additional Funding from King County and the State	X	X	X	X
Negotiate with WFLS	X	X	X	
Pursue Extension of Time-Frame for Annexation with State Incentive		X	X	X
Analyze Adjusted Annexation Boundary - excluding WFLS			X	
Analyze Annexation of Smaller Portion of PAA - Phased Approach			X	
Conduct Further Discussions with PAA Representatives - Alternatives to Annexation				X
Election Date	Fall 2008	Fall 2008/9	Fall 2009	NA

Description of Potential Action Steps**Develop Alternative Level of Service Plan and Assess its Impacts on Kirkland and the PAA**

For this option, each of the departments will develop a staffing plan for the PAA that is consistent with the area's projected revenue stream. The Finance Department and City Manager's Office will review the individual department staffing plans and work with the departments to develop an overall PAA staffing plan that is consistent with the resources available and will result in the fewest impacts to service delivery.

It will likely take eight to 12 weeks to complete the work associated with this option. The results of the work could be presented to the Council in April. If the Council were to make a decision in April to go forward with the annexation vote, there is the possibility that the annexation election could take place in November of 2008. However, the timeline for completing the Boundary Review Board process would be very tight and would preclude completion of the annexation zoning adoption until after the annexation vote. It is more

likely that the time required to complete the Boundary Review Board process and the deadlines for filing for election would push the election date beyond the November 2008 election. While the Council could consider a Spring 2009 election date, it would be subject to the validation requirements for an annexation ballot that includes a “yes” or “no” vote on whether annexation area residents are willing to share in the City’s bonded indebtedness. Validation requires a minimum of 40% of the voter turn-out from the previous general election. The high voter turn-out for the 2008 presidential election would likely result in validation thresholds that would be difficult to meet in a 2009 special or primary election. Therefore, the next opportunity for the annexation vote would likely be the November 2009 general election ballot.

As part of the analysis for this option, each department will describe the specific level of service impacts of the staffing plan to: (1) the residents of the PAA; and, (2) the current residents of Kirkland. This description of level of service impacts should be at a level of detail where it will be possible to determine the extent to which the service impacts will materially impact City residents.

There are certain services where the impacts of service delivery could likely be contained to the Potential Annexation Area. For example, the parks department could establish a level of parks maintenance for the parks within the annexation area that differs from the level that is provided to current city parks. Although that level of service would still almost certainly represent an improvement over the level of service that is currently provided by King County, the PAA parks would be maintained at a lower level of service for an indefinite amount of time.

There are other services where it would be difficult to distinguish the level of service impacts within or outside the PAA. For instance, it would be challenging and undesirable to treat customers coming into City Hall for permit services or planning information differently depending on whether their project was in the PAA or the existing city. We would likely respond to a report of a pot hole in the same manner, no matter its location, particularly given the liability implication of not fixing the problem. Kirkland staff prides itself on providing good customer service and would find it difficult to differentiate between customers at the counter or on the phone.

As part of the analysis for this option, staff would look closely at the level of service impacts on police services. Staffing levels in the Kirkland Police Department provide an established level of response to calls for service. Any call that is a report of a “crime in progress” (e.g. domestic violence, burglary, auto theft), requires more than one officer to respond to ensure officer safety. This means that a car from one patrol district must leave their assigned area to assist another officer. Officers in other patrol districts then cover calls for service in the area left unmanned. This already occurs on a regular basis within Kirkland with officers moving between patrols for back-up. In fact, Kirkland officers currently provide back-up service to the King County Sheriff’s Office in the PAA, thereby reducing coverage within the current city limits during the back-up engagement. The analysis under this option will provide as accurate an account as possible of whether and the extent to which reducing the number of patrol districts in the PAA will mean that back-up coverage will be needed more often from within the existing boundaries of Kirkland. It will also describe what that will mean to Kirkland residents in terms of service impacts.

Pursue additional funding from King County and the State

This action step involves additional discussions with King County and State legislators in pursuit of additional annexation funding. Potential assistance could come in several forms including:

- a. Additional capital funding towards facilities projects that helps offset long term debt service costs.

- b. Additional ongoing financial support.
- c. Clarification from the State Auditor concerning rules for the State sales tax credit.

Given the State and County's fiscal position and the fact that other cities are undertaking annexation under the current State sales tax rules, securing additional funding from either of these may be challenging. Clarification is needed regarding which of these to pursue, for how long and who will take these initiatives forward (i.e. City Council subcommittee, legislative committee, individual council members, staff).

Initiate negotiations with the Woodinville Fire & Life Safety District

One of the most significant challenges related to annexation is determining how to efficiently serve the portion of Kirkland's PAA that is currently within the Woodinville Fire & Life Safety District. Woodinville Fire has indicated that if annexation occurs, it would move its Fire Station #34 out of Kingsgate to a new location that is better situated to serve their remaining service area. Such a relocation would impact both Kirkland and Bothell, because both cities have portions of their respective PAA's that are served by Fire Station #34 and both respond into the area under the automatic aid agreement.

Under this policy option, the City of Kirkland would pursue discussions with Woodinville Fire & Life Safety and Bothell to determine if there are alternatives to the relocation of Fire Station #34 that would meet on-going needs. The purpose of these discussions would be to identify the mutual interests of Kirkland, Bothell, and Woodinville Fire and to develop service delivery options that are cost effective for all parties.

To prepare for initial discussions with Woodinville Fire & Life Safety, staff is gathering information on:

- 1) refined estimates of the annual cost of engine company staffing to serve the portion of Kirkland's PAA in the Woodinville Fire & Life Safety District
- 2) the revenue impact on Woodinville Fire & Life Safety if Kirkland were to complete annexation
- 3) the revenue impact on Woodinville Fire & Life Safety if Bothell were to complete annexation of the portion of its PAA that is served by Woodinville Fire
- 4) the range of staffing options that would be supported by Kirkland firefighters (IAFF)

If this option is pursued, staff recommends that it be initiated with one or more staff-level meetings in January and February that shape the issues and identify potential areas for mutual agreement. This would be followed by a joint meeting of the Public Safety Committee with Woodinville Fire & Life Safety elected officials, similar to the practice of the Public Safety Committee meetings with the Fire District 41 Commissioners. The timing of these discussions would delay submittal of annexation materials to the Boundary Review Board, meaning that the earliest that the annexation question could be on the ballot would likely be the general election in 2009.

Analyze adjusted annexation boundary excluding Woodinville Fire & Life Safety

Staff has brought forward the possibility of changing the boundaries of the proposed annexation area to exclude the Woodinville Fire and Life Safety District. The district has indicated that if we do not annex that area, they would not relocate the Kingsgate fire station, eliminating the need for an additional engine company to serve that area. The elimination of this area would still leave a total population in excess of the 20,000 eligibility threshold for the maximum amount of State financial assistance. However, it also removes a portion of the revenue base and would reduce the population to be served (and expenditures).

If Council directs staff to pursue this option, a detailed financial and operational analysis would be conducted. Staff recommends that this detailed analysis be completed in sequence after the level of service impact analysis described above. This would allow the Council to compare two options at a comparable level of service.

One issue related to changing boundaries is that the proposal must still be reviewed and approved by the Boundary Review Board (BRB). For that reason, it would be important to have the support of King County and the Woodinville Fire & Life Safety District for this option to increase the likelihood that the BRB would find it acceptable. In addition, the City would need to work with Woodinville and Bothell to develop a plan for the eventual annexation of the WFLSD portion of the PAA.

Analyze annexation of a smaller portion of the PAA - Phased Approach

Another way to adjust the annexation boundaries is to annex smaller portions of the PAA at one time. We do have the ability within the financial model to calculate the relative cost of providing services and revenues by the major neighborhood areas. This involves more than a simple mathematical calculation since the model divides up FTE's proportionally between the areas and does not take into consideration the realities of providing services with fractions of FTE's. This option would require a significant investment of staff time.

In addition, this strategy would likely reduce or eliminate Kirkland's eligibility for the maximum amount of State annexation funding. The State annexation funding legislation provides a significant incentive to complete annexation by 2010. In addition, the State annexation funding legislation favors large annexations. It provides .10% in sales tax revenues if the City annexes an area with a population of at least 10,000 people, and a .20% in sales tax revenues for an area with a population of 20,000 or more. Therefore, it would be most advantageous to Kirkland if the City were to annex at least 20,000 in population. To achieve this threshold, the annexation would need to include two or all three areas in the PAA at one time, one of which would need to be Finn Hill in order to obtain the highest funding level of .20%. The following table shows the populations of the three annexation areas:

Neighborhood	Population
Kingsgate	11,700
Juanita	5,600
Finn Hill	15,300

Pursue and Extension of the Timeframe for Annexation with the State Incentive

This action step is part of the City's proposed legislative agenda and will give the City additional time to complete consideration of the annexation issue. The complex service delivery and financial challenges associated with annexation provide the rationale for the extension. For this action step, the City would pursue:

- a. An extension of the time available to commence annexation and still be eligible for the State funding (current deadline is January 1, 2010).
- b. An extension of the State sales tax credit for a period longer than 10 years.

For this action step, the City would work with our state legislators to draft legislation and garner support for these proposals during the 2008 legislative session, which concludes in March.

Discuss Alternatives to Annexation with Representatives of the PAA

If Kirkland decides not to annex the PAA, then the question of what happens to that area must be answered. Since the PAA is included in Kirkland's adopted Comprehensive Plan, the Council may amend the plan and present the amendment for consideration to the Growth Management Planning Commission. We can anticipate that we will need to work with other adjacent cities to reassign all or a portion of the PAA as their annexation areas unless we keep it in our comp plan. Another potential avenue to explore is to assist the PAA with a study on incorporation, with the understanding that they will contract back with Kirkland (and/or other jurisdictions) for their desired level of service. We would not expect that option to be supported by King County as it creates one more "contract city" within the county.

Communications Strategy

The Council has expressed an interest in continuing its outreach efforts regarding annexation. In particular, the following actions have been suggested by one or more Council members:

- Staff, in consultation with the City's communications consultants, should develop a direct-mail informational flyer for distribution to all households in Kirkland and the PAA
- There may be a need for different direct mail informational flyers to Kirkland and the PAA oriented to their particular interests
- The direct mail flyer should be full-color and noticeable so that recipients are more likely to read the information
- The flyer should correct misinformation contained in flyers distributed by other parties
- The flyer(s) should focus on an update on the annexation process reflecting the Council's pending decision on whether to proceed to phase three of the annexation process
- Additional discussion with PAA residents should take place regarding expected and/or acceptable levels of service that could be provided with available resources
- Additional discussion with Kirkland residents should take place regarding the collateral impacts of lower service levels proposed for the PAA

There is general agreement that updated information on annexation needs to reach all households through direct mail rather than relying on the website, the listserv, newspaper articles, City Update articles, public meetings, neighborhood association meetings and homeowner's association meetings. The cost of an 11" by 17" direct mail, color pamphlet to all residents (about 34,000 households) is estimated at about \$13,000.

Over the past two months, Council has received numerous emails, postcard mailers and letters from both Kirkland residents and PAA residents. This self-selected feedback does not reflect a statistically valid sample of opinions; however, the most recent correspondence received by the City regarding annexation is consistent in content. For Kirkland residents, the majority of correspondence opposes annexation because

of concerns about the loss of the “small town feel” and negative impact on services to Kirkland. Some people noted that they had no idea that annexation was under consideration until they received the “Stop Annexation” flyer mailed to all Kirkland residents in late October. For PAA residents, the majority of correspondence reflects support for annexation based on the sense that they are already part of Kirkland and welcome the anticipated improved level of service.

There are many tools that can be used for public outreach. The tools that are chosen should be consistent with the purpose of the public outreach which can range from “inform” to “collaborate.” Over the past eighteen months, the City has engaged in a variety of public outreach activities that included both informing and educating the public and asking for input regarding what concerns or issues the Council should consider in its decision to pursue annexation. Activities and strategies employed over this time period included:

- Comprehensive website which includes links to all Council meeting materials, a listening log of all comments received to date, frequently asked questions, links to related sites and an on-line comment form.
- An annexation email address where interested residents could ask questions, request speakers or offer comments to the City.
- A listserv that alerts subscribers when new information is posted to the website and when meetings will take place.
- A series of annexation brochures (“Annexation – Let’s Talk”) were developed that describe the annexation process, the financial considerations and frequently asked questions. Brochures were made available at public facilities, neighborhood meetings and other public meetings.
- Seven public forums held in Kirkland and in the PAA between October 2006 and November 2007 for which postcard invitations were mailed to all households in Kirkland and the PAA.
- Focus groups held for residents of Kirkland and the PAA to gain further understanding of the issues they wanted the City Council to consider in their annexation decision.
- Numerous presentations to neighborhood association meetings, homeowner’s association meetings, local service clubs and business organizations.
- Information booths at both the Wednesday Public Market and Friday Farmers Market where staff was available to answer questions and take comment forms.
- Posters at local businesses and public bulletin boards announcing public forums.
- Several articles and editorials were published in local newspapers and in “City Update,” distributed through the [Kirkland Courier Reporter](#).
- Working groups formed in the PAA to begin development of a zoning ordinance that would constitute part of the annexation measure to be considered by PAA voters (if the Council decides to proceed to a vote).

In addition to this current work, a statistically valid telephone survey of the PAA was conducted in 2005 to gauge public acceptance for annexation and potential financial strategies that were being considered at the time.

Throughout this effort, the outreach strategy focused on two objectives:

1. Educating the public about annexation rules, Kirkland's process and the financial and service implications for Kirkland and the PAA.
2. Asking residents to tell the Council their questions and concerns about annexation and the considerations the Council should take into account in their decision about whether to place annexation on the ballot.

As noted above, the majority of the feedback and input received to date from Kirkland residents has conflicted with that received from PAA residents. However, within those two groups, the general sentiment has been consistent. As new information has become available, the content of the feedback to Council has not changed much, although the volume of comments tends to increase in response to communications efforts put forth by the City or one of the external groups working for or against annexation. At this time, it is reasonable to assume that requests for additional input from the public will not yield significantly different results unless the financial or service level assumptions concerning annexation change drastically.

Going forward, outreach strategies should inform the public about the Council's decision regarding whether and how to proceed with the annexation. Four options are included earlier in this memo regarding next steps for annexation. Council's decision regarding which option to pursue will be needed before planning the next annexation communication steps. Regardless of which option is chosen, the Council has expressed interest in a direct mail communication that would update all residents of Kirkland and the PAA of the current status of the Council's annexation decision process. Staff also suggests that the communication include a discussion of the Council's rationale for choosing that option (which is why staff recommended waiting until after the January 15th meeting to develop and mail the materials). Staff also recommends that any materials include a summary of the comments and issues raised by the public so far. In this way, the City Council is acknowledging what they have heard so far from the many comments forms, emails and letters received to date.

Future communication strategies should be based on the desired outcomes of the Council and may range from "inform" to "empower." If the Council simply wants to keep the public informed about the status of the annexation study and its decision process, then the focus would be informational materials, presentations at meetings and continued update of the web page. If the Council believes it needs more input from the public before making a decision, they should carefully consider how the input will be used. Again, there is a range of involvement that spans from consult (we will take your comments into consideration when we make our decision and let you know how your input was used) to empower (we will do what you think we should do – this often takes the form of a vote).

A fundamental principle of effective public involvement is the need for clarity about the decision to be made and who is making the decision. If the Council decides to proceed to phase three then an "inform" approach is appropriate until an election is held. If the Council decides to study alternate service levels and the impacts, then they need to determine how that information will be used in the Council's decision process and whether another round of public involvement related to the alternate service levels is needed before Council can make decision about an election.

At this time, staff will plan on drafting an informational brochure for direct mail to all households that describes the status of the annexation decision process. The focus group discussions provided valuable input about how residents want to receive information on annexation. Depending on which option the Council chooses, additional strategies will be developed that are appropriate to the level of public involvement the Council believes is needed at this stage in order to make a decision about whether to proceed to phase three of annexation.



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: City Council

From: Robin S. Jenkinson, City Attorney

Date: January 3, 2008

Subject: Development Fee Amendment/Temporary Use Permits

RECOMMENDATION

Consider the attached ordinance reducing the fee amount charged for Temporary Use Permits.

BACKGROUND DISCUSSION

On December 11, 2008, the City Council passed Ordinance 4127 which amended Building, Planning, and Public Works development fees. The Ordinance included an increase in the fee charged for Temporary Use Permits from \$760.00 to \$988.00. The new development fees enacted by Ordinance 4127 are to become effective February 1, 2008. As discussed at the January 2nd Council meeting, there is some concern that even before the increase the fee charged for Temporary Use Permits is too high. The attached ordinance would reduce the fee charged for Temporary Use Permits to \$500.00.

According to the Planning and Community Development Department, very few Temporary Use Permits are issued. The Finance and Administration Department confirmed that the fiscal impact of the proposed change is negligible. The attached ordinance also proposes two minor clarifications to the fees charged on the basis of vehicle trips for the Transportation Concurrency Analysis fee and the State Environmental Policy Act transportation component review.

Please let me know if you have any questions.

cc: Eric Shields, Planning and Community Development Director
Nancy Cox, Development Review Manager

ORDINANCE NO. 4129

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 1 OF ORDINANCE 4127 RELATING TO FEES CHARGED UNDER KMC 5.74.070 AND REDUCING THE FEE AMOUNT CHARGED FOR TEMPORARY USE PERMITS AND MAKING TWO CLARIFICATIONS.

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

Section 1. Section 1 of Ordinance 4127 is hereby amended to read as follows:

5.74.070 Fees charged by planning department.

(a) The schedule below establishes fees charged by the planning department. The entire fee must be paid before the review or processing begins, except as otherwise specified. The fees listed below go into effect February 1, 2008.

FEE TYPE	FEE AMOUNT
<p>Presubmittal Meeting and/or Predesign Conference Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the presubmittal meeting.</p>	\$475.00
<p>Planning Official Decisions Accessory Dwelling Unit (not required if reviewed concurrently with a building permit) \$390.00 Personal Wireless Service Facility Planning Official Decision \$7,865.00 Personal Wireless Service Facility Subsequent or Minor Modification \$780.00 Parking Modification \$494.00 Sensitive Area Planning Official Decision or Administrative Design Review \$1,950.00 Fixed fee \$0.00 Fee per new unit \$0.00 Fee per square foot new GFA Master Sign Plan of Approval Modification \$780.00 Off-Site Directional Sign Approval Modification \$494.00 Design Review Approval Modification \$988.00 Design Review Approval Extension \$390.00 Historic Residence Alteration \$780.00 Rooftop Appurtenance Modification \$780.00</p>	
<p>Planning Director Decisions Temporary Use Permit</p>	

Variance Exception	\$988.00 <u>500.00</u>
Off-Site Directional Sign	\$988.00
Master Sign Plan	\$988.00
Short Plat or Subdivision Approval Modification	\$2,756.00
Process I Approval Modification	\$780.00
Process IIA, IIB or III Approval Modification	\$780.00
Lot Line Alteration	\$988.00
Binding Site Plan	\$988.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,963.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$988.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$494.00
Noise Variance	\$494.00
	\$494.00
Process I Review	
Short Subdivision	\$3,900.00
Base fee	\$910.00
Fee per lot	
Innovative Short Subdivision	\$6,370.00
Fixed fee	\$910.00
Fee per lot	
Substantial Development Permit	
General Moorage Facility	\$9,828.00
Other Shoreline Improvements	\$4,212.00
Personal Wireless Service Facility Process I Review	\$9,828.00
Other Process I Review	
Residential	
Base fee	\$3,900.00
Fee per new residential unit	\$455.00
Nonresidential	
Base fee	\$3,900.00
Fee per square foot new GFA	\$0.27
Mixed Use	
Fixed fee	\$3,900.00
Fee per new unit	\$455.00
Fee per square foot new GFA	\$0.27
Home Occupation	\$1,000.00
Historic Residence Designation	\$1,000.00
Process IIA Review	
Preliminary Subdivision	
Fixed fee	\$8,203.00

Fee per lot	\$988.00
Innovative Preliminary Subdivision	
Fixed fee	\$10,166.00
Fee per lot	\$988.00
Personal Wireless Service Facility Process IIA Review	\$19,032.00
Other IIA	
Base fee	\$6,877.00
Fee per new residential unit	\$390.00
Fee per square foot new nonresidential GFA	\$0.39
Process IIB and Process III Review	
Subdivision Vacation or Alteration	\$8,424.00
Historic Landmark Overlay or Equestrian Overlay	\$988.00
Personal Wireless Service Facility Process IIB Review	\$27,456.00
Other IIB or III	
Residential (Including Short Subdivisions Reviewed Through Process IIB per KMC 22.20.050)	
Base fee	\$10,608.00
Fee per new residential unit	\$390.00
Fee per square foot new nonresidential GFA	\$0.39
Design Board Review	
Design Board Concept Review	\$1,344.00
Design Board Design Response Review	
Base fee	\$4,116.00
Fee per new unit	\$189.00
Fee per square foot new GFA	\$0.19
State Environmental Policy Act (SEPA) Fees	
Review of Environmental Checklist	
Base fee	\$520.00
Applications involving traffic reports	
Less than 20 trips <u>or fewer</u>	\$850.00
21-50 trips	\$1,700.00
51-200 trips	\$3,400.00
Greater than 200 trips	\$6,800.00
Applications involving sensitive areas	\$260.00
Preparation of Environmental Impact Statement (EIS)	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the city will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the city an amount not less than \$5,000 to provide for the city's cost of review and processing an	

EIS. If the anticipated cost exceeds \$5,000, the city may require the applicant to deposit enough money to cover the anticipated cost.	
<p>Miscellaneous</p> <p>Appeals and Challenges</p> <p>Appeals \$195.00</p> <p>Challenges \$195.00</p> <p>Note: No fee for appeals of notice of civil infraction or order to cease activity.</p> <p>Sidewalk Cafe Permits</p> <p>Fixed fee \$616.00</p> <p>Fee per square foot of cafe area \$0.69</p> <p>Street Vacation</p> <p>Fixed fee \$7,865.00</p> <p>Fee per square foot of street \$0.39</p> <p>Final Subdivision</p> <p>Fixed fee \$ 1,950.00</p> <p>Fee per lot \$195.00</p> <p>Review of Concurrency Application</p> <p>Less than 20 trips or fewer \$500.00</p> <p>21-50 trips \$700.00</p> <p>51-200 trips \$1,400.00</p> <p>Greater than 200 trips \$1,800.00</p>	
<p>Fees for Comprehensive Plan and Zoning Text Amendment Requests</p> <p>Request for Property-Specific Map Change</p> <p>Initial request \$300.00</p> <p>If request is authorized by city council for review \$300.00</p> <p>Request for City-wide or Neighborhood-wide Policy Change No charge</p>	
<p>General Notes:</p> <p>1. Fee Reduction for Applications Processed Together. When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</p> <p>2. Projects with Greater Than 50 Dwelling Units or 50,000 Square Feet Nonresidential GFA. The per unit and square foot fee for all units above 50 and all GFA above 50,000 square feet shall be reduced by one-half.</p> <p>3. Note for Sensitive Areas Permits:</p> <p>a. In cases where technical expertise is required, the planning official may require the applicant to fund such studies.</p> <p>b. Voluntary wetland restoration and voluntary stream rehabilitation projects are not subject to fees.</p> <p>4. Construction of Affordable Housing Units Pursuant to Chapter 112 of the Kirkland</p>	

Zoning Code. The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.

5. Note for Historic Residence Permits. An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

Section 2. The fees set forth in Section 1 above, including the fee amended, go into effect February 1, 2008; provided that, a land use development permit application which the City determines was complete before the effective date of a revised fee, shall be charged the fee in effect on the date such application became a complete application.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4129

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 1 OF ORDINANCE 4127 RELATING TO FEES CHARGED UNDER KMC 5.74.070 AND REDUCING THE FEE AMOUNT CHARGED FOR TEMPORARY USE PERMITS AND MAKING TWO CLARIFICATIONS.

SECTION 1. Amends the fee charged by the Planning Department in KMC Section 5.74.070 relating to temporary use permits.

SECTION 2. Provides an effective date for the fees and confirms the current rates remain in effect until that date.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2008.

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

City Clerk

**CITY OF KIRKLAND**

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

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Jeremy McMahan, Planning Supervisor

Date: January 3, 2008

Subject: DOWNTOWN STRATEGIC PLAN ASSESSMENT AND UPDATE – PHASE II WORK PLAN
(FILE NO MIS07-00011)

RECOMMENDATION

Review the draft work plan and a budget proposal for Phase II and provide direction to staff and the Downtown Advisory Committee (DAC).

BACKGROUND DISCUSSION

The process of updating the 2001 Downtown Strategic Plan was divided into two phases - Phase I (assessment) and Phase II (update). Phase I was completed with the delivery of the [Strategic Situation Assessment](#) to the City Council in October, 2007. The consulting budget for Phase I was \$74,600.

Strategy areas that the DAC proposed to focus on in the Phase II DSP update were divided into two major categories (a complete listing of the strategic recommendations is included in Attachment 1):

- **Management, Organizational, and Marketing Strategies** (e.g. – complete vision, demonstrate City leadership, develop partnerships, coordinated marketing, etc.)
- **Design, Infrastructure and Regulatory Strategies** (e.g. – identify and address development barriers, connect sub-districts, refine parking strategies)

Based on review of the Situation Assessment Council in October and further discussions with the Economic Development Committee (EDC), staff has been working to prioritize the focus of the update. At this time, the available budget is limited to the \$30,000 which Council would reallocate from the Lakeshore Plaza budget. We do not anticipate a complete update to the 2001 Downtown Strategic Plan unless additional funding is available in a future budget. In weighing the priorities identified in the Strategic Situation Assessment and the relatively limited project budget, staff recommends that the next phase of work be scoped tightly around the issues identified related to ground floor uses and retail opportunities/challenges. A draft work plan is included as Attachment 2. Once Council provides the DAC with direction, staff will retain appropriate consulting.

By focusing on this key component and providing the DAC with supporting technical consulting, we hope to identify strategies that that can be implemented quickly. However, we should also expect the study to indicate the need for changes at a more significant policy level. Further steps and strategy development would require additional Council direction and need to be part of any future budget request.

It should be noted that there has been community interest in having the DSP update include a review of downtown building heights. The City's policies and regulations for building heights are set forth in the Comprehensive Plan and Zoning Code. The statutory process for creation and amendment to these documents falls to the Planning Commission and City Council. The Council will be discussing downtown zoning at their retreat in March.

Also absent from the work plan is specific work on the parking strategy. Council has recently tasked the City Parking Advisory Board with work on parking revenue/management and parking supply. Two members for the PAB serve on the DAC so there are channels for communication and collaboration between the groups. The PAB should continue to lead and may consult with the DAC as needed.

DOWNTOWN ADVISORY COMMITTEE

The DAC had requested that the group be expanded to include four additional members (gallery, retail, restaurant, and youth). The Economic Development Committee has appointed four new downtown merchants to the DAC (Todd Ormsby, The Slip; Penny Sweet, Grape Choice; Teresa Carolan, Studio 150; and Gunnar Nordstrom, Gunnar Nordstrom Gallery. Given the retail focus of Phase II, the EDC decided to solicit the additional merchant expertise in-lieu of adding a youth member to the group. The previously appointed 16 members will continue to serve on this phase of work.

BUDGET

Staff recommends that Council authorize funding for the update from the Lakeshore Plaza study budget (approximately \$30,000).

The following excerpts from the October, 2007 Strategic Situation Assessment are provided for easy reference. The complete document may be viewed by [clicking here](#). The recommendations are cross-referenced to the proposed scope of work in Attachment 2

DAC STRATEGIC RECOMMENDATIONS FOR THE DSP UPDATE:

A. MANAGEMENT, ORGANIZATIONAL AND MARKETING STRATEGIES

- A.1 Complete the New Vision for Downtown and Communicate it Broadly.** The focus groups and stakeholder interviews showed that the vision for downtown is not clear to people. People aren't sure what the City is doing downtown now, what its vision is, and how it is working to operationalize that vision. There is a desire for the City to clearly define and communicate its vision. This will be especially important as the City addresses specific planning and redevelopment proposals in the next year.
- A.2 City Commitment and Leadership.** Given downtown's challenges and many opportunities, people want the City to show leadership downtown. In nearly every focus group, people were asking for decisions, action strategies and steps to address problems and make improvements. Citizens would like the City to articulate downtown's next chapter and lead the way in making it a reality. Key to that leadership is clarity in the vision, an effective supporting implementation strategy, and maintaining effective communication with the community.
- A.3 Focus on Retention and Recruitment of Complimentary Businesses.** In the 2001 DSP, a major focus was on improvements to the physical environment. In the updated Plan, a special focus could be devoted to improving the downtown business climate, especially through identifying complimentary businesses to attract and recruit to downtown. Another focus area could be on organizing businesses to work together, and in concert with the City, the Kirkland Downtown Association (KDA), and the Greater Kirkland Chamber of Commerce (Chamber). Specific strategy recommendations may include building on Kirkland's existing identified market strengths.
- A.4 Focus and Strategically Direct City Resources.** The City is investing resources and money downtown through several avenues—planning, economic development, tourism and Lodging Tax revenue, direct financial support to the KDA, and to the Chamber for business retention technical assistance. With City resources diffused across multiple resources, there is confusion among stakeholders about what the City is and isn't doing, and where to turn for help. Moreover, the public doesn't fully see the City's role or support for downtown; it isn't clearly visible. Many businesses likewise don't know about the resources that are available through the City, the Chamber, and KDA. Pulling all of these resources together through an integrated City funding and resource strategy would create leverage and provide clarity to stakeholders and the public about the City's role and the resources available.
- A.5 Define and Develop New Partnerships Downtown.** Expectations of what the City can do alone in the downtown are often too high. More effective would be an approach in which the City and the downtown business community develop an integrated strategy for improving downtown, with clear roles and responsibilities for each party. Following the theme of "Public Actions, Private Opportunities" the downtown should have strong, collaborative partnerships

with each of the key segments of the downtown business community. In particular, there is an opportunity to define a larger role and responsibilities for the KDA—to make the organization a full partner in realizing the vision and goals of the DSP, and to hold the organization accountable for achieving certain performance objectives.

- A.6 Identify and Encourage New Roles for Property Owners.** Property owners play a critical role in downtowns—in selecting the right retail mix and tenants, in maintaining, managing and investing in their properties, and in participating in partnerships with the City and other businesses for marketing, communications, and business attraction purposes.

The emerging property owners group presents a significant opportunity for the City to develop improved relationships and partnerships with downtown property owners. Building on the interest and momentum that has been generated through the planning process, there are likely opportunities for business-to-business partnerships as well. Some of these were suggested in the focus groups, involving joint marketing and communications across businesses. The City can help guide and support all of these partnerships.

- A.7 Downtown Marketing Strategy.** Downtown retailers say that additional marketing is needed for downtown to increase awareness and attract new customers. Retailers noted that customers don't know all of the offerings and the opportunities to shop in various downtown businesses. They urge a coordinated, broad marketing and increased awareness campaign for the downtown, with memorable messages that will bring shoppers to the area. A coordinated marketing program, with walking maps, joint advertising, signage and window display standards, and related strategies could help package the downtown as an attractive, cohesive shopping district, rather than a series of individual stores working alone.

B. DESIGN, INFRASTRUCTURE AND REGULATORY STRATEGIES

- B.1 Identify and Address Barriers to Desired Development.** Revisit the City's regulatory requirements to remove barriers to high quality development, particularly to enable a more diverse mix of housing and to support creation of office uses to bolster the area's business climate while supporting the overall vision for Downtown Kirkland.

This area has been perhaps the most contentious and debated issue in Downtown Kirkland. As outlined in the Assessment of Current Challenges, many developers would like the City to increase height limits to improve economic feasibility, while many residents would prefer height limits are maintained or reduced to retain Kirkland's character.

This kind of community discussion, debate, and even disagreement about the specifics of zoning codes is not uncommon, and can even be expected in an attractive and successful community. Moreover, the codes and policies that govern downtown Kirkland are the product of previous public process that has taken place over many years. At the strategic level, this kind of debate challenges leaders to either develop strategies that build on established codes and policies or to revisit established codes and policies. The DAC will look to the City Council for guidance on what specific issues to explore versus issues that should be left to the Planning Commission, Parking Advisory Board, or other appropriate groups.

- B.2 Streetscape, Signage and Wayfinding Upgrades.** Review and make investments in downtown's urban design realm, including particularly streetscape, signage, and wayfinding,

all of which would improve downtown's appearance and accessibility. This recommendation stems from the focus group research, which showed that people coming from outside the area aren't sure where to go in downtown. Improved signage would help direct people and publicize the district's offerings. Similarly, there are opportunities to improve sidewalks (broken and cracked in places), lighting, and tree plantings that would create a fresher and more vibrant feeling downtown.

B.3 Connectivity Between Downtown's Sub-Districts. Focus groups consistently emphasized the importance of strengthening the pedestrian spine between the waterfront and Park Place. Design, management and marketing strategies that better connect the two activity centers would benefit economic activity in both places, and would improve the overall downtown experience.

B.4 Downtown Parking Strategy. Parking plays an important supportive role in the success of downtown. The City will have to refine its downtown parking strategy to achieve the vision. An effective parking management strategy will utilize existing spaces more efficiently, and will add to the inventory effectively, to serve new development. Working with the Parking Advisory Board and key downtown stakeholders (including the KDA, the Chamber, and downtown property owners and individual businesses), the City should consider a review and updates to the downtown parking management strategy and the codified parking requirements for various property uses to ensure that they support the updated vision and strategic plan. This strategy could possibly include parking validation programs, establishing an a long-term approach to paid parking, encouragement of public/private parking provision, shared parking, and a feasibility study and plan to develop potential new parking supply downtown.

DAC WORKING VISION STATEMENT:

Downtown Kirkland is a vibrant and charming urban waterfront community with unique shopping, destination dining, public art and galleries, beautiful parks and gathering places.
It is an economically vital, pedestrian-friendly district that attracts the City's residents and visitors to enjoy its heritage and waterfront ambiance.

Guiding Principles for a Great Downtown Kirkland

The City and the community will collaborate to encourage:

- A safe, family-friendly environment
- Year-round activity with a mix of daytime and night-time uses
- A complimentary and successful mix of retail shops and services
- A balance of residential, office, retail, and entertainment uses
- Adequate transportation access and parking
- Sustainable and visually appealing architecture, public spaces, and amenities
- Improvements that embrace the waterfront and connect the Lake to downtown and Park Place

With this vision, downtown will flourish, help build community, and uniquely reflect Kirkland

Downtown Advisory Committee Work Plan Downtown Retail/Ground Floor Strategy

Note: The Strategic Situation Assessment (SSA) strategy areas are included parenthetically with references to the DAC recommendations in Attachment 1.

Step	Task	Consultant Resources
1. Information Gathering	<ul style="list-style-type: none"> ▪ Inform DAC and consulting team on current City, Chamber, and KDA efforts on (A.3, A.7): <ul style="list-style-type: none"> ○ Business recruitment ○ Business retention ○ Marketing and tourism (LTAC) ▪ Inform DAC and consulting team on current City, Chamber, KDA responsibilities and partnerships (A.5, A.6) ▪ Inform DAC and Consulting Team on current City regulations related to retail (design standards, parking requirements, sign regulations...) (B.1) 	Facilitation
2. Research	<ul style="list-style-type: none"> ▪ Retain consulting team to conduct a retail market feasibility analysis, including (A.3, B.1): <ul style="list-style-type: none"> ○ Review of community retail interests from stakeholder process ○ Evaluate what the market can support for downtown retail ○ Evaluate existing (and approved) retail spaces ○ Identify space needs (for new space and existing space) ○ Evaluate how current codes influence retail market ○ Identify sites where ground floor uses are not supporting desired land use patterns ○ Evaluate edge/perimeter retail challenges ○ Evaluate market realities of improving underperforming sites ○ Evaluate allowed/prohibited ground floor uses ○ Evaluate role of parking requirements in market decisions 	Facilitation, Retail Market Analysis, Development, Urban Design
3. Recommendations	<ul style="list-style-type: none"> ▪ DAC recommendations to Council on: <ul style="list-style-type: none"> ○ Retail market conditions reality check (A.3) ○ Potential tools to influence the market in positive direction ○ Potential partnership improvements (City, Chamber, KDA, downtown property owners, and residents,...) (A.5, A.6) ○ Funding and resource strategies to support recommendations (A.4) ○ Updated working vision statement based on findings (A.1) 	Facilitation, Retail Market Analysis, Development, Urban Design

**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
Lauri Anderson, AICP, Consultant

Date: January 2, 2008

Subject: MISCELLANEOUS ZONING AND MUNICIPAL CODE
AMENDMENTS, FILE NO. ZON06-00033

RECOMMENDATION

Adopt two ordinances—one for the Zoning Code and one for the Municipal Code—to enact the changes recommended under the Miscellaneous Zoning and Municipal Code Amendments project, File No. ZON06-00033.

BACKGROUND DISCUSSION

At the City Council meeting on December 11, 2007, staff was directed to make minor changes to the ordinances for the Miscellaneous Amendments project and to discuss with the Houghton Community Council their recommendations on four items:

- prohibited vegetation (new Zoning Code Section 95.52),
- garage requirements (new Section 5.10.326.5, changes to multiple zoning districts and revisions to Section 115.43),
- oversize vehicle regulations (Section 115.150), and
- personal wireless service facilities (PWSF) review process for antennas on buildings in parks (Section 117.40).

The Houghton Community Council met on December 19, 2007 and considered these four issues. Ultimately, the Community Council agreed to support the prohibited vegetation amendment. They also endorsed the change from Process I to Planning Official decision for PWSF on buildings in parks (as recommended by the Planning Commission), as long as Parks Board approval was received prior to consideration by the Planning Official.

The Community Council continues to reject the new garage requirements, and supports the Planning Commission's recommendation that the rules be written so as not to apply within the Houghton jurisdiction.

For the oversize vehicle regulations, the Community Council still recommends that the 48-hour time limitation be retained (rather than the 24-hours recommended by the Planning Commission). The

Memo to David Ramsay

Page 2

January 2, 2008

Community Council described scenarios in which a person might rent a large RV on a Friday evening for loading/unloading on Saturday, and vacation departure on Sunday. Community Council members felt that the 24-hour limitation would not give that person adequate time to pack. Too, the Community Council pointed out that for eight to twelve hours of the 24 hour total, it would be night-time.

Also in the course of the discussion on the oversize vehicle time limitation, the Community Council recommended that the front yard parking restriction for boats 16' to 22' long and between 5' and 9' in height at the gunwale (including any boat trailer) be eliminated. They wish to retain the ability to park or store a boat of this size in the front yard.

The Houghton Community Council meeting packet can be found at http://www.ci.kirkland.wa.us/depart/Planning/Houghton_Community_Council_Meeting_Information.htm and the minutes and audio-recordings of their meeting can be reviewed at http://kirkland.granicus.com/ViewPublisher.php?view_id=16.

Staff has adjusted the proposed ordinances to reflect the following:

- Revise the vehicle, boat, trailer language in Section 115.150, oversize vehicle regulation, to clarify that any combination thereof (boat plus trailer, for example) is covered by the regulation, as requested by the City Council. (If the City Council wishes to adopt the changes to this section recommended by the Houghton Community Council, the 24-hour limitation would revert to a 48-hour limitation within any consecutive seven-day period, and the last sentence in subsection 1 which begins, "Any boat that is 16 feet or longer..." would be eliminated.)
- Add language to Section 117.40, PWSF review process for antennas on buildings in parks, to state that Park Board approval must be received prior to consideration by the Planning Official, as suggested by the Community Council.
- Eliminate the petition appeal language from Chapter 142, Design Review, Section 142.40, as requested by the City Council.
- Revise all Municipal Code sections regarding subdivision process application materials to reference "any additional pertinent information necessary for adequate review of the application," rather than "any additional pertinent information required at the discretion of the public works or planning directors," as requested by the City Council.

Staff has also made a very minor change to Plate ___ (Measuring Maximum Horizontal Façade) to eliminate extraneous lines that could be confusing to permit applicants. This change does not impact either the measurement method or the fundamental content of the plate.

Enclosures

Ordinance – Zoning Code, and Publication Summary

Ordinance – Municipal Code, and Publication Summary

ORDINANCE NO. 4121

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72—ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and Houghton Community Council; and.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

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

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, all portions of this ordinance excluding Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law. Sections 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43 shall be in full force and effect one-hundred twenty (120) days from and after passage of this ordinance by the Kirkland City Council and its publication in summary form.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 20__.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A

ZONING CODE AMENDMENTS
File No. ZON06-00033

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Zoning Code, that is to be deleted.
 - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
-

Chapter 1 – User Guide

1.10 Amend Additional Regulations to add new reference as follows:

26. Landscaping – Are you interested in landscaping your property? If so, you should read KZC 95.52, Prohibited Vegetation.

Chapter 5 – Definitions (Note: Only definitions for which changes are being made are included below. All other definitions in Chapter 5 of the Kirkland Zoning Code remain unchanged).

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

- .045 Average Building Elevation – The weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure, including decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, and including cantilevered portions of a building which enclose exterior space.
- .145 Commercial Zones – The following zones: BN; BC; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 5; TL 6A; TL 6B; and TL 8.
- .298 FAA – The Federal Aviation Administration.
- .299 FCC – The Federal Communications Commission.
- .302 Family Day Child-Care Home – A child-day-care operation in the family living quarters of the provider's home for no more than 12 children, not including family members who reside in the home or employees of the family day-care home, licensed by the Department of Early Learning.

~~.305 Fast Food Restaurant – An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.~~

.323 Flag Lot - A lot which has a very narrow frontage along the right-of-way in order to accommodate the driveway which accesses the wider, buildable portion of the lot.

326.5 Front Façade – The face of a building essentially parallel to the street, access easement or tract serving the subject property. The front façade may have multiple planes, including a covered entry porch. On a corner lot, the front façade shall be the façade that includes the main entry.

.507 Maximum Horizontal Façade – The widest cross-section of the building(s) in the area adjoining the low density zone or within 100' of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate ____.)

.595 Office Zones – The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; JBD 3; PLA 3A, PLA 5B, C; PLA 6B; PLA 15A; PLA 17A; FC III; MSC 1; MSC 4; NRH 2; NRH 3; NRH 5; NRH 6; RH 4; RH 8; TL 1A; TL 10A, TL 10B; TL 10C; TL 10D; and TL 10E.

.790 Restaurant or Tavern – Commercial use (~~excluding fast food restaurants~~) which sells prepared food or beverages and ~~generally offers accommodations for consuming the food or beverage on the premises,~~ and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.960 Use Zone

Amend definition to add new zoning categories:

MSC 1
MSC 2
MSC 3
MSC 4

Chapter 10 – Legal Effect

10.25 Amend Zoning Categories Adopted as follows:

The City is divided into the following zoning categories:

<u>Zoning Category</u>	<u>Symbol</u>
1.-10. <i>No change</i>	
<u>11. Market Street Corridor</u>	<u>MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)</u>
12.-17. <i>No change, but renumbered</i>	

Chapter 40 – BN Zone

40.10.090 Revise the Required Rear Yard for the Office use listing as follows:

Required Rear Yard: ~~20'~~ 10'

Chapter 48 – LIT Zone

48.15 Add new use listing 48.15.075 as follows:

A Retail Establishment Providing Rental Services (add same standards as 48.15.070)

48.15.190 Amend Vehicle or Boat Repair, Services or Washing as follows:

Vehicle or Boat Repair, Services, Storage, or Washing

Chapter 50 – CBD Zones

50.30.2 Amend General Regulation No. 2 in CBD4 as follows:

2. Structures east of Second Street South shall be setback ~~20~~ 10 feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).

50.30.5 Amend General Regulation No. 5 in CBD4 as follows:

5. No portion of a structure within 100 feet of the southerly boundary of 2nd Avenue South abutting Planned Area 6C may exceed ~~25~~ 35 feet. No portion of a structure within 40 feet of First Avenue South shall exceed 3 stories (does not apply to Detached Dwelling Unit uses).

Chapter 53 – RH Zones

Change Required Front Yard for all uses except vehicle service station and public park as follows in the RH2A,B,C (Section 53.24) and RH5A,B (Section 53.54) zones:

10' adjacent to NE 85th St; ~~Otherwise 20' adjoining a residential zone.~~

AND

Change required front yard for all uses except public park as follows in the RH7 (Section 53.74), and RH8 (Section 53.84) zones:

10' adjacent to NE 85th St; ~~Otherwise 20' adjoining a residential zone.~~

Chapter 55 – Totem Lake Zones

55.55.2 In the TL 8 zone, amend General Regulation No. 2 as follows:

Ground floor uses on the ~~three~~ two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns ~~and/or fast food restaurants.~~

55.69.020 In the TL10A zone, Office Use, add Special Regulation No. 4 as follows:

- 4. The follow regulations apply only to veterinary offices:
 - a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A.

- b. Outdoor runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals.

See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

55.69.020 In the TL10A zone, Office Use, revise Required Parking Spaces as follows:

If manufacturing, then 1 per each 1,000 sq.ft. of gross floor area. If office, then 1 per each 300 sq.ft. of gross floor area. If a medical, dental, or veterinary office, then 1 per each 200 sq.ft. of gross floor area. Otherwise, see KZC 105.25.

55.69.060 In the TL10A zone, Convalescent Center use, revise use as follows:

Convalescent Center or Nursing Home

Chapter 60 – Planned Area Zones

60.85 Amend General Regulations in PLA6G as follows:

1. *No change*
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation, or
 - b. ~~The maximum horizontal length of any façade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.~~
See KZC115.30, Distance Between Structures—Regarding Maximum Horizontal Façade Regulation/Adjacency to Institutional Use for further details.
(Does not apply to Detached, Attached or Stacked Dwelling Units).
3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
4. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if
 - a. It will not block local or territorial views designated in the Comprehensive Plan;
 - b. The increased height is not specifically inconsistent with the application neighborhood plan provisions of the Comprehensive Plan; and
 - c. The need for additional setback yards to compensate for the added height and bulk will be determined as part of the review of any request to increase structure height.
(Does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
5. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

60.87 Amend 60.87.130 Attached or Stacked Dwelling Units use listing as follows:

Detached, Attached or Stacked Dwelling Units. See Special Regulation 6.

60.92.020 In the PLA 6H zone for Detached, Attached or Stacked Dwelling Units, delete Special Regulation 7 as follows:

~~Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.~~

68.187.070 In the PLA17 zone, eliminate Family Day-Care Home use listing (Section 60.187.070).

60.187.120 For Public Park use in the PLA17 zone (Section 60.187.120), delete required review process, all development standards, and special regulations and replace as follows:

Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.

Multiple Zoning Districts -- Garage Setback Requirements

Add reference to (under Required Front Yard) and Special Regulation for Detached Dwelling Unit use as follows in the RS (Section 15.10.010), RSX (Section 17.10.010), WDII (Section 30.25.010), PLA6C (Section 60.67.010), PLA6E (Section 60.77.010), and PLA16 (Section 60.182.010) zones:

Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.

Multiple Zoning Districts -- Ground Floor Use Requirements

Add a new General Regulation as follows in the BN (Section 40.08) and MSC2 (Section 51.18) zones:

At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Add a new General Regulation as follows in the BC (Section 45.08), BCX (Section 47.08), and MSC3 (Section 51.28) zones:

At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Amend Stacked Dwelling Unit Special Regulation as follows in the BN (Section 40.10.100), BC (Section 45.10.110), BCX (Section 47.10.110), MSC2 (Section 51.20.050) and MSC3 (Section 51.30.070) zones:

This use, with the exception of a lobby, may not be located on the ground floor of a structure.

Multiple Zoning Districts -- Landscape Buffering Requirements

Amend Detached, Attached or Stacked Dwelling Units, Special Regulation 4 addressing landscaping, as follows in the RM zone (Section 20.10.020):

4. Except for low density uses, if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA17, then landscape category A applies.

AND

Amend Detached, Attached or Stacked Dwelling Units, Landscape Category, to make reference to and add Special Regulation as follows in the RM zone (Section 20.10.020):

9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Landscape Category for Detached, Attached or Stacked Dwelling Units to make reference to and add Special Regulation as follows in the PLA 6F (Section 60.82.020), PLA6H (Section 60.92.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

- When a low density use abuts a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Special Regulation No. 2 in the PLA6H zone (Section 60.92.020) as follows:

2. Except for low density uses, ~~M~~ must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone.

Multiple Zoning Districts -- Maximum Horizontal Façade Requirements

Amend General Regulation as follows in the RS (Section 15.08) and RSX (Section 17.08) zones:

- ___ If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal length of any façade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

No change to remainder of section

AND

Amend General Regulation 2 as follows in the PLA6C (Section 60.65), PLA6E (Section 60.75), and PLA16 (Section 60.180) zones:

- 2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal length of any façade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures ~~Regarding Maximum Horizontal Façade Regulation/~~Adjacency to Institutional Use, for further details.

No change to remainder of section

AND

Amend Special Regulation No. 2, applicable to Public Utility and Government Facility and Community Facility uses in the WDII zone (Sections 30.25.030 and 30.25.040) as follows:

- 2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal length of any façade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures ~~Regarding Maximum Horizontal Façade Regulation/~~Adjacency to Institutional Use, for more details.

Multiple Zoning Districts -- Required Side Yard for Detached Dwelling Units

Amend Detached Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.010), PR (Section 25.10.010), MSC1,4 (Section 51.10.010), PLA3A (Section 60.22.010), PLA5A (Section 60.32.010), PLA5C (Section 60.42.010), PLA5D (Section 60.47.010), PLA5E (Section 60.52.010), PLA6A (Section 60.57.010), PLA6B (Section 60.62.010), PLA6D (Section 60.72.010), PLA6F (Section 60.82.010), PLA6H (Section 60.92.010), PLA6I (Section 60.97.010), PLA6J (Section 60.102.010), PLA6K (Section 60.107.010), PLA7A,B,C (Section 60.112.010), PLA9 (Section 60.132.020), and PLA15B (Section 60.177.010) zones:

~~5', but 2 side yards must equal at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the CBD3 (Section 50.27.080) and CBD4 (Section 50.32.110) zones:

~~5', but 2 side yards must be at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.010):

~~5', but 2 side yards must equal to least 15'.~~

AND

Eliminate related Special Regulation as follows in the RM zone (Section 20.10.010):

- 3. ~~If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq.ft., each side yard may be five feet.~~

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.020), PR (Section 25.10.020), MSC1,4 (Section 51.10.020), NRH2 (Section 54.18.010), NRH3 (Section 54.24.010), NRH5 (Section 54.36.010), NRH6 (Section 54.42.010), PLA5A (Section 60.32.020), PLA5C (Section 60.42.020), PLA5D (Section 60.47.020), PLA5E (Section 60.52.020), PLA6A (Section 60.57.020), PLA6B (Section 60.62.020), PLA6D (Section 60.72.020), PLA6F (Section 60.82.020), PLA6G (Section 60.87.130), PLA6H (Section 60.92.020), PLA6I (Section 60.97.020), PLA6J (Section 60.102.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

5' for Detached Units. For Attached or Stacked Units, 5', but 2 side yards must equal at least 15'. No change to remainder of section.

AND

Amend Detached Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.020):

5' for Detached Units. For Attached or Stacked Units, 5', but 2 side yards must equal to at least 15'.

Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Prohibited

Eliminate Fast Food Restaurant use listing in the CBD1 (Section 50.12.050), CBD8 (Section 50.52.020), JBD4 (Section 52.27.030), JBD5 (Section 52.32.030), JBD6 (Section 52.42.020) and NRH1A (Section 54.06.040) zones.

AND

Amend Restaurant or Tavern use listing to add new Special Regulation as follows in the PR (Section 25.10.050), PO (Section 27.10.020), WDI (Section 30.15.060), CBD1 (Section 50.12.010), CBD4 (Section 50.32.010), JBD4 (Section 52.27.020), JBD5 (Section 52.32.020), JBD6 (Section 52.42.010), NRH1A (Section 54.06.030), and NRH1B (Section 54.12.020) zones:

___ Drive-in or drive-through facilities are prohibited.

AND

Amend Fast Food or Restaurant use listing as follows in the LIT zone (Section 48.15.200):

~~Fast Food or Restaurant.~~ See Spec. Reg. 1.

AND

Amend Any Retail Establishment use listing Special Regulation 1 as follows in the CBD3 zone (Section 50.27.040):

- 1. The following uses are not permitted in this zone:
 - a. Vehicle service stations

- b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.
- e. ~~Fast food restaurants.~~
- ~~c.d.~~ Drive-in facilities and drive-through facilities.

AND

Amend use listing as follows in MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), MSC3 (Section 51.30.010), TL10C (Section 55.81.140), TL10D (Section 55.87.140), and TL10E (Section 55.93.120) zones:

~~Restaurant, or Tavern or Fast Food Restaurant~~

AND

Amend Special Regulation 1 in the MSC2 zone (Section 51.20.020) as follows:

- 1. ~~Restaurants and;~~ taverns ~~and fast food restaurants~~ are limited to 4,000 sq.ft. maximum.

AND

Eliminate Special Regulation 3 as follows in the MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), and MSC3 (Section 51.30.030) zones:

- ~~3. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.~~

AND

Amend Any Retail Establishment... Special Regulation 1 as follows in the RH1B zone (Section 53.12.030):

- 1. This use is only permitted south of NE 90th Street if the vehicle trip generation will not exceed the traffic generated by a general office use; provided, that the following retail uses are not permitted:
 - a. ~~Restaurants, fast food restaurants~~ or taverns.
 - b. A retail establishment involving repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.
 - c. Vehicle service stations.
 - d. Automotive service centers.
 - e. Uses with drive-in or drive-through facilities.

AND

Amend General Regulations as follows in the RH7 zone (Section 53.72):

- 1.-6. *No change*
- 7. Drive-through and drive-in facilities are not permitted in this zone.
- 8.-11. *No change*

AND

Amend use listing as follows in the RH7 zone (Section 53.74.010):

~~Restaurants, or Taverns or Fast Food Restaurants~~

AND

Amend use listing as follows in the RH7 zone (Section 53.74.080):

Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants, or Taverns, or Fast Food Restaurants.

AND

Amend General Regulations as follows in the RH8 zone (Section 53.82):

- 1.-7. *No change*
- 8. Drive-through and drive-in facilities are not permitted in this zone.
- 9.-12. *No change*

AND

Amend A Multi-Use Complex use listing as follows in the TL7 zone (Section 55.51.140):

A multi-use complex or mixed use building containing 7 or more restaurants, taverns, ~~fast food restaurants,~~ retail establishments, or churches

AND

Amend use listing as follows in the TL7 zone (Section 55.51.190):

~~Fast Food or Restaurant~~

AND

Amend Restaurant or Tavern use Special Regulation 3 as follows in the TL8 zone (Section 55.57.050):

- 3. Outdoor storage and drive-in or drive-through facilities are not permitted.

AND

Amend Special Regulation 1 as follows in the TL10C zone (Section 55.81.140):

- 1. This use is permitted if accessory to a primary use, and:
 - a. It will not exceed 20 percent of the gross floor area of the building;
 - b. It is not located in a separate structure from the primary use;
 - c. The use is integrated into the design of the building;
 - d. There is no vehicle drive-in or drive-through;
 - ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10D zone (Section 55.87.140):

- 1. This use is permitted if accessory to a primary use, and:

- a. It will not exceed 20 percent of the gross floor area of the building;
- b. It will not be located in a separate structure from the primary use;
- c. It will not exceed 50 percent of the ground floor area of the building;
- d. The use is integrated into the design of the building; and
- e. There is no vehicle drive-in or drive-through; and
- ~~f. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10E zone (Section 55.93.120):

- 1. This use is permitted if accessory to a primary use, and:
 - a. It will not exceed 20 percent of the gross floor area of the building;
 - b. It is not located in a separate structure from the primary use;
 - c. The use is integrated into the design of the building; and
 - d. There is no vehicle drive-in or drive-through; and
 - ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Development Containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility use listing to add new Special Regulation as follows in the PLA15A zone (Section 60.172.070):

- ~~___ Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.~~

Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Permitted

Eliminate Fast Food Restaurant use listing in the FCIII (Section 35.30.050), BC (Section 45.10.040), BCX (Section 47.10.040), CBD5 (Section 50.37.020), CBD6 (Section 50.42.020), CBD7 (Section 50.47.030), JBD1 (Section 52.12.050), JBD2 (Section 52.17.050), and NRH4 (Section 54.30.040) zones.

AND

Amend A Retail Establishment... Special Regulations as follows in the FCIII zone (Section 35.30.060):

- 1. *No change*
- 2. ~~The following regulation applies to retail establishments selling groceries and related items:—A Gross floor area for the use may not exceed 3,000 square feet.~~
- 3. ~~Fast Food Restaurant use must provide one outdoor waste receptacle for every eight parking stalls.~~
- 4. ~~Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.~~
- 5. *No change, except renumbered to 3.*

AND

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the FCIII (Section 35.30.020), BC (Section 45.10.030), and BCX (Section 47.10.030) zones:

- ___ For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
 - c. Landscape Category A shall apply.

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the BN zone (Section 40.10.060):

- ___ For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the CBD5 zone (Section 50.37.010):

- ___ For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
 - c. Landscape Category A shall apply if the subject property is adjacent to 6th Street or Kirkland Avenue.

AND

Amend Restaurant or Tavern use listing Special Regulation 1 and add new Special Regulation 3 as follows in the CBD7 zone (Section 50.47.020):

- 6. Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply.
- 3. For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add Special Regulation as follows in the JBD 1 zone (Section 52.12.040):

- 1. For restaurants with drive-in or drive through facilities:
 - a. These facilities are permitted only if they do not compromise the pedestrian orientation of the development. The location and specific design of the facilities require Planning Official approval.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
 - c. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - d. Landscape Category B shall apply.

AND

Amend Development Containing Two or More of the Following use listing as follows in the JBD1 zone (Section 52.12.120):

Development containing two or more of the following uses:

- Retail Establishments, including Restaurants; and Taverns, ~~and Fast Food Restaurants~~
- Office Uses
- Stacked or Attached Dwelling Units

AND

Amend Development Containing Two or More of the Following use listing Special Regulations 7 and 9 as follows in the JBD1 zone (Section 52.12.120):

7. If the development contains restaurant, tavern, ~~fast food restaurant~~, or retail use, then sign category E applies. Otherwise, sign category D applies.
9. Restaurants, taverns, ~~fast food restaurants~~, and retail establishments selling goods and services should be the ~~predominate~~ predominant use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the JBD2 zone (Section 52.17.040):

- ___. For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
 - c. Landscape Category B shall apply.

AND

Amend use listing as follows in the RH1A (Section 53.06.030) and RH3 (Section 53.34.040) zones:

~~Restaurant, Fast Food Restaurant~~ or Tavern

AND

Revise Special Regulation 1 as follows in the RH1A (Section 53.06.030) and TL4A,B, C (Section 55.33.040) zones:

1. For restaurants with drive-in or drive-through facilities:
 - a. ~~Must provide e~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Development Containing... use listing as follows in the RH3 zone (Section 53.34.010):

Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns, ~~fast food restaurants~~

AND

Amend Special Regulation as follows in the RH3 zone (Section 53.34.040):

- ~~Fast food~~ For Restaurants with drive-in or drive-through facilities:
 - a. ~~Shall provide~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend use listing as follows in the RH2A,B,C (Section 53.24.030), RH5A,B (Section 53.54.040), TL4A,B,C (Section 55.33.040), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

~~Restaurant, or Tavern or Fast Food Restaurant~~

AND

Amend Special Regulation as follows in the RH2A,B,C (Section 53.24.030), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

- ~~Fast food~~ For Restaurants with drive-in or drive-through facilities:
 - a. ~~Must provide~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Special Regulations 1 and 2 as follows in the RH5A,B zone (Section 53.54.040):

1. Taverns and ~~fast food~~ restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone, ~~except fast food restaurants which:~~
 - a. ~~Do not include drive-in or drive-through facilities; and~~
 - b. ~~Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs, and coffee makers in support of or ancillary to the beverages or snacks listed above; and~~
2. ~~Fast food~~ For restaurants with drive-in or drive-through facilities:
 - a. One outdoor waste receptacle shall be provided for every eight parking stalls.

- b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add the following Special Regulation in the NRH4 zone (Section 54.30.030):

1. The following regulations apply to restaurants with drive-in or drive-through facilities:
- a. This use is permitted only if the subject property abuts Slater Avenue NE. No aspect or component of a restaurant with drive-in or drive-through facilities may be located on or oriented towards NE 116th Street.
 - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
 - c. One outdoor waste receptacle shall be provided for every eight parking stalls.
 - d. Landscape Category A shall apply.

AND

Amend Development Containing Retail... use listing as follows in the TL2 zone (Section 55.21.010):

Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants; and Taverns ~~and Fast Food Restaurants~~, Banking and Other Financial Services

AND

Amend Special Regulation 3.c. as follows in the TL2 (Section 55.21.010), and TL5 (Section 55.39.010) zones:

- 3.c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns ~~and fast food restaurants~~ may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development.

Multiple Zoning Districts -- Used Vehicle/Boat Sales Permitted

Revise the use listing as follows in the BC (Section 45.10.020), NRH4 (Section 54.30.020), TL4A,B,C (Section 55.33.030), TL5 (Section 55.39.030), and TL6A,B (Section 55.45.020) zones:

A retail establishment providing ~~new~~ vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. ___.

AND

Revise Special Regulation 2 as follows in the BC zone (Section 45.10.020):

2. Vehicle and boat rental ~~and used vehicles or boat sales~~ are allowed as part of this use.

Multiple Zoning Districts -- Zero Lot Line Opportunities

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the WD1 (Section 30.15.020), WDIII (Section 30.35.020), and PLA15A (Section 60.172.020) zones:

Special Regulation ____ . Any required yard, other than the front or high water line required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL8 (Section 55.57.070), TL10B (Section 55.75.010), TL10C (Section 55.81.010), TL11 (Section 55.99.010), and PLA17 (Section 60.187.020) zones:

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.020):

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Stacked or Attached Dwelling Units and Office Uses, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.060):

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Other Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH2 (Section 54.18.010) and NRH3 (Section 54.24.010) zones:

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH5 (Section 54.36.010) and NRH6 (Section 54.42.010) zones:

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Attached or Stacked Dwelling Units and Offices, Restaurants or Taverns, or Retail Uses Allowed in this Zone, Required Yards, to make reference to and add Special Regulations as follows in the TL 8 zone (Section 55.57.080):

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation ____ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL10D zone (Section 55.87.100)

Special Regulation ____ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

AND

Amend Attached Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the PLA9 zone (Section 60.132.030):

Special Regulation . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

Chapter 72 – Adult Activities Overlay Zone

72.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Adult Entertainment Overlay Zone on the Zoning Map, using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 75– Historic Landmark Overlay Zone and Historic Residence Designation

75.10 Amend Historic Landmark Overlay Zone Designation – Required Review as follows:

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 80 – Equestrian Overlay Zone

80.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Equestrian Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 95 – Tree Management and Required Landscaping

95.40.6 Amend the Land Use Buffering Standards, sub (a), sub (1) (buffering standard 1) as follows:

- 1) Trees planted at the rate of one tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees eight feet in height, minimum. At least 70 percent of trees shall be evergreen. ~~Evergreen and deciduous~~ The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

95.52 Add a new section, Prohibited Vegetation, as follows:

Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

For landscaping not required under this chapter, this prohibition shall become effective on (effective date of ordinance). The City may require removal of prohibited vegetation if installed after this date. Residents and property-owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

Chapter 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

105.18 Pedestrian Access

2. Development standards required for pedestrian improvements-
 - a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:

1)-7) *No change*

8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

Chapter 115 - Miscellaneous Standards

115.10 Accessory Uses, Facilities and Activities

7. Family ~~Day~~Child-Care Home - Pursuant to Chapter ~~74.15 RCW~~ 43.215 RCW, a family ~~daychild~~-care home is a permitted accessory use in any residential or commercial zone which allowed residential use. A family ~~daychild~~-care home shall be subject to the following regulations:

- a. The family ~~daychild~~-care home is subject to the requirements established by the Washington State Department of ~~Social and Health Services (DSHS) (WAC Title 388)~~ Early Learning (DEL) (WAC Title 170).
- b. The family ~~daychild~~-care provider shall be licensed by ~~DSHS~~ DEL to operate a family ~~daychild~~-care home.
- c. A safe passenger loading area as certified by the ~~DSHS-DEL~~ licensor shall be provided.
- d. The family ~~daychild~~-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
- e. The family ~~daychild~~-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
- f. *No change.*
- g. *No change.*
- h. Prior to receiving State licensing, the family ~~daychild~~-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family ~~daychild~~-care home. The notification shall:
 - i. Inform the notified parties that comments may be submitted to the ~~State licensor~~ Department of Early Learning; and
 - ii. Provide contact information for submitting such comments to the ~~licensor~~ Department of Early Learning; and
 - iii. ~~Include a statement that neighborhood dispute resolution pertaining to the proposed family day-care home is available from DSHS.~~

The proof of notification shall be in the form of a written affidavit containing:

- 1) The date and means of notification;
- 2) A copy of the notification; and
- 3) A list of the parties to whom the notification was distributed.

115.30 Distance Between Structures/Adjacency to Institutional Use

1. Distance Between Structures
 - a. Apply to:
 - 1) Calculation of F.A.R. for detached dwelling units in low density zones, and

- 2) Regulation of maximum horizontal façade (see KZC 5.10.507 for definition).
- b. *No change*
- c. Exceptions
 - 1)-2) *No change*
 - 3) Detached dwelling units approved and constructed as a "Detached, Attached, or Stacked Dwelling Unit" are excluded from horizontal façade regulations and may be located within 10 feet of one another if they are separated by at least 10 feet.
 - 4) *No change*

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones

1.c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

115.43 Garage ~~Setback~~ Requirements for Detached Dwelling Units in Low Density Zones.

Eliminate existing requirements and replace with new section, as follows:

- ~~1. In a low density zone, the garage must be set back five feet from the remaining portion of the front façade of a dwelling unit, if:

 - a. ~~The garage door is located on the front façade of the dwelling unit; and~~
 - b. ~~The lot is at least 50 feet wide at the front setback line; and~~
 - c. ~~The garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage.~~~~
- ~~2. In measuring the garage setback, the front façade of the dwelling unit shall include covered entry porches that extend across 100 percent of the remaining front façade, but shall not include other elements that are allowed to extend into the required front yard, pursuant to KZC 115.115.~~
1. Purpose and Intent. The intent of these regulations is to minimize the appearance of the garage when viewing the front façade of a house. To achieve this result, the following principles apply:
 - a. The garage doors, whenever practicable, should not be placed on the front facade of the house;
 - b. If the garage doors are on the front façade, the garage should be set back from the plane of the front façade closest to the street, access easement or tract;
 - c. The width of the garage face generally should be no more than the width of the remainder of the front façade; and
 - d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front façade.

2. General Requirements
 - a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
 - b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front façade.
3. Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit
 - a. The required front yard for the garage shall be 8' greater than the required front yard for the remainder of the detached dwelling unit (not including covered entry porches approved under KZC 115.115.3.n).
 - b. The garage width shall not exceed 50% of the total width of the front façade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front façade, is less than 55'.)
 - c. For purposes of this section, the width of the front façade shall not include those items located along the side facades described in Section 115.115.3.d. of this code, even if they are outside of a required yard.
4. Exemptions. The following are exempt from the requirements of Subsection 3 of this section:
 - a. Houses on flag lots;
 - b. Houses with below-grade garages. For purposes of this exemption, a "below-grade garage" is one that has at least 75% of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.
5. Deviation From Requirements. The Planning Official may allow deviations from the requirements of this section if the following criteria are met:
 - a. The modification is necessary because of the size, configuration, topography or location of the subject property; and
 - b. The modification supports the purpose and intent of the garage setback regulations; and
 - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
 - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
6. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.59 Height Regulations – Calculating Average Building Elevation (ABE).

Modify existing subsections and add new subsection, as follows:

1. General – ABE shall be calculated using the following formula:

$$\text{ABE} = (\text{Mid-point Elevation}) \times (\text{Length of Segment}) +$$

$$\frac{(\text{Mid-point Elevation}) \times (\text{Length of Segment})}{(\text{Length of Segment}) + (\text{Length of Segment})}$$

(See Plates 17A and 17B. The permit applicant may choose whether to use the simplified calculation as depicted in Plate 17A, Option 1, or the more complicated calculation as depicted in Plate 17B, Option 2.)

For both options, the ABE segments shall include decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.

For Option 1, those items allowed to extend into required yards through Section 115.115.3.d shall not be included within the square or rectangle.

For Option 2, those items allowed to extend into required yards through Section 115.115.3.d shall be included in the wall segments.

For calculation of mid-point elevation, existing predevelopment grades shall be used, unless fill has been placed on the site, whether legally or illegally, within a 10-year period prior to the development application, in which case the grades prior to the placement of the fill shall be used.

2. *No change*

3. Partially underground structures or improvements – Building wall segments more than 4' in height above finished grade and enclosing interior space shall be included in the height calculations.

115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.

2. Exceptions

a. *No change*

b. An access easement or tract that is not included in the calculation of lot size serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.

c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided that:

1) This exception cannot be used for flag or panhandle lots;

2) *Renumbering, no change.*

3) *Renumbering, no change.*

d.i. *No change*

115.95 Amend Noise Regulations as follows:

1-2. *No change*

3. Exceptions:– Sounds created by emergency generators are exempt from the provisions of this section when:

- i. operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
- ii. conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.

~~3.4.~~ *No change*

115.115 Required Yards

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

- d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to detached dwelling units and their accessory structures located in low density zones in which the Floor Area Ratio regulations of KZC 115.42 apply may not extend closer than 4 feet to any property line. See Plate 10.

(codifies Interpretation 06-03)

- p. HVAC and similar types of mechanical equipment may be placed no closer than five feet ~~of~~ to a side or rear property line, and shall not be located within a required front yard; provided, that such HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

- a. Detached Dwelling Units and Duplexes

1) General – Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

- a) *no change*

- b) That for panhandle lots, a 5' setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
- c) *Renumbered, but no change.*

115.120 Rooftop Appurtenances

- 1. – 2. *No change*
- 3. Required Screening:
 - a. *No change*
 - b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.
 - c. *No change*
- 4. – 5. *No change*

115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

- 1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer, or any combination thereof, is both more than nine feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways. Any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.
- 2. Exceptions
 - a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than ~~48~~ 24 hours in any consecutive seven-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer.
 - b. The City may, using Process IIA, described in Chapter 150 KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:
 - 1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and
 - 2) The property abutting the subject property will not be impacted by the parking or storage; and
 - 3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and
 - 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

Chapter 117 – Personal Wireless Service Facilities

117.15 Definitions

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 5 KZC:

1. – 2. *No change*
 3. ~~“Building” shall mean a roofed structure used or intended for human occupancy.~~
 4. – 5. Renumber to 3. – 4.
 5. “Conductor” means a material or object designed and used to conduct heat, electricity, light, or sound, and contains electrical charges that are relatively free to move through the material. The term conductor does not include “insulator” or any connecting or support device.
 6. – 7. *No change*
 8. ~~“FAA” shall mean the Federal Aviation Administration.~~
 9. ~~“FCC” shall mean the Federal Communications Commission.~~
 8. “Insulator” means a material in a unit form designed and used so as to support a charged conductor and electrically isolate it.
 10. – 13. Renumber to 9. – 12.
 - 14 13. “Residential zone” for the purpose of this chapter, shall mean portions of the City in the following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 1; PLA 1; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; and be as defined in KZC 5.10.785, together with the PLA1 and P zones; and rights-of-way adjacent thereto to each of the aforementioned zones, measured to the centerline of the right-of-way.
 15. – 16. Renumber to 14. – 15.
- 117.40 Application Review Process Amend 117.40.1 (Planning Official Decision) and add a new subsection (e), to read:
- e) Attachment of antennas to existing buildings within a public park, regardless of zone, if approved by the Park Board.
- 117.40 Application Review Process Amend 117.40.2 (Process I Permit) as follows:
- a) – c) *No change*

- d) Attachment of antennas to nonresidential buildings, such as schools or churches, in residential zones, except when located in a public park.³ See KZC 117.65(7).

117.40 Application Review Process Amend 117.40.3 (Process IIA Permit) as follows:

- a) – b) *No change*
- c) Attachment of antennas to multifamily residential buildings in any residential zones³.

117.65 PWSF Standards Amend 117.65.6 as follows:

6. Antennas on a Utility Pole – Antennas mounted to an existing or replacement utility pole shall be subject to the following height limits:
- a. In any zone, 15 feet above the top of a pole not used to convey electrical service;
 - b. In a residential zone, 15 feet above the electrical distribution or transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service; and
 - c. In a nonresidential zone, 15 feet above an electrical distribution conductor or 21 feet above an electrical transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service.
 - d. On Seattle City Light transmission towers, regardless of zone, 15' above the top of the tower, before any tower extensions, subject to the concealment measures identified in Section 117.65.3.

117.70 Equipment Structure Standards Amend 117.70.3 as follows:

3. Equipment Structures Located in Right-of-Way –
- a. If ground-mounted, equipment structures shall not exceed a height of 30 inches. If mounted on poles, said structures shall comply with subsection (6) of this section. Setback requirements do not apply to equipment structures located in the right-of-way.
 - b. Exception: The Planning Official may increase the 30 inch height limitation for ground-mounted equipment structures to a maximum of 66 inches, if:
 - 1) The height increase is required by the serving electrical utility; and
 - 2) No feasible alternative exists for reducing the height of the structure;
and
 - 3) Concealment measures are employed; and
 - 4) The height increase will not adversely impact the neighborhood or the City.

Chapter 130 - Rezones

Sections:

- 130.05 User Guide
- 130.10 Types of Reclassification
- 130.15 Legislative Rezones – Applicable Process
- 130.20 Legislative Rezones – Criteria
- 130.25 Legislative Rezones – Map Change
- 130.30 Quasijudicial Rezones – Applicable Process
- 130.35 Quasijudicial Rezones – Application
- 130.40 Quasijudicial Rezones – Types
- 130.4540 Quasijudicial ~~Nonproject~~ Rezones – Criteria

- ~~130.5045~~ Quasijudicial ~~Nonproject~~ Rezones – Map change
- ~~130.55~~ Quasijudicial Project Rezones – General
- ~~130.60~~ Quasijudicial Project Rezones – Criteria
- ~~130.65~~ Quasijudicial Project Rezones – Effect of Approval
- ~~130.70~~ Quasijudicial Project Rezones – Minor Modifications
- ~~130.75~~ Quasijudicial Project Rezones – Major Modifications
- ~~130.80~~ Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone
- ~~130.85~~ Quasijudicial Project Rezones – Map Change

130.35 User Guide

This chapter establishes the mechanism and criteria for the City to change a zoning classification on the Zoning Map and to change the boundaries of zones on the Zoning Map. This mechanism is called rezoning. If you are interested in proposing a rezone or want to participate in the City's decision on a proposed rezone, you should read this chapter.

Please note that this chapter does not apply to proposals to amend the text of this code. Chapter 135 KZC describes how that can be done.

130.10 Types of Reclassification

There are two types of reclassification as follows:

1. Legislative Rezones – A rezone will be treated as a legislative matter when:
 - a. It is initiated by the City; and
 - ~~b. 1)~~ The subject property is part of a significant class of properties which are similarly affected by the proposed rezone; and
 - ~~c. 2)~~ It is either:
 - ~~1)~~ (a) Based upon and will implement the results of a comprehensive planning process; or
 - ~~2)~~ (b) Part of a process that includes, and is necessary to implement, amendment of the text of this code; or
 - ~~b.~~ It is initiated by the City and the sole purpose of the rezone is to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map; or
 - ~~c.~~ It is initiated by either the City or another party and will implement a citizen-initiated amendment to the comprehensive plan approved pursuant to Chapter 140 KZC.
2. Quasijudicial – A rezone will be treated as a quasijudicial matter when it does not meet the requirements of subsection (1) of this section. Quasijudicial rezones include proposals to change the Zoning Map within a range or category that is established by the existing comprehensive plan, comprehensive plan land use map and/or zoning code regulations, as well as proposals to place or remove an overlay zoning designation on the Zoning Map.

KZC 130.15 through 130.25 apply to legislative rezones. KZC 130.30 through ~~130.85~~ 130.45 apply to quasijudicial rezones.

130.15 Legislative Rezones – Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal for a legislative rezone; ~~provided, that a rezone for the purpose of correcting grammatical, labeling, scrivener's, or similar errors on the official Zoning Map may be processed either through Process IV or Process IVA pursuant to Chapter 161 KZC.~~

130.20 Legislative Rezones – Criteria

The City may decide to approve a ~~proposal to~~ legislative rezone ~~land~~ only if it finds that:

1. ~~Conditions have substantially changed since the property was given its present zoning or the proposal is consistent with the applicable provisions of~~ implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the ~~residents~~ community of Kirkland.

130.25 Legislative Rezones – Map Change

If the City approves a ~~proposal to~~ legislative rezone ~~land~~ it will give effect to this decision by making the necessary amendment to the Zoning Map of the City.

130.30 Quasijudicial Rezones – Applicable Process

The City will use Process IIB described in Chapter 152 KZC to review and decide upon an application for a quasijudicial rezone.

130.35 Quasijudicial Rezones – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

130.40 Quasijudicial Rezones – Types

~~There are two types of quasijudicial rezones as follows:~~

1. ~~Nonproject Related – A quasijudicial rezone will be treated as nonproject related when:~~
 - a. ~~The proposed rezone is initiated by the City and the subject property is not owned by the City; or~~
 - b. ~~The proposed rezone is from one single-family residential zone classification to another single-family residential zone classification; or~~
 - c. ~~The proposed rezone is to place or remove an overlay zoning designation on the Zoning Map under Chapters 70 through 80 KZC.~~

~~2. Project Related – A quasijudicial rezone will be treated as project related when it does not meet the provisions of subsection (1) of this section. All project related reclassifications require a specific development proposal for the subject property.~~

~~— KZC 130.45 through 135.50 apply to nonproject related quasijudicial rezones. KZC 130.55 through 130.85 apply to project related quasijudicial rezones.~~

130.4540 Quasijudicial Nonproject Rezones – Criteria

The City may approve an application for a ~~nonproject~~ quasijudicial rezone only if it finds that:

- ~~1. The proposed rezone is consistent with the Comprehensive Plan; and Conditions have substantially changed since the property was given its present zoning or the proposed rezone implements the policies of the comprehensive plan, and~~
- ~~2. The proposed rezone is compatible with the existing land uses in the immediate vicinity of the subject property; and~~
- ~~2.3. The proposed rezone bears a substantial relationship to the public health, safety, or welfare; and~~
- ~~3.4. The proposed rezone is in the best interest of the residents community of Kirkland; and~~
- ~~4. The proposed rezone is appropriate because either:~~
 - ~~a. Conditions in the immediate vicinity have so markedly changed since the property was given its present zoning and that under those changed conditions a rezone is within the public interest; or~~
 - ~~b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or~~
 - ~~c. —~~
- ~~4.5. If the rezone is to place or remove an overlay zoning designation on the Zoning Map, and the proposal meets the applicable designation criteria of Chapters 70 through 80 KZC;~~

~~provided, that a showing of changed conditions pursuant to subsection (4) of this section is not required if the rezone will implement the policies of the Comprehensive Plan.~~

130.5045 Quasijudicial Nonproject Rezones – Map Changes

If the City approves an application for a ~~nonproject related~~ quasijudicial rezone it will give effect to this decision by adopting an ordinance that makes the appropriate change to the zone boundary or zone classification on the Zoning Map.

130.55 Quasijudicial Project Rezones – General

~~The purpose of a project related rezone is to enable the City to evaluate the applicant's specific development proposal for the subject property as part of the decision on the rezone. If the City decides to grant the application, it will adopt a resolution of intent to rezone which permits the applicant to develop the subject property as shown on the site plan that will be approved as part of that resolution. After the approved development is completed, the City will make the appropriate change to the Zoning Map of the City.~~

130.60 Quasijudicial Project Rezones – Criteria

~~The City may approve an application for a project related rezone only if it finds that:~~

- ~~1. The criteria set forth in KZC 130.45 are met; and~~
- ~~2. The proposed project complies with this code in all respects; and~~
- ~~3. The site plan of the proposed project is designed to minimize all adverse impacts on existing land use in the immediate vicinity of the subject property.~~
- ~~4. _____~~

130.65 Quasijudicial Project Rezones – Effect of Approval

~~If City Council approves an application for a project related rezone, it will give effect to this decision by adopting a resolution of intent to rezone which will have the following effects:~~

- ~~1. Effect on the Applicant – The applicant may, subject to all other applicable codes and ordinances, develop the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution.~~
- ~~2. Effect on the City – If the applicant completes development of the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall make the zone boundary or zone classification change on the Zoning Map that was approved in that resolution.~~

130.70 Quasijudicial Project Rezones – Minor Modifications

~~Subsequent to the adoption of the resolution of intent to rezone, the applicant may apply for a minor modification to the site plan approved as part of that resolution. The Planning Official shall administratively review and decide upon an application for a minor modification. The City may approve a minor modification only if it finds that:~~

- ~~1. The change will not result in reducing the landscaped area, buffering areas or the amount of open space on the project; and~~
- ~~2. The change will not result in increasing the residential density or gross floor area of the project; and~~
- ~~3. The change will not result in any structure, or vehicular circulation or parking area, being moved more than 10 feet in any direction and will not reduce any required yard; and~~
- ~~4. The change will not result in any increase in height of any structure above any of the following:~~

- ~~a. Ten percent above the originally approved height;~~
 - ~~b. The maximum height of structure of the underlying zone; or~~
 - ~~c. The maximum allowable height, if any, specified in the resolution of intent to rezone; and~~
- ~~5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project.~~

130.75 Quasijudicial Project Rezones – Major Modifications

~~If the applicants seeks a modification to the approved site plan that does not meet all of the requirements of KZC 130.70, he/she may do so by submitting the application material required for a new quasijudicial project related rezone. The City will process and decide upon this application, using the provisions in KZC 130.55 through this section, as if it were an application for a new quasijudicial project related rezone.~~

130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone

- ~~1. Increased Time – City Council may, in the resolution of intent to rezone, extend the time limit of Chapter 152 KZC for the project.~~
- ~~2. Effect on Land Use If Resolution Lapses – If the resolution of intent to rezone lapses under the time limits of Chapter 152 KZC, or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the resolution of intent to rezone had not been granted.~~

130.85 Quasijudicial Project Rezones – Map Change

~~Upon completion of the project in full compliance with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall give effect to the rezone by adopting an ordinance that makes the change to the zone boundary or zone classification on the Zoning Map that was approved in the resolution of intent to rezone.~~

Chapter 142 – Design Review

142.35 Design Board Review (D.B.R.)

- ~~1. – 5. No change~~
- 6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Design Review within six (6) months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
 - ~~a. – c. No change~~

7. – 10. *No change*

Chapter 150 – Process IIA

150.90 Participation in the Appeal

Only those person entitled to appeal the decision under KZC 150.80(1) who file an appeal under KZC 150.80(2) may participate in the appeal; provided, that the applicant may submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal. These persons may participate in either or both of the following ways:

1. By submitting written arguments to the City Council prior to the commencement of the City Council's consideration of the appeal.
2. By appearing in person, or through a representative, at the City Council's consideration of the appeal and providing oral or written arguments directly to the City Council. ~~The Council may reasonably limit the extent of the oral arguments to facilitate the orderly and timely conduct of their consideration of the appeal.~~ The City Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each.

150.95 Nature of the Appeal and Scope of the Appeal

The appeal will be a closed record appeal. The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal, and City Council may only consider arguments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner. No new evidence may be presented.

Chapter 160 – Process IV

160.25 Threshold Review

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20, ~~to make a legislative rezone,~~ and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.
2. Threshold Review
 - a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those proposals eligible for further consideration. The recommendation shall be consistent with KZC 160.60 and based on the criteria described in Chapter 135 KZC for Zoning Code amendments and in Chapter 140 KZC for Comprehensive Plan amendments.
 - b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.
 - c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review

consistent with KZC 160.45 and include an analysis of the threshold criteria.

3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one of the following:
 - a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; and
 - b. The proposal has merit, but should be considered at a subsequent amendment phase; or
 - c. The proposal does not have merit and shall not be given further consideration.

Chapter 161 – Process IVA

161.25 Suitability for Process IVA

1. General – Process IVA is for:
 - a. ~~Minor~~ Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies, or
 - b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map.

The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

2. Distribution - *No change*

Chapter 180 – Plates

Revise Plate 17 as follows:

Plate 17A, Calculating Average Building Elevation, Option 1

Add two new plates as follows:

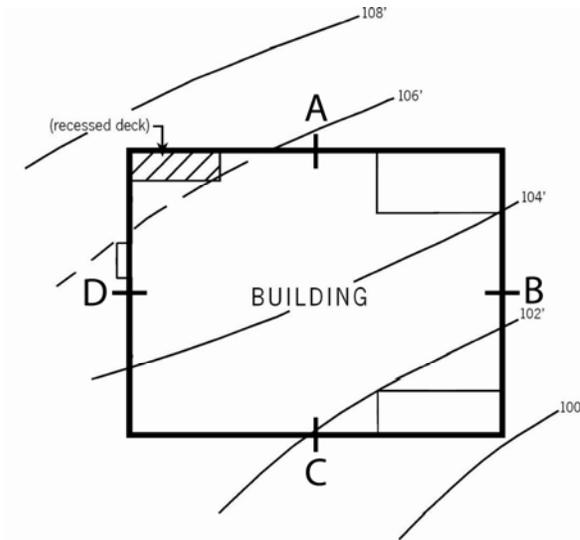
Plate 17B, Calculating Average Building Elevation, Option 2
Plate ____, Measuring Maximum Horizontal Facade

Plate 17A

**Calculating Average Building Elevation
Option 1**

A, B, C, D... Existing Ground Elevation at Midpoint of Rectangle Segment*
a, b, c, d... Length of Rectangle Segment*

*Rectangle includes the perimeter of a deck or porch, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.



Midpoint Elevation

A = 105.6
B = 102.5
C = 101.9
D = 105.2

Rectangle Segment Length

a = 47'
b = 40'
c = 47'
d = 40'

Site Plan
Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d)}{a + b + c + d} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

$$\frac{(105.6)(47) + (102.5)(40) + (101.9)(47) + (105.2)(40)}{47 + 40 + 47 + 40} = \frac{18,060.5}{174} = 103.80 \text{ ABE}$$



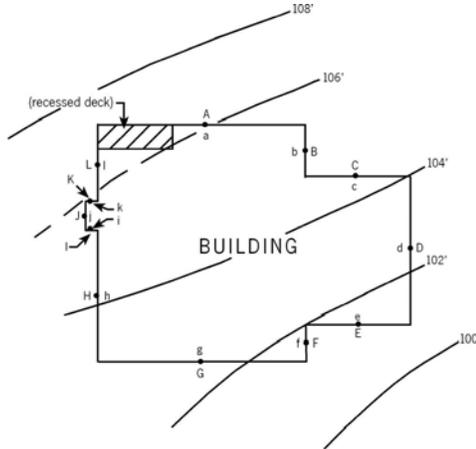
NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

Plate 17B

**Calculating Average Building Elevation
Option 2**

A, B, C, D... Existing Ground Elevation at Midpoint of Wall Segment*
a, b, c, d... Length of Wall Segment Measured on Outside of Wall*

*Wall Segment includes the perimeter of a deck, unless the deck has no walls at or below the deck level and no roof above the deck.



Midpoint Elevation	Wall Segment Length
A = 106.1	a = 30'
B = 104.7	b = 9'
C = 104.4	c = 17'
D = 102.2	d = 25'
E = 101.6	e = 13'
F = 101.7	f = 6'
G = 102.5	g = 34'
H = 104.2	h = 22'
I = 105.0	i = 2'
J = 105.5	j = 6'
K = 106.0	k = 2'
L = 106.8	l = 12'

Site Plan
Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) \dots + (L \times l)}{a + b + c + d + e + f \dots + l} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

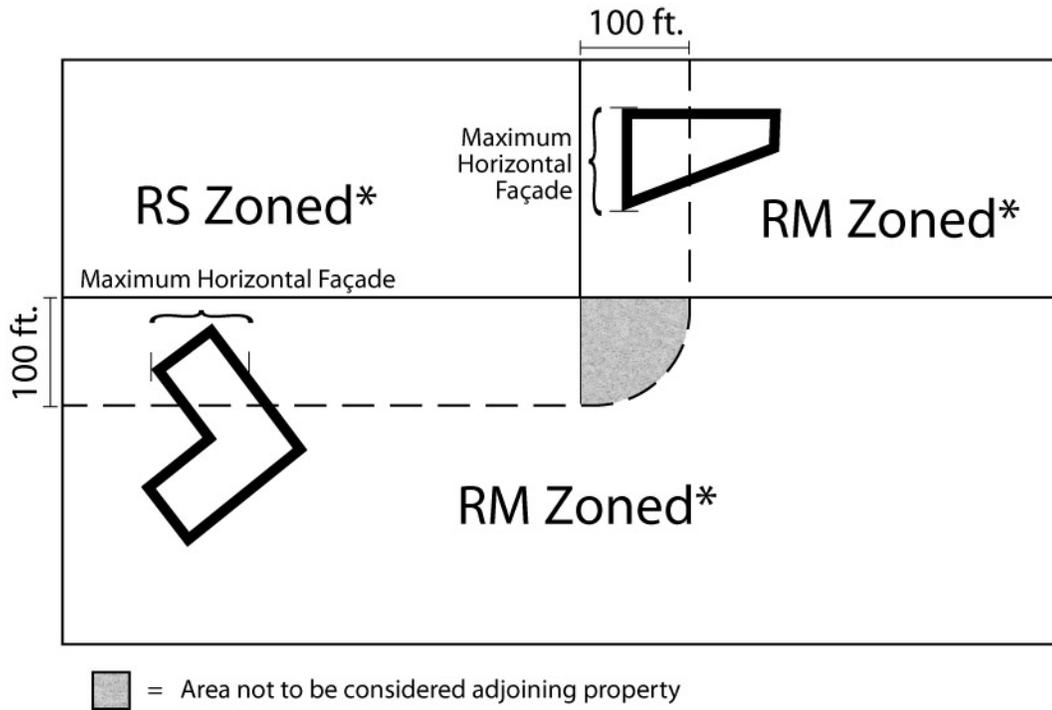
$$\frac{(106.1)(30) + (104.7)(9) + (104.4)(17) + (102.2)(25) + (101.6)(13) + (101.7)(6) + (102.5)(34) + (104.2)(22) + (105.0)(2) + (105.5)(6) + (106.0)(2) + (106.8)(12)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 22 + 2 + 6 + 2 + 12} = \frac{18,500.10}{178} = 103.93 \text{ ABE}$$



NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

Plate _____

Measuring Maximum Horizontal Façade



*Used for example only. Maximum horizontal façade requirements are specified by individual zoning district.

ORDINANCE NO. 4121
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72—ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as thirty days after publication of said summary for all amendments except Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, whose effective dates shall be one-hundred and twenty days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the _____ day of _____, 2007.

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

Attest:

City Clerk

ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and Houghton Community Council; and.

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

Section 1. Municipal Code text amended: The following specified sections of the text of the Municipal Code be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

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

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 20__.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A

MUNICIPAL CODE AMENDMENTS

File No. ZON06-00033

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Municipal Code that is to be deleted.
 - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
-

TITLE 19 – STREETS AND SIDEWALKS

19.16.070 Vacations of Streets and Access Easements, Public Notification of Hearing

- (1) Content. The director of the planning department shall prepare a public notice containing the following information:
 - (a) A statement that a request to vacate the subject property will be considered by the city council;
 - (b) A statement of the time and place of the public hearing before the city council;
 - (c) A location description in non-legal language along with a vicinity map that identifies the subject property proposed to be vacated;
 - (d) A statement that the vacation file is available for viewing at Kirkland City Hall; and
 - (e) A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.
- (2) Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the director of the planning department shall distribute the public notice as follows:
 - (a) A copy will be sent, by mail, to the owner of each piece of property within three hundred feet of any boundary of the subject property;
 - (b) A copy will be sent, by mail, to each resident living immediately adjacent to or on the subject property;
 - (c) A copy will be published in the official newspaper of the city, except no vicinity map shall be required;
 - (d) At least two copies will be posted in conspicuous public places in the city;
 - (e) A copy will be posted on the subject property in the manner set out in subsection (3) of this section.
- (3) *No change.*

TITLE 22 – SUBDIVISIONS

22.04.020 Lot line alterations exempt

- (a) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division, is exempt from the provisions of this title unless

the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the zoning district in which the property is located as identified on the zoning map of the zoning code.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the planning director, on a form provided by the city, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and Chapter 58.17 RCW (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) of this section and the following requirements:

- (1) All requirements of the zoning code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.
- (2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 of the Zoning Code to, a street providing access to the lot or parcel.

~~(2)~~ (3) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the planning director.

~~(d) Lot line alterations shall not be considered where the proposed boundary line adjustment would cause a major change in the nature of the real property, including change of access, substantial change in the degree of lot line orientation, changes inconsistent with the platting pattern, and where a structure straddles an existing boundary line and the proposed lot line alteration would move the boundary line and create a separate building site. (Ord. 3705 § 2 (part), 1999).~~

22.04.040 Binding site plan approval – Criteria

A division of land is a binding site plan under this section if it meets all of the following criteria:

- (a) The division is for the purposes outlined in RCW 58.17.035;
- ~~(a)~~(b) The city council ~~approves the~~ a site plan as part of a ~~discretionary zoning or other similar building land use permit that involves a public hearing before either the planning commission or hearing examiner;~~
- ~~(b)~~(c) The site plan is shown to a scale of one inch equals twenty feet;
- ~~(c)~~(d) The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;
- ~~(d)~~(e) The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the city council;
- ~~(e)~~(f) The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;
- (g) The Planning Director verifies that the site plan conforms to the requirements of this section; and
- ~~(f)~~(h) The site plan is recorded in the King County department of elections and records to run with the subject property.

22.04.045 Binding site plan approval – Alterations and vacations.

Proposals for Aalterations and vacations of binding site plans shall be reviewed by the Planning Director using the criteria in Section 22.04.040 ~~follow the procedural requirements outlined in Chapter 22.26 of this code.~~

22.08.030 Binding site plan.

“Binding site plan” means a drawing to the scale of one inch equals twenty feet which:

- (a) Is for the purposes outlined in RCW 58.17.035;
- ~~(a)~~(b) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
- ~~(b)~~(c) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a discretionary zoning or building permit approval review process and approved by city council; and
- ~~(c)~~(d) Contains provisions making any development be in conformity with the site plan. (Ord. 3705 § 2 (part), 1999)

22.12 Preliminary Plat Procedure

22.12.020 Application—Contents.

The applicant may apply for a subdivision by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

~~(a) the requirements of state law regarding subdivisions~~ A boundary survey of the proposed plat certified by a registered land surveyor together with five prints of the proposed preliminary plat drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:

- ~~(1) Proposed name of the plat;~~
- ~~(2) Location by section, township, range, and/or by other legal description;~~
- ~~(3) Name, address and phone number of the applicant and agent, if any;~~
- ~~(4) Name, address and phone number of the registered land surveyor preparing the plat;~~
- ~~(5) Scale of plat, date and north arrow;~~
- ~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~
- ~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to certify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such a report later in the processing of the application;~~
- ~~(8) Zoning classification of the property and adjoining properties;~~
- ~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed plat;~~

~~(11) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(12) Layout of proposed rights-of-way and easements;~~

~~(13) Layout, number and dimensions of proposed lots;~~

~~(14) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~

~~(15) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~

~~(b) Exterior boundary corners shall be indicated on the ground. Staking of proposed interior lot corners may also be required;~~

~~(c) Address labels obtained from King County containing the names and addresses of the owners of all property, including the subject property, and all other property within three hundred feet of any boundary of the proposed subdivision and any adjoining property owned by the owner of the land proposed to be subdivided. These labels shall be no more than six months old;~~

~~(d) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed subdivision. These labels may be prepared by the subdivision applicant;~~

~~(e) A copy of the King County assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~

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

~~(g) The written certification of availability from the agency other than the city furnishing or reviewing sewage disposal and water supply;~~

~~(h) Any additional information required by the planning official;~~

~~(i) (b) The filing fee as established by ordinance;~~

~~(j) (c) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

(d) Any additional pertinent information necessary for adequate review of the application.

~~22.12.100 Staff report—Distribution to Houghton community council.~~

~~If the Houghton community council holds a hearing on the matter, the planning official shall, prior to the community council hearing, distribute the staff report as follows:~~

~~(a) A copy will be sent to each member of the community council.~~

~~(b) A copy will be sent to the applicant. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.110 Houghton community council hearing—When.~~

~~If the application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to the hearing examiner hearing on the matter. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.120 Houghton community council hearing—Notice.~~

~~The planning official shall give public notice of the hearing as set forth in Section 22.12.070. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.130 Houghton community council hearing—Recommendation.~~

~~Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the hearing examiner before the hearing examiner makes his/her recommendation to the city council. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.140 Houghton community council hearing—Electronic sound recording.~~

~~The community council shall make a complete electronic sound recording of each public hearing. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.370 Preliminary plat approval within Houghton community council jurisdiction.~~

~~If the city council approves a preliminary plat within the disapproval jurisdiction of the Houghton community council, that approval is not effective until:~~

~~(a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or~~

~~(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution approving the preliminary plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)~~

22.16 Final Plat

22.16.030 Final plat—Contents.

The applicant shall submit a final plat containing the following information specified by the Planning Department. The Planning Department is hereby authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~Proposed name of the plat;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

- ~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~
- ~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~
- ~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~
- ~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~
- ~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~
- ~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed $0.005/n$, where n equals number of sides and/or curves of a lot;~~
- ~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~
- ~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~
- ~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~
- ~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners;~~
- ~~(p) A full and correct legal description of the property;~~
- ~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the hearing examiner and the city council;~~
- ~~(r) The signatures on the final plat document of all persons and entities having an ownership interest in the property which shall be in reproducible black ink;~~
- ~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~
- ~~(t) (b) The filing fee as established by ordinance;~~
- ~~(c) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)Any additional pertinent information necessary for adequate review of the application.~~

22.16.040 Final plat—Additional information.

- (a) The applicant must submit the following information with the final plat:
 - (1) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;
 - (2) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;

~~(3) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (5) have been paid, satisfied or discharged;~~

~~(4) A certificate stating that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated. Such certificate and separate dedication instrument, if applicable, shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided.~~

~~(5) A title company certification which is not more than thirty calendar days old containing:~~

~~(A) A legal description of the total parcel sought to be subdivided; and~~

~~(B) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(C) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(D) Any encumbrances on the property; and~~

~~(E) Any delinquent taxes or assessments on the property;~~

~~(6) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Section 22.32.080;~~

~~(b) If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required. (Ord. 3705 § 2 (part), 1999)~~

22.20 Short Plat Procedure

22.20.025 Minor modifications.

~~(1) Modifications to short subdivisions after approval and prior to recording shall require a new short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:~~

~~(a) The modification complies with all of the requirements of this Chapter; and~~

~~(a) (b) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and~~

~~(b) (c) The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and~~

~~(c) (d) The modification will not increase the number of lots; and~~

~~(d) (e) The modification will not significantly alter any condition of approval.~~

The consideration of the minor modification shall be made upon written request to the planning department. The planning director's decision will be the final decision of the city. (Ord. 3705 § 2 (part), 1999)

(2) If a minor modification is approved after recording, the revised mylar shall meet the standards specified in WAC 332-130-050 regarding survey maps.

22.20.050 Application—Contents.*

The applicant may apply for a short subdivision by submitting the following information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) the requirements of state law regarding short plats;
- (b) ~~A boundary survey of (a) A certified boundary survey of the proposed plat, including five prints of the proposed plat drawn on a standard eighteen-inch by twenty-four-inch mylar at a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:~~
 - (1) ~~Proposed name of the short plat;~~
 - (2) ~~Location by section, township, range, and/or other legal description;~~
 - (3) ~~A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~
 - (4) ~~The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~
 - (5) ~~Mathematical lot closures shall be submitted showing error of closures not to exceed $0.005/n$, where n equals the number of sides and/or curves of a lot;~~
 - (6) ~~Name, address and phone number of the applicant and agent, if any;~~
 - (7) ~~Name, address and phone number of the registered land surveyor preparing the short plat;~~
 - (8) ~~Scale of short plat, date and north arrow;~~
 - (9) ~~Existing topography of the property indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed short plat exceeds fifteen percent;~~
 - (10) ~~Location and extent of significant natural features such as streams, wetlands, and water bodies on and immediately adjacent to the property;~~
 - (11) ~~The required information as set forth in Chapter 95 of the zoning code, Tree Management and Required Landscaping;~~
 - (12) ~~Zoning classification of the property and adjoining properties;~~
 - (13) ~~The lot lines of adjoining properties for a distance of at least fifty feet;~~
 - (14) ~~Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed short plat;~~
 - (15) ~~Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~
 - (16) ~~Layout, name and dimensions of proposed rights-of-way and easements;~~
 - (17) ~~Layout, number, dimensions and square footage (excluding access easements) of proposed lots;~~

~~(18) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimension and square footage of said parcels;~~

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

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

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

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

~~(e) (b) The filing fee as established by ordinance;~~

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

(d) Any additional pertinent information necessary for adequate review of the application.

22.20.245 Appeal to city council—When.

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

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

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

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

22.26 Alteration and Vacation of Plats

22.26.050 Application—Contents.

The applicant may apply for an alteration or vacation of a plat by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding plat alterations and vacations; A boundary survey of the proposed alteration or vacation certified by a licensed land surveyor together with five prints of the proposed plat alteration or vacation

~~drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals containing the following information:~~

- ~~(1) Name of the plat;~~
- ~~(2) Location by section, township, range, and/or by other legal description;~~
- ~~(3) Name, address and phone number of the applicant and agent, if any;~~
- ~~(4) Name, address and phone number of registered land surveyor preparing the plat;~~
- ~~(5) Scale of plat, date and north arrow;~~
- ~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~
- ~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property; a report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such report later in the processing of the application;~~
- ~~(8) Zoning classification of the property and adjoining properties;~~
- ~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~
- ~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the plat alteration or vacation map;~~
- ~~(11) Existing and proposed water, sewer, power, and drainage systems on, under, or over the property, showing size, grades, and location;~~
- ~~(12) The area to be altered or vacated, using words and illustrations which are depicted on the plat mylar;~~
- ~~(13) Layout of proposed rights-of-way and easements;~~
- ~~(14) Layout, number and dimensions of proposed lots;~~
- ~~(15) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~
- ~~(16) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~
- ~~(17) Exterior boundary corners shall be indicated on the ground;~~
- ~~(b) Address labels obtained from the county containing the names and addresses of the owners of all property within three hundred feet of any boundary of the proposed plat alteration or vacation and any adjoining property owned by the owner of the land proposed to be altered or vacated;~~
- ~~(c) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed plat alteration or vacation. These labels may be prepared by the applicant;~~
- ~~(d) A copy of the county assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~
- ~~(e) (b) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;~~
- ~~(f) (c) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain signatures of all parties having an~~

ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

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

~~(h) Any additional information required by the planning official;~~

~~(i) (d) The filing fee as established by ordinance;~~

~~(j) (e) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

(f) Any additional pertinent information necessary for adequate review of the application.

22.26.460 Documents—Contents.

~~The applicant shall submit a plat alteration document containing the following information:~~

~~(a) Name of the plat alteration;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat alteration mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~22.26.470 Documents—Accompanying information.~~

The applicant must submit the following information with the plat alteration:

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat alteration has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the dedicated lands;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 through 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.680 Vacation documents—Contents.~~

The applicant shall submit a plat vacation document containing the following information:

~~(a) Proposed name of the plat;~~

- ~~(b) Location by section, township, range and/or by other legal description;~~
- ~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~
- ~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners, shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat vacation mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~
- ~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~
- ~~(f) The boundary lines of the plat, based on accurate traverse, with angular and linear dimensions;~~
- ~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~
- ~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~
- ~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~
- ~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~
- ~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed $0.005/n$, where n equals the number of sides and/or curves of a lot;~~
- ~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~
- ~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~
- ~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~
- ~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication, and/or any area to be reserved by deed covenant for common uses of all property owners;~~
- ~~(p) A full and correct legal description of the property;~~
- ~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;~~
- ~~(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;~~
- ~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~

~~(t) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.690 Vacation documents—Accompanying information.~~

The applicant must submit the following information with the plat vacation prior to recording:

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat vacation has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the rights-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

22.28.050 Lots—Dimensions.

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to subject lot. For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 3705 § 2 (part), 1999)

22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the zoning code, including Chapter 115.80, Legal Building Site, and Chapter ~~115.10~~ 105.10, Vehicular Access Easement ~~or~~ or Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However, if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot. (Ord. 3705 § 2 (part), 1999)

22.32.030 Stormwater control system—Requirements.

The applicant shall comply with the construction phase and permanent stormwater control requirements of the ~~zoning code~~ Municipal Code. Generally, permanent stormwater control systems must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the city can require or approve stormwater control systems designed and installed for individual lots or groups of lots within the proposed plat. (Ord. 3705 § 2 (part), 1999)

ORDINANCE NO. 4122
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to the Kirkland Municipal Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as thirty days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the _____ day of _____, 2007.

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

Attest:

City Clerk